

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **24 June 2011**

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

***THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA, UHURU MUIGAI
KENYATTA AND MOHAMMED HUSSEIN ALI***

Public

Request for instructions on the processing of victims' applications

Source: Registry

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (“the Court”);

NOTING article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence, and regulations 35(1) and 86(5) of the Regulations of the Court;

NOTING the Decision on the Prosecutor’s Application for Summons to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali;¹

NOTING the Decision Designating a Single Judge;²

NOTING the First Decision on Victims’ Participation in the Case (the “First Decision”);³

CONSIDERING that on 21 June 2011 the Registry received approximately 550 applications for participation and/or reparations which may be linked to the present case;

CONSIDERING that the Registry faces resource constraints which will prevent it from redacting and reporting individually on all 550 applications before the deadline of 8 July set down in the First Decision;

TRANSMITS to the Chamber the following request for instructions on the processing of victims’ applications.

¹ ICC-01/09-02/11-1.

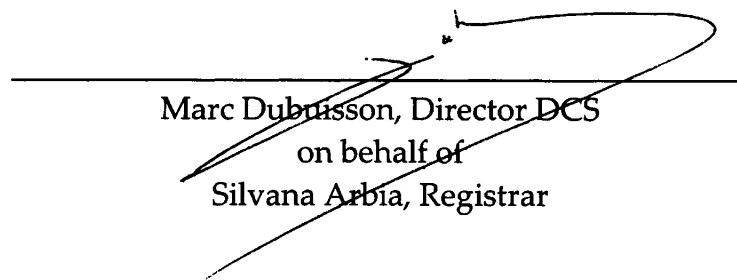
² ICC-01/09-02/11-9.

³ ICC-01/09-02/11-23.

1. On 21 June 2011 the Registry received approximately 550 applications for participation and/or reparations which appear, from preliminary reviews, to be related to the present case. The Registry notes that although the receipt of a large number of applications had been anticipated, the number actually received significantly exceeds the estimates that had been given by the intermediaries providing the applications.
2. The Registry has not yet been able to review all of these applications for completeness. However it is likely that a number of the applications received will be assessed as incomplete. Considering the limited resources available to the VPRS, the Registry calculates that it could redact and provide individual reports on no more than 400 complete applications by the deadline of 8 July set down in the First Decision.
3. However, the Registry notes that it is also required to transmit by 8 July applications received in relation to Case 1, *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* ("*The Prosecutor v. Ruto et al*"). The Registry notes that the confirmation of charges hearing in the present case is scheduled to begin 20 days after the scheduled hearing in the case of *The Prosecutor v. Ruto et al*. The Registry therefore respectfully proposes that in order to enable it to transmit a larger number of applications, a 20 day extension might be made to the current 8 July deadline for the transmission of applications for participation in the present case.
4. In relation to the applications assessed as incomplete, the Registry notes paragraph 18 of the First Decision of the Single Judge whereby the Registry was ordered, in cases where applications are incomplete and supplementary information requested has not been received within a reasonable time, to "submit those applications to the Chamber for the Single Judge's consideration." However the Registry also notes that it was ordered to submit "complete applications" for participation in the present case and "no later

than Friday, 8 July 2011." In light of the recent intake of a very large number of applications for participation, the Registry requests the Chamber's guidance on whether to process all applications irrespective of completeness, or to prioritize applications assessed as complete.

5. The Registry respectfully recommends that it reports on and transmits to the Chamber, the parties and participants, only those applications assessed as complete. In instances where it is unclear whether an application is complete or not, the Registry would propose to report on and transmit such applications in order that they can be the subject of observations from the parties and a decision from the Chamber.
6. In addition, the Registry respectfully requests that the deadline for the transmission of applications for participation in the present case be extended to 28 July 2011.



Marc Dubuisson, Director DCS
on behalf of
Silvana Arbia, Registrar

Dated this 24 June 2011

At The Hague, The Netherlands