

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 23 May 2014

**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***

**Confidential**

**with EX PARTE Annex A, only available to the Prosecution, Registry and  
Government of Kenya**

**Prosecution update on the status of cooperation between the Office of the  
Prosecutor and the Government of Kenya originally due on 30 April**

**Source:** The Office of the Prosecutor

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

**The Office of the Prosecutor**

Fatou Bensouda  
James Stewart  
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**Legal Representatives of Victims**

Fergal Gaynor

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

Paolina Massidda

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

**States Representatives**

Government of the Republic of Kenya

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

1. The Prosecution (OTP) makes reference to its Applications ICC-01/09/-02/11-911-Conf of 30 April 2014 and ICC-01/09/-02/11-917-Conf of 8 May 2014 and to the Trial Chamber's Orders ICC-01/09-02/11-912-Conf of 30 April 2014 and ICC-01/09/-02/11-918 of 12 May 2014. The contents thereof are not rehearsed here.
2. On 21 and 22 May 2014 the OTP met representatives of the Government of Kenya (GoK) to discuss the assistance which had been requested in the 'revised request'.
3. During the meeting a number of points of contention were identified and discussed. A quantity of documentary material was identified, from among that set out in the revised request, which the GoK undertook to use its best endeavours to obtain and provide to the OTP no later than an agreed date well in advance of the status conference fixed for 9 July 2014.
4. The OTP and the GoK agreed that, following the provision of this material, they would consider further their positions with regard to the remainder of the material requested.
5. This filing is marked confidential in accordance with an agreement made between the GoK and the OTP at the meeting. It is accompanied by a confidential, *ex parte* annex not to be disclosed to the Defence but to the Chamber and the GoK alone. The reason for this is that the annex, in order fully to update the Trial Chamber, contains detailed notes of the meeting itself,

including candid explanations by the OTP of its investigative strategy and the reasons why it has requested the documents specified in the revised request.



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Fatou Bensouda,  
Prosecutor

Dated this 23<sup>rd</sup> day of May, 2014

At The Hague, The Netherlands