

# ANNEX



Ref.: OTP/051109/LMO-rr

Date: 5 November 2009

Dear President Song,

In accordance with Regulation 45 of the Regulations of the Court, I have the honour to inform you that I have determined, on the basis of information on crimes within the jurisdiction of the Court, that there is a reasonable basis to proceed with an investigation into the Situation in the Republic of Kenya in relation to the post-election violence of 2007-2008. Accordingly, I intend to submit a request under article 15, paragraph 3 of the Statute, by 1<sup>st</sup> December 2009.

Yours sincerely,

**Luis Moreno-Ocampo**  
Prosecutor

Sang-Hyun Song  
President  
International Criminal Court

Cc:  
Silvana Arbia  
Registrar