

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11
Date: 3 February 2017

Trial Chamber V (B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
THE PROSECUTOR *v.* UHURU MUIGAI KENYATTA**

**Public
With one public annex**

Transmission of the President's referral letter to the Assembly of States Parties in execution of the "Second decision on Prosecution's application for a finding of non-compliance" (ICC-01/09-02/11-1037)

Source: The Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Benjamin Gumpert

Counsel for the Defence

Mr Steven Kay
Ms Gillian Higgins

Legal Representatives of the Victims

Mr Fergal Gaynor

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Mr Githu Muigai, Attorney General
of the Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

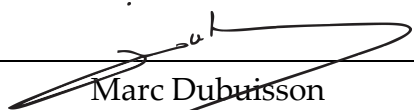
Secretariat of the Assembly of States
Parties

I. Introduction

1. The Registry, in accordance with rule 13(1) of the Rules of Procedure and Evidence hereby transmits for completeness of the case record a letter from the President of the Court to the President of the Assembly of States Parties, dated 27 September 2016.
2. This letter referred the “Second decision on Prosecution’s application for a finding of non-compliance under article 87(7) of the Rome Statute” issued by Trial Chamber V(B) on 19 September 2016¹ (“Decision”) to the Assembly of States Parties in accordance with regulation 109(4) of the Regulations of the Court.

II. Submissions

3. On 28 September 2016, the Presidency of the Court transmitted the letter of the President to the Secretariat of the Assembly of States Parties as well as a copy of the Decision. The Secretariat acknowledged reception of both documents on the same day.
4. The Registry hereby transmits to the Chamber the following document as an annex to the present submission:
 - The letter sent by the President of the Court to the President of the Assembly of States Parties on 27 September 2016 (French and English versions).



Marc Dubuisson
Director of the Division of Judicial Services
per delegation of
Herman von Hebel, the Registrar

Dated this 3 February 2017

At The Hague, The Netherlands

¹ ICC-01/09-02/11-1037