



Original: English

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

Date: 08 March 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. WILLIAM SAMOEI RUTO
AND
JOSHUA ARAP SANG***

PUBLIC

With 5 confidential annexes

**Report of the Registry on the request for observations in relation to the "Joint
Defence Application for change of place where the Court Shall Sit for Trial"**

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

Counsel for William Ruto

Mr David Hooper

Mr Kioko Kilukumi Musau

Counsel for Joshua Sang

Mr Joseph Kipchumba Kigen-Katwa

Mr Silas Chekera

Legal Representatives of the Victims

Mr Wilfred Nderitu

Legal Representatives of the Applicants

States' Representatives

Others

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“the Court”)

NOTING the *Joint Defence Application for change of place where the Court Shall Sit for Trial*¹ of 24 January 2013;

NOTING Trial-Chamber V's *Order requesting observations in relation to the "Joint Defence Application for change of place where the Court Shall Sit for Trial"*² (the “Order requesting observations”) of 1 February 2013;

NOTING articles 86 and 87 of the Rome Statute, Rule 176 (2) of the Rules of Procedure and Evidence, and regulations 23*bis* of the regulations of the Court;

CONSIDERING that Trial Chamber V (the “Chamber”) found “it valuable, for a proper assessment of the interests of justice in the present case, to receive observations: [...] (ii) from the Kenyan authorities on the possibility of the trial being held in Kenya, and (iii) from the Tanzanian authorities and the ICTR on the possibility of the trial being held at the premises of the ICTR in Arusha, Tanzania”;

CONSIDERING that the Chamber invited “the Kenyan and Tanzanian authorities, and the ICTR to submit observations on these matters by no later than 08 March 2013”.

INFORMS the Chamber as follows:

1. On 4 February 2013, the Registry transmitted the Order requesting observations to the Embassy of the United Republic of Tanzania to the Kingdom of Belgium by way of a note verbale.

¹ ICC-01/09-01/11-567

² ICC-01/09-01/11-580


2. On 5 February 2013, the Registry transmitted the Order requesting observations to the Attorney-General of the Republic of Kenya by way of a note verbale.
3. On 6 February 2013, the Registry sent a letter transmitting the Order requesting observations to the Registrar of the International Criminal Tribunal for Rwanda (the" ICTR").
4. On 12 February 2013, the Registry received a confidential letter by the Attorney General of the Republic of Kenya replying to the Court's request for observations.
5. On 5 March 2013, the Registry received the reply from the Registrar of the ICTR.
6. The Registry has not yet received a reply by the Tanzanian authorities. The Registry will follow up on this matter with the Tanzanian authorities and will file any observations received by them.
7. The annexes to this filing are filed confidential as they are official correspondences between the Court and States Parties or with another International criminal tribunal. The Kenyan authorities submitted their observations with the level of classification confidential.

TRANSMITS in annexes:

- Annex 1: Note verbale of 4 February 2013 to the Embassy of the United Republic of Tanzania to the Kingdom of Belgium and the memorandum of notification;
- Annex 2: Note verbale of 5 February 2013 to the Attorney-General of the Republic of Kenya and the memorandum of notification;
- Annex 3: Letter of 6 February 2013 to the Registrar of the International Criminal Court for Rwanda;

- Annex 4: Reply of 12 February 2013 by the Attorney General of the Republic of Kenya;
- Annex 5: Reply of 5 March 2013 by the Registrar of the ICTR.

RESPECTFULLY SUBMITTED.



Silvana Arbia, Registrar

Dated this 08 March 2013

At The Hague, The Netherlands