

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09
Date: 28 February 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

**Public Document
With Confidential Annex A**

**Registry's Report on the implementation of the "Decision on Request for
Reclassification" (ICC-01/09-46)**

Source: Registry

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

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

Other
William Ruto/ Joseph Kipchumba Kigen-
Katwa

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Charlotte Dahuron-Jacoby

THE REGISTRAR of the International Criminal Court (the "Court");

NOTING the "*Transmission by the Registry of an application communicated by Katwa & Kemboya Advocates, Commissioners for oaths on behalf of Applicant William Ruto*" along with its two annexes submitted on 21 December 2010;¹

NOTING the "*Request for Reclassification*" submitted by the Office of the Prosecutor on 11 February 2011 (the "Request of 11 February 2011");²

NOTING the "*Decision on Request for Reclassification*" issued by the Pre-Trial Chamber II (the "Chamber") on 18 February 2011 (the "Decision of 18 February 2011");³

NOTING articles 57(3)(a) and (c) and 68(1) of the Rome Statute and regulation 23*bis* of the Regulation of the Court ("RoC");

CONSIDERING that in the Request of 11 February 2011, the Prosecutor sought the reclassification into confidential of item 4 of ICC-01/09-32-Conf-Exp-AnxB;

CONSIDERING that in the Decision of 18 February 2011, the Chamber "*decides to reclassify as "confidential" item 4, pages 13-29 of document ICC-01/09-32-Conf-Exp-AnxB*";⁴

¹ ICC-01/09-32 with annexes: ICC-01/09-32-AnxA and ICC-01/09-32-Conf-Exp-AnxB

² ICC-01/09-41-Conf-Exp

³ ICC-01/09-46

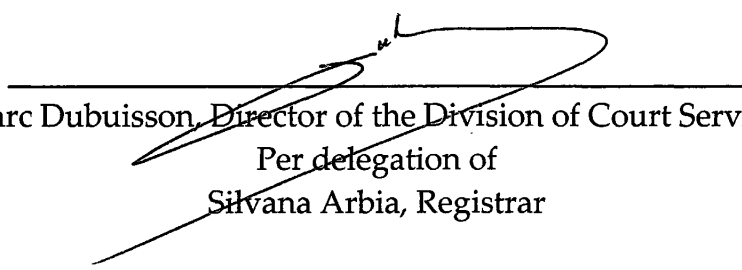
⁴ *Idem.*, p. 5

CONSIDERING that only a document in its entirety can be reclassified and that therefore, in order to comply with the said Decision, the Registry respectfully suggested to the Chamber, as an alternative solution, that the relevant passages of ICC-01/09-32-Conf-Exp-AnxB be transmitted to the Office of the Prosecutor by way of a filing;

CONSIDERING that pursuant to the Decision of 18 February 2011, the information contained in item 4, pages 13-29, shall remain confidential;

TRANSMITS, respectfully in Annex A, the item 4 located on pages 13-29 (handwritten numbers at the bottom of the page) of ICC-01/09-32-Conf-Exp-AnxB;

SUBMITS the present document as public and its Annex A as confidential.



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

Dated this 28 February 2011

At The Hague in The Netherlands.