

Confidential

Annex B



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Bureau du Procureur
The Office of the Prosecutor

Hon. Professor Githu Muigai
Attorney General
Attorney General's Chambers
P.O. Box 40112-00100
Nairobi
Kenya

Ref.: OTP/KEN/KEN-84f/JCCD-bgsm

Date: 23 July 2014

Dear Attorney General,

We wish to thank you, again, for the financial documents that you conveyed to the Office of the Prosecutor (OTP), under cover of your 23 June 2014 letter (your reference: AG/SEC/14/209/4 Vol. I). In this context, I wish to recall our letter of 3 July 2014 (our reference: OTP/KEN/KEN-84d/JCCD-sm), as well as attendant discussions on 7 and 8 July 2014, between representatives of the OTP and representatives of the Government of the Republic of Kenya, regarding implementation of our 8 April 2014 Revised Request for assistance (our reference: OTP/KEN/KEN-84/ID-bgsm).

Specifically, I am writing with regard to agreement reached during those discussions, in relation to paragraph 17 (5) of our April 2014 Revised Request. Our understanding is that, in order to assist us to fully understand the bank statements that were provided, the Government of the Republic of Kenya kindly agreed to facilitate a meeting between OTP representatives and representatives of the Co-operative Bank of Kenya and the Commercial Bank of Africa. Specifically, the OTP envisions that the requested meeting/s would enable OTP investigators to be guided by identified bank representatives, through the bank statements that were provided to us to, and would allow the OTP to receive copies, where necessary, of underlying bank documents (cheques, transfer instructions, etc.) that are referred to in the statements, in keeping with our 3 July 2014 letter.

As you will recall, in our 9 July 2014 joint submissions before the Chamber (paragraph 10), we informed the Chamber, "It has been agreed in principle that GoK will take full faith measures to facilitate these meetings and that the meetings will take place as soon as possible and will be concluded no later than Friday 8 August 2014."

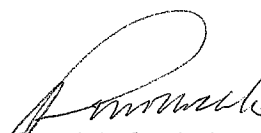
As that date is fast approaching, we wanted to inquire with you on the status of this issue. Please do let us know as soon as practicable the relevant contact details of the identified bank officials, so our Team can make any necessary arrangements.

Additionally, on a more general note, we wish to recall paragraph 8 of our agreed joint submissions, wherein we informed the Chamber of the Kenyan Government's undertaking to provide the OTP, where our request meets the criteria of relevance and specificity, with supplementary material under each of the eight categories of documents, in principle, as soon as possible, and no later than Friday 15 August 2014.

If you have any questions relating to this letter, please do not hesitate to contact Ben Gumpert, Senior Trial Lawyer (+31 70 515 8477 or Benjamin.Gumpert@icc.cpi.int) or Shamiso Mbizvo, Associate International Cooperation Adviser (+31 70 515 9651 or Shamiso.Mbizvo@icc-cpi.int).

Your attention to this matter is greatly appreciated.

Yours sincerely,



Phakiso Mochochoko

Director

Jurisdiction, Complementarity and Cooperation Division

Cc:

- Hon. Joseph Ole Lenku, Secretary for Interior and Coordination of National Government
- H.E. Ms Rose Makena Muchiri, Ambassador Extraordinary and Plenipotentiary of the Republic of Kenya to the Kingdom of The Netherlands