

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11

Date: 28 April 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

***THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA, UHURU MUIGAI
KENYATTA AND MOHAMMED HUSSEIN ALI***

Public Document

With two public annexes

Transmission by the Registry of both the "Request for leave to submit Amicus Curiae Observations on behalf of The Kenyan Section of the International Commission of Jurists Pursuant to Rule 103 of the Rules of Procedure and Evidence" and the "Proposed Amicus Curiae Observations by the Kenyan Section of the International Commission of Jurists Pursuant to Rule 101 of the Rules of Procedure and Evidence"

Source: The Registrar

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

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Defence of Francis Muthaura

Karim Ahmad Khan
Ken Ogetto

Defence of Uhuru Kenyatta

Steven Kay, Q.C.

Gill Higgins

Defence of Mohammed Hussein Ali

Evans Monari
Gershom Otachi Bw'Omanwa
John Philpot

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the "Court");

NOTING the *"Prosecutor's Application pursuant to Article 58 as Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali"*¹ submitted by the Office of the Prosecutor on 15 December 2010;

NOTING the *"Decision on the Prosecutor's Application for Summons to Appear for Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali"*² issued by the Pre-Trial Chamber II on 08 March 2011 ;

NOTING the *"Dissenting opinion by Judge Hans-Peter Kaul to Pre-Trial Chamber II's "Decision on the Prosecutor's Application for Summons to Appear for Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali""*³ issued by the Pre-Trial Chamber II on 15 March 2011;

NOTING *"The Transmission by the Registry of the "Request by Ms. Moraa Gesicho to appear as Amicus Curiae"*⁴, submitted by the Registry on 5 April 2011;

NOTING rule 13(1) and 103 of the Rules of Procedure and Evidence ("RPE"), regulation 23bis of the Regulations of the Court ("RoC"), and regulation 21(2) of the Regulations of the Registry ("RoR");

CONSIDERING that, on 27 April 2011, at 18.26 hours Mr. George Kegoro has communicated electronically to the Registry two documents, titled respectively:

¹ ICC-01/09-31-Conf-Exp

² ICC-01/09- 02/11-01

³ ICC-01/09-02/11-3

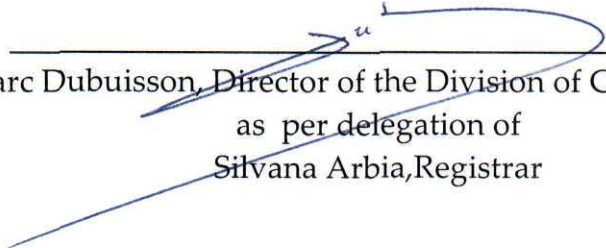
⁴ ICC- 01/09-55 + Anx

- the "Request for Leave to submit Amicus Curiae Observations on behalf of The Kenyan Section of the International Commission of Jurists Pursuant to Rule 103 of the Rules of Procedure and Evidence
- "Annex A: Proposed Amicus Curiae Observations by the Kenyan Section of the International Commission of Jurists Pursuant to Rule 101 of the Rules of Procedure and Evidence";

CONSIDERING that The Registry transmits the documents attached to the present filing in the same format and condition they were communicated by the applicant;

RESPECTFULLY TRANSMITS, to the Chamber as follows:

- the "Request for Leave to submit Amicus Curiae Observations on behalf of The Kenyan Section of the International Commission of Jurists Pursuant to Rule 103 of the Rules of Procedure and Evidence" in Annex 1,
- the "Proposed Amicus Curiae Observations by the Kenyan Section of the International Commission of Jurists Pursuant to Rule 101 of the Rules of Procedure and Evidence" in Annex 2.


 Marc Dubuisson, Director of the Division of Court Services
 as per delegation of
 Silvana Arbia, Registrar

Dated this 28 April 2011

At The Hague in The Netherlands