

ANNEX 1

Under Seal

Ex parte, only available to the Prosecutor

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Le Greffier

The Registrar

Honourable Attorney General of the Republic of Kenya

Reference: NV/2012/1406/ab/ak/SA

Date: 1 February 2012

Dear Attorney General,

In addition to my other letter sent to you today, I have to bring to your attention the following matter in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*.

As indicated in my letter dated 25 January 2012 (2011/ NV/1397/ab/ak/SA), Pre-Trial Chamber II confirmed the charges against Mr. Muigai Kenyatta and Kirimi Muthaura in the case ICC-01/09-02/11.

As a result, the request for identification, tracing, freezing or seizing any and all property and assets held directly and/or indirectly on behalf of Mr. Hussein Ali is therefore not valid anymore. However, the request for the identification remains valid against Mr. Muigai Kenyatta and Kirimi Muthaura for the time being.

In order to inform the Chamber of the status of the execution of the above mentioned request for assistance, I would like to ask you to kindly provide me with any relevant information in your possession.

For ease of convenience, the note verbale notified to the Embassy on 8 April 2011 (NV/2011/1041/ior/ab/gb/SA), which copy was given during your visit at the Court on 5 October 2011 is attached to this note verbale.

I remain available, should you have any questions.

Kind regards,

Silvana Arbia

Registrar

SECRET

THE STATE LAW OFFICE

Telegrams: "SHERIA" Nairobi

Telephone: Nairobi 2227461/2251355

When replying please quote

Ref. No. **AG/SEC/14/209 VOL I**
and date



ATTORNEY-GENERAL'S CHAMBERS

P. O. Box. 40112-00100

NAIROBI, KENYA

.....20th February 2012.....

The Registrar

International Criminal Court (ICC)

P.O. Box 19519

2500 CM, The Hague

THE NETHERLANDS

Dear

RE: REQUEST FOR COOPERATION IN IDENTIFICATION, TRACING
AND FREEZING OF ASSETS

I refer to the following correspondences between our offices in relation to the matters under reference:

- Your letter [redacted] dated 8th April 2011 bearing reference number [redacted] NV/2011/1041/lor/ab/gb/SA addressed to the Embassy of the Republic of Kenya in the Kingdom of the Netherlands;
- Our response [redacted] dated 27th September 2011 bearing reference number AG/SEC/14/209;
- Our letter dated 11th October 2011; and
- Your letter [redacted] dated 1st February 2012 bearing reference number [redacted] NV/2012/1406/lor/ab/ak/SA.

Due to the nature and complexity of the legal issues raised by your request, I have constituted a committee of eminent lawyers to advise on this and other issues relating to the pending cases.

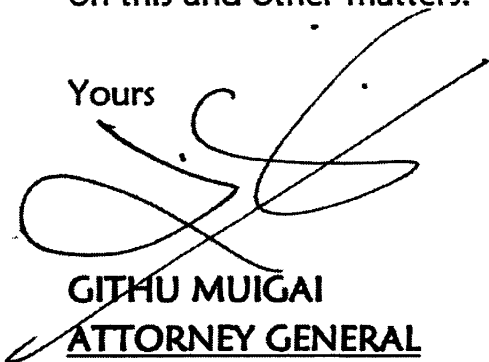
I shall endeavour to respond to your requests as soon as I have received their considered advice.

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I take this opportunity to reassure you of our cooperation with the court on this and other matters.

Yours



GITHU MUIGAI
ATTORNEY GENERAL

Cc: Hon. (Prof) George Saitoti, EGH, MP
Minister of State for Provincial Administration
and Internal Security
Office of the President
NAIROBI