

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 March 2012

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Sanji Mmasenono Monageng, First Vice-President
Judge Cuno Tarfusser, Second Vice-President

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA AND
UHURU MUIGAI KENYATTA***

Public Document

**With Annexes 1-3 Underseal Ex Parte Available only to the
Presidency**

**Transmission to the Presidency of the Decision on the Confirmation of Charges
and of the Record of the Proceedings**

Source: Registry

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor
Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for Francis Kirimi Muthaura
Karim Khan, Essa Faal, Kennedy Ogetto,
Shyamala Alagendra

Counsel for Uhuru Muigai Kenyatta
Steven Kay and Gillian Higgins

Legal Representatives of the Victims
Morris Anyah

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
Silvana Arbia
Deputy Registrar
Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the *“Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute”* issued by Pre-Trial Chamber II (the “Chamber”) on 23 January 2012;¹

NOTING the *“Decision on the Defence Applications for Leave to Appeal the Decision on the Confirmation of Charges”* issued by the Chamber on 9 March 2012 (the “Decision”);²

NOTING rule 129 of the Rules of Procedure and Evidence and regulation 23bis (1) of the Regulations of the Court;

CONSIDERING that in the Decision, the Chamber instructs *“the Registrar to transmit to the Presidency the Decision on the Confirmation of Charges together with the record of the proceedings”*³ in the case of the *Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*;

CONFIRMS that the Presidency has been provided with electronic access to the record of the proceedings;

TRANSMITS to the Presidency the record of the proceedings as follows:

- An index of all court records (Annex 1 hereto attached);

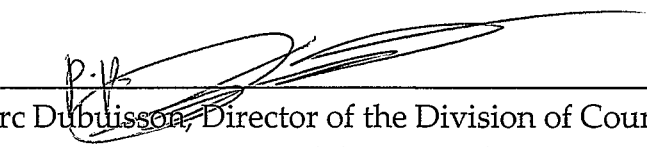
¹ ICC-01/09-02/11-382-Conf, ICC-01/09-02/11-382-Red;

² ICC-01/09-02/11-406

³ Idem, p.31

- An index of all transcripts of the case (Annex 2 hereto attached);
- An index of all evidence registered in the case (Annex 3 hereto attached);

SUBMITS respectfully the said annexes as under seal available only to the Presidency, as they contain under seal information.



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

Dated this 12 March 2012

At The Hague, The Netherlands.