

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **8 July 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
Urgent**

Confidential redacted version of the "Report on the notification of the Request for the Purpose of Securing the Identification, Tracing and Freezing or Seizure of Property and Assets of Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali" (ICC-01/09-02/11-58-US-Exp) dated 14 April 2011

Source: Registrar

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 QC

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

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

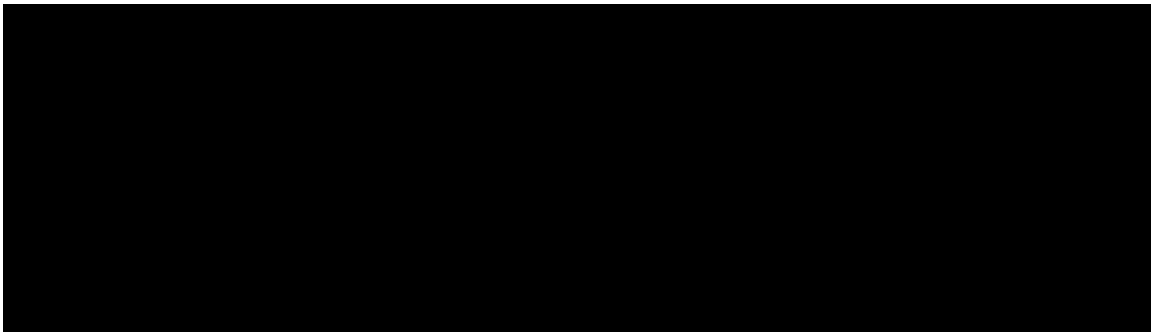
Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (the "Court");

NOTING the "Decision of the Chamber ordering the Registrar to Prepare and Transmit a Request for Cooperation to the Republic of Kenya for the Purpose of Securing the Identification, Tracing and Freezing or Seizure of Property and Assets of Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali" dated 5 April 2011;¹



NOTING Articles 87 (1) (a), 87 (2) and 93 (1) (k) of the Rome Statute (the "Statute"), Rule 176(2) of the Rules and Procedure and Evidence and Regulation 24 *bis* of the Regulations of the Court.

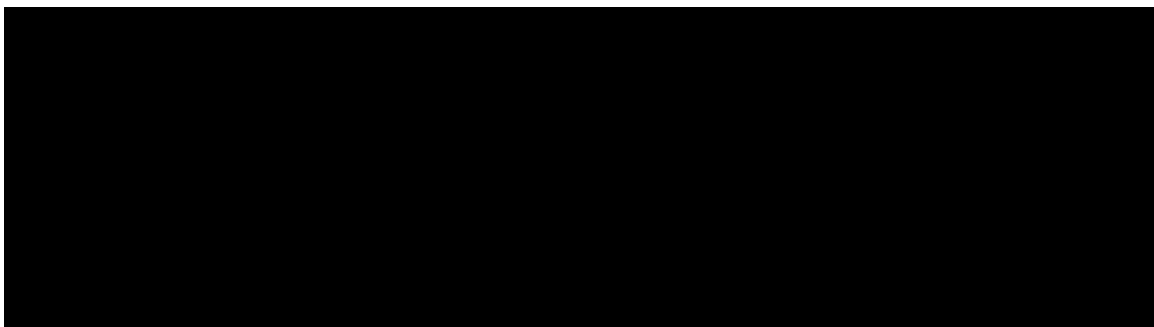
SUBMITS the following report:

Notification of the Request to the Republic of Kenya

1. On 8 March 2011, a Registry representative notified a request for cooperation under Article 93 (1) (k) of the Statute to the Embassy of the Republic of Kenya (in annex).

¹ ICC-01/09-02/11-42-US-Exp

² [REDACTED]



Receipt of a note verbale from the Kenyan authorities

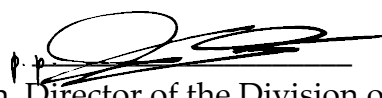
3. On 14 April 2011, a letter was received from the Attorney General of the Republic of Kenya in which he indicated that "In view of the admissibility challenge lodged by the Government of Kenya on 31st March 2011 which is pending a determination by the Court, [he] request[s] that pursuant to the provisions of Article 95 of the Rome Statute and Section 24(2)(b) of [the] international Crimes Act, 2008, the execution of [the] foresaid request be postponed [...]" (in annex).

TRANSMITS respectfully to the Chamber as follows:

- The request for cooperation to the Kenyan authorities as well as the corresponding memorandum of notification (Annex 1);



- The letter of the Attorney General to the Registrar dated 14 April 2011 (Annex 3).


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

Dated this 8 July 2014

At The Hague, The Netherlands