

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09

Date: 27 January 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

Confidential

Ex parte only available to the Registry

With Annex A Confidential ex parte only available to the Registry

**Transmission by the Registry of "A Request for Leave to Appeal Against the
Decision of the Pre-Trial Chamber II Dated 18th January 2011" submitted on 21
January 2011**

Source: The Registrar

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other
Ms Charlotte Dahuron-Jacoby

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

NOTING the *"Prosecutor's Application Pursuant to Article 58 as to William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang"*¹ submitted by the Prosecutor on 15 December 2010 (the "Prosecutor's Application");

NOTING the *"Transmission by the Registry of an application communication by Katwa and Kemboy Advocates, Commissioners for oaths on behalf of Applicant William Ruto"*² along with its annex containing the law firm's *"Application for leave to submit observations pursuant to Rule 103 of Rules of Procedure and Evidence"*³ submitted by the Registry on 21 December 2010;

NOTING the *"Decision on Application for Leave to Submit Amicus Curiae Observations"*⁴ issued by the Pre-Trial Chamber II (the "Chamber") on 18 January 2011;

NOTING rule 13(1) of the Rules of Procedure and Evidence ("RPE"), regulation 23bis of the Regulations of the Court ("RoC"), regulation 21(2) of the Regulations of the Registry ("RoR");

CONSIDERING that, on 21 January 2011 at 18h09, the Katwa and Kemboy law firm communicated electronically to the Registry a document referred to as "A Request for Leave to Appeal Against the Decision of the Pre-Trial Chamber II Dated 18th January 2011" (the "Request");

CONSIDERING that, neither Mr. William Ruto, nor the law firm are parties in a case before the Court;

¹ ICC-01/09-30-Conf-Exp

² ICC-01/09-32

³ ICC-01/09-32-AnxA

⁴ ICC-01/09-35

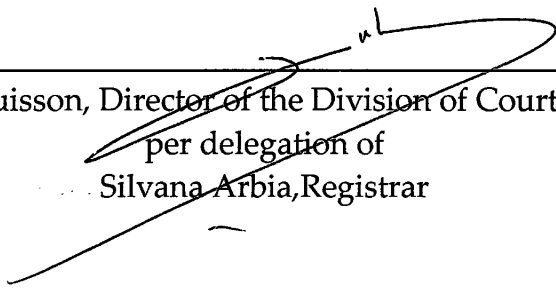
CONSIDERING that up to date, a decision on the opening or not of a case has not been issued;

CONSIDERING that, the abovementioned Request cannot be considered as a "document" under regulation 22 of the RoC and regulation 21(2)(b) of the RoR, since it does not emanate from a party or participant in a case or situation before the Court;

CONSIDERING however that this Request seems to be related to the Situation in Kenya under regulation 21 (2)(d) of the RoR;

CONSIDERING the role of the Registry as the Court's channel of communication under rule 13(1) of the RPE;

TRANSMITS respectfully to the Chamber in Annex A, the Request.



Marc Dubuisson, Director of the Division of Court Services
per delegation of
Silvana Arbia, Registrar

Dated this 27 January 2011

At The Hague in The Netherlands