



Original: English

No.: ICC-01/09-02/11
Date: 15 October 2014

TRIAL CHAMBER V(B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. UHURU MUIGAI KENYATTA***

Public

With two confidential Annexes

**Registry's transmission of a copy of a letter submitted by the Government of the
Republic of Kenya during the hearing of 7 October 2014**

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Benjamin Gumpert

Counsel for Uhuru Muigai Kenyatta

Mr Steven Kay
Ms Gillian Higgins

Legal Representatives of Victims

Mr Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registry of the International Criminal Court (“the Court”):

NOTING a letter provided to Trial Chamber V(B) (the “Chamber”) by the Kenyan Government during the hearing on 7 October 2014;¹

NOTING the Chamber’s direction to the Kenyan Government to file a copy of the above-mentioned letter into the record of the proceedings, classified as confidential but indicating whether the Government considers that the letter could be reclassified as public (the “Chamber’s Direction”);²

CONSIDERING that, as *per* the instruction of the Chamber, the Registry has transmitted to the Kenyan Government the above-mentioned Chamber’s Direction;³

NOTING that on 14 October 2014 at 10.38 hours, pursuant to the Chamber’s Direction, the Kenyan Government sent to the Registry a copy of the letter⁴ provided to the Chamber during the hearing of 7 October 2014 and requested the Registry to file such a letter as confidential and let it remain as such until the Registry is informed otherwise⁵;

NOTING rule 13(1) of the Rules of Procedure and Evidence and regulation 23*bis* of the Regulations of the Court;

CONSIDERING the role of the Registry as the Court’s channel of communication under rule 13(1) of the Rules of Procedure and Evidence;

¹ ICC-01/09-02/11-T-31-CONF-ENG, the letter was provided to the Chamber during public session.

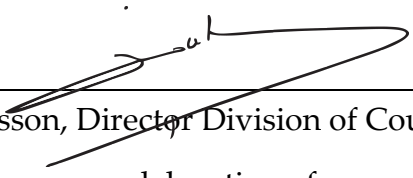
² Direction of Trial Chamber V(B) rendered *via* an email dated 8 October 2014 to the Registry for its further transmission to the Kenyan Government.

³ Annex 1 attached hereto.

⁴ Annex 2 attached hereto.

⁵ See Annex 2 attached hereto.

RESPECTFULLY TRANSMITS to the Chamber the Registry's note verbale transmitting the Chamber's Direction as confidential annex 1 as it is the communication between the Registry and the Kenyan Government and the above-mentioned letter provided by the Kenyan Government as confidential annex 2 as *per* the Chamber's Direction as well as the Kenyan Government's request.



Marc Dubuisson, Director Division of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 15 October 2014

At The Hague, The Netherlands