

**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 "Second report on the execution of the Request for the Purpose of Securing the Identification, Tracing and Freezing or Seizure of Property and Assets of Francis Muthaura and Uhuru Muigai Kenyatta" (ICC-01/09-02/11-419-US-Exp) dated 25 April 2012

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

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 Registry 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 the *"Report on the execution 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"*³ dated 7 June 2011;

NOTING the *"Decision on the Confirmation of Charges Pursuant to Article 67(7)(a) and (b) of the Rome Statute"*⁴ dated 23 January 2012;

NOTING articles 87(1)(a) and 93(1)(k) of the Rome Statute and rule 176(2) of the Rules of Procedure and Evidence and regulation 23 *bis* of the Regulations of the Court;

SUBMITS the following information:

1. On 1 February 2012, the Registry informed the Republic of Kenya that in view of the decision on the confirmation of charges, the request for freezing of

¹ ICC-01/09-02/11-42-US-Exp

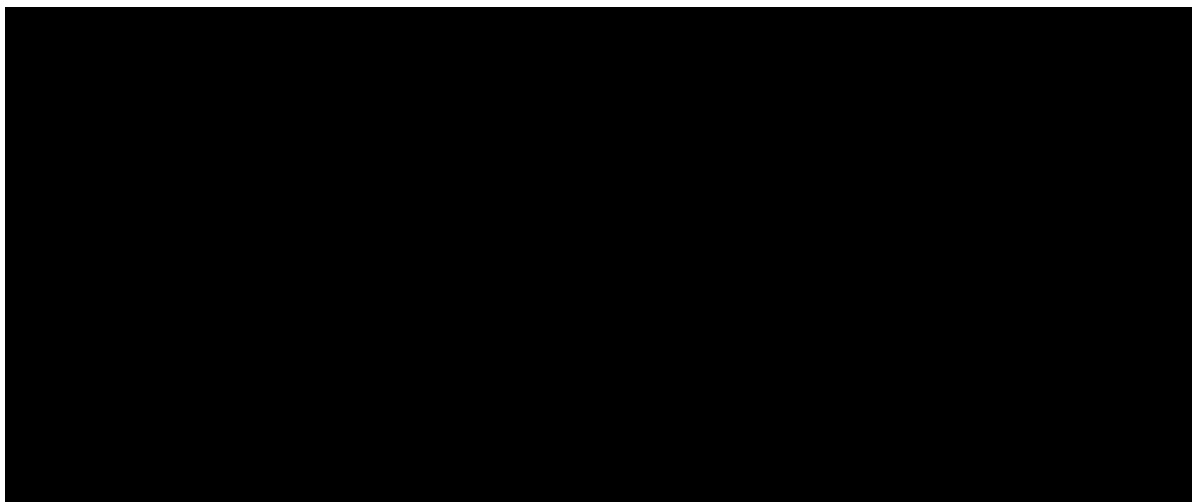
² [REDACTED]

³ ICC-01/09-02/11-107-US-Exp.

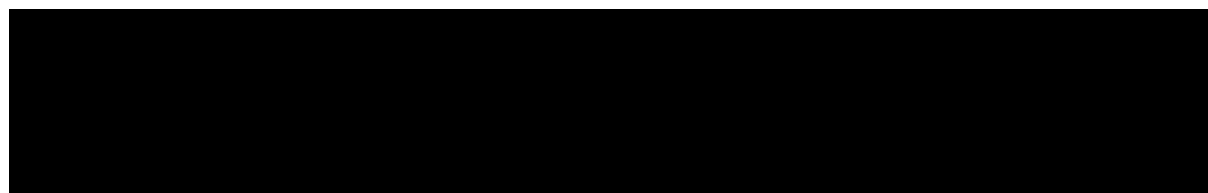
⁴ ICC-01/09-02/11-382-Red

assets concerning Mr. Hussein Ali was void. However, the request concerning the two other accused was still available (letter in Annex 1).

2. On 20 February 2012, Kenya sent a correspondence to the Registry explaining that in view of the legal questions raised by the request, a committee of experts was appointed to advise on this matter (letter in Annex 1).



5. The Registry expresses concerns regarding the fact that no concrete step has been taken by the Kenyan authorities to implement the request for the Identification, Tracing and Freezing or Seizure of Property and Assets of  Uhuru Muigai Kenyatta and will follow up closely on this matter.



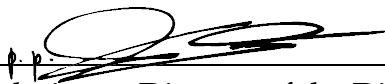
7. The present document is classified under seal *ex parte* available to the Prosecutor only to be in line with the confidentiality level decided upon by the Chamber. Redactions applied to the annexes correspond to matters arisen that do not pertain to this case.

ANNEXES:

- the letter of the Registry dated 1 February 2012 and the reply sent by the Republic of Kenya dated 20 February 2012 (Annex 1);



RESPECTFULLY SUBMITTED.



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