

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 October 2014

TRIAL CHAMBER V(B)

Before:

**Judge Kuniko Ozaki, Presiding
Judge Robert Fremr
Judge Geoffrey Henderson**

SITUATION IN THE REPUBLIC OF KENYA

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

PUBLIC

**Defence Request for Reclassification of ICC-01/09-02/11-915-Conf
and ICC-01/09-02/11-915-Conf-AnxA**

Source: Defence for Uhuru Muigai Kenyatta

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Benjamin Gumpert QC

Adesola Adeboyejo

Counsel for the Defence

Steven Kay QC

Gillian Higgins

Legal Representatives of the Victims

Fergal Gaynor

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented

(Participation/Reparation)

Applicants

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

1. Pursuant to Trial Chamber V(B)'s 'Order concerning the public disclosure of confidential information,'¹ and in view of the reclassification of a number of documents as 'Public', the Defence for Uhuru Muigai Kenyatta ('Defence') hereby requests the reclassification of its 'Defence Submissions on the Implementation of the Request to Freeze Assets' ('Defence Submissions').²
2. In its Defence Submissions, the Defence provided its observations on the issue of whether or not Pre-Trial Chamber II's 'Decision Ordering the Registrar to Prepare and Transmit a Request for Cooperation to the Republic of Kenya for the Purpose of Securing the Identification, Tracing and Freezing or Seizure of Property and Assets of [...] Uhuru Muigai Kenyatta'³ should be revoked or otherwise modified. The Defence Submissions were filed confidentially as they concerned documents so designated.⁴ In view of the Chamber's reclassification of the Pre-Trial Chamber's Decision and related documents as 'Public', this requirement has been nullified.
3. Moreover, the Defence submits that it is appropriate and in the interests of justice that the arguments made on Mr Kenyatta's behalf are made public.
4. Accordingly, the Defence requests that the Defence Submissions and the confidential annex thereto are reclassified as 'Public':
 - ICC-01/09-02/11-915-Conf
 - ICC-01/09-02/11-915-Conf-AnxA

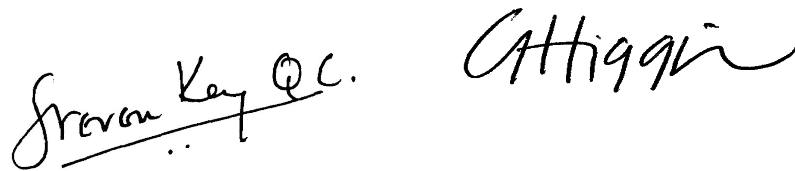
¹ ICC-01/09-02/11-967.

² ICC-01/09-02/11-915-Conf.

³ ICC-01/09-02/11-42-Conf.

⁴ ICC-01/09-02/11-915-Conf, para. 4.

Respectfully submitted,

The image shows two handwritten signatures in black ink. On the left is 'Steven Kay QC.' with a horizontal line drawn under the name. On the right is 'G Higgins' in a cursive script.

.....

Steven Kay QC and Gillian Higgins

On behalf of Uhuru Muigai Kenyatta

Dated this 27th day of October 2014

At London, England