



Original: English

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

Date: 28 July 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

***THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA, UHURU MUIGAI
KENYATTA AND MOHAMMED HUSSEIN ALI***

Public

**With confidential annexes, ex parte only available to the Registry and the Office of
the Prosecutor**

**Second transmission to the Pre-Trial Chamber of applications to participate in the
proceedings**

Source: Registry

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Ms Cynthia Tai

Counsel for the Defence

Defence of Francis Muthaura

Karim A. Khan

Kennedy Ogetto

Defence of Uhuru Kenyatta

Steven Kay, Q.C.

Gillian Higgins

Defence of Mohammed Hussein Ali

Evans Monari

John Philpot

Gershom Otachi Bw'omanwa

Legal Representatives of the Victims

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

Ms Silvana Arbia

Counsel Support Section

Mr Esteban Peralta Losilla

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Fiona McKay

The Registrar of the International Criminal Court (“the Court”);

NOTING the Decision on the Prosecutor’s Application for Summons to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali;¹

NOTING the Decision Designating a Single Judge;²

NOTING the First Decision on Victims’ Participation in the Case (the “First Decision”);³

NOTING the Decision on the Registrar’s “Request for instructions on the processing of victims’ applications” in which the Registry was given until 28 July to transmit the Chamber all complete applications received in the present case;⁴

NOTING the Decision on the Defence Requests in Relation to the Victims’ Applications for Participation in the Present Case in which the Single Judge ordered the Registry to transmit to the Prosecutor unredacted version of the victims’ applications in the present case;⁵

NOTING article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence, and regulation 86(5) of the Regulations of the Court;

CONSIDERING that on 30 May 2011 the Registry transmitted to the Chamber 4 applications for participation which appear to be linked to the present case;⁶

CONSIDERING that the Registry has received a further approximately 550 applications for participation and/or reparations which may be linked to the present case;

¹ ICC-01/09-02/11-1.

² ICC-01/09-02/11-9.

³ ICC-01/09-02/11-23.

⁴ ICC-01/09-02/11-137.

⁵ ICC-01/09-02/11-164.

⁶ ICC-01/09-02/11-97.

CONSIDERING that 245 of those applications appear to be complete and have now been processed and redacted in accordance with the orders of the Single Judge in her First Decision;

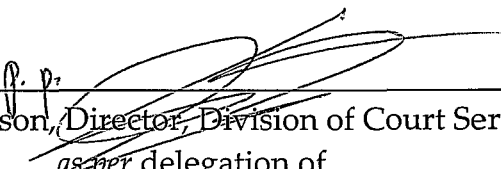
CONSIDERING that the Registry will transmit these 245 applications in redacted form to the parties and the legal representatives of the applicants;

CONSIDERING that the Registry will also prepare and transmit to the Chamber an individual report for each of the applications annexed to this report in accordance with the orders of the Chamber in its First Decision which will be filed separately;

CONSIDERING that the applications annexed to the present report contain information which may serve to identify the applicants and for which are classified by the Registry as confidential *ex parte*;

TRANSMITS the 245 applications to participate in the proceedings to the Chamber.

GRANTS access to the Prosecutor of the 245 applications;⁷



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

Dated this 28 July 2011

At The Hague, The Netherlands

⁷ Confidential annexes, ex parte only available to the Registry and the Office of the Prosecutor.