



Original: **English**

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

Date: **2 April 2012**

TRIAL CHAMBER V

Before: Judge Christine Van den Wyngaert
Judge Kuniko Ozaki
Judge Chile Eboe-Osuji

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 Registry

**Transmission to Trial Chamber V of the Full Record of the Proceedings, including
the Decision Confirming the Charges**

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

NOTING the “*Transmission to the Presidency of the Decision on the Confirmation of Charges and of the Record of the Proceedings*” submitted by the Registry on 12 March 2012;³

NOTING the “*Decision referring the case of The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta to Trial Chamber V*” issued by the Presidency on 29 March 2012;⁴

NOTING rule 130 of the Rules of Procedure and Evidence and regulation 23bis (1) of the Regulations of the Court;

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

² ICC-01/09-02/11-406

³ ICC-01/09-02/11-407 + US-Exp-Anxs1-3

⁴ ICC-01/09-02/11-414

CONSIDERING that on 12 March 2012, the Registry transmitted to the Presidency the full record of the proceedings before Pre-Trial Chamber II, including the decision confirming the charges;

CONSIDERING that on 29 March 2012, the Presidency constituted Trial Chamber V and transmitted the full record of the proceedings to the newly constituted Chamber;

INFORMS respectfully that Trial Chamber V has been provided with electronic access to the decision confirming the charges and to the full record of the proceedings in the case the *Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*;

TRANSMITS the following indexes:

- An index of all court records (Annex 1 hereto attached);
- 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 Registry as they contain under seal information.



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

Dated this 2 April 2012

At The Hague, The Netherlands.