

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 May 2013

TRIAL CHAMBER V(b)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

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

**Public
with one public annex**

**Registry Transmission of a document received from the Government of the
Republic of Kenya, represented by the Attorney General of Kenya**

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

Ms. Adesola Adeboyeo

Counsel for Uhuru Muigai Kenyatta

Mr. Steven Kay

Mr. 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, Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

M Herman von Hebel

Counsel Support Section

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms. Fiona McKay

Other

The Registry of the International Criminal Court (the “Court”);

NOTING the “Government of Kenya’s Submissions on the Status of Cooperation with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” submitted by the Government of the Republic of Kenya on 8 April 2013¹;

NOTING the “Prosecution response to the “Government of Kenya’s Submissions on the Status of Cooperation with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” (ICC-01/09-02/11-713)” submitted by the Office of the Prosecutor on 10 May 2013²;

NOTING the “Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of The Prosecutor v. William Samoei Ruto and Joshua Arap Sang and The Prosecutor v. Uhuru Muigai Kenyatta” rendered by the Presidency on 21 May 2013³;

NOTING the “Decision notifying the election of the Presiding Judge” rendered by Trial Chamber V(b) on 22 May 2013⁴

CONSIDERING that the Registry received, on 23 May 2013 at 10.17 hours, from a Representative of the Kenyan Embassy in the Netherlands, a document entitled “Application by the Government of Kenya for Leave to Reply to the “Prosecution response to the “Government of Kenya’s Submissions on the Status of Cooperation

¹ ICC-01/09-02/11-713

² ICC-01/09-02/11-733-Red

³ ICC-01/09-02/11-739

⁴ ICC-01/09-02/11-741

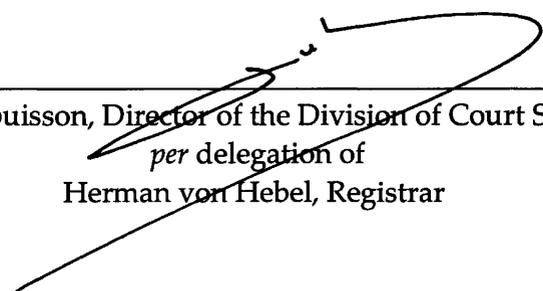
with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” (ICC-01/09-02/11-713)”.

CONSIDERING that the document received was classified as public by the author;

CONSIDERING that the document received does not fulfill the necessary requirements with regards to the composition of Trial chamber V(b) in accordance with documents ICC-01/09-02/11-739 and ICC-01/09-02/11-741;

CONSIDERING the role of the Registry as the Court's channel of communication under rule 13(1) of the RPE;

SUBMITS, respectfully, the present filing along with the document received, as a public annex to this present document;



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

Dated this 24 May 2013

At The Hague in The Netherlands