

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **26 July 2011**

PRE-TRIAL CHAMBER II

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

SITUATION IN THE REPUBLIC OF KENYA

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

Public Document with *Confidential Annex A*

**Prosecution's submission of the confidential redacted version of the Article 58
Application**

Source: Office of the Prosecutor

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

Counsel for Francis Kirimi Muthaura:

Karim Khan and Kennedy Ogetto

Counsel for Uhuru Muigai Kenyatta:

Steven Kay QC and Gillian Higgins

Counsel for Mohammed Hussein Ali:

Gregory Kehoe, Evans Monari, Gershom Otachi and John Philpott

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 Massida

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

States' Representatives

Sir Geoffrey Nice QC
Rodney Dixon

Amicus Curiae

Other

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Ms. Fiona McKay

Other

I. Background

1. On 7 July 2011, the Prosecution filed the "Prosecution's Submissions on the "Decision on the Defence Requests for the Disclosure of the Unredacted Article 58 Application and all Statements, Declarations, Testimonies and Utterances of the Suspects" (ICC-01/09-02/11-151)," which proposed a confidential redacted version of the Article 58 Application.¹
2. On 22 July 2011, the Single Judge ordered the Prosecution to file a confidential redacted version of the Article 58 Application, containing redactions as proposed by the Prosecution, with the exception of proposed redactions listed in the annex to her decision.²

II. Submissions

3. The Prosecution hereby submits, annexed to this filing, a confidential redacted version of the Article 58 Application containing redactions as proposed by the Prosecution³ with the exception of proposed redactions listed in the annex to the decision of the Single Judge.⁴

III. Request for Confidentiality

4. The Prosecution requests that, pursuant to regulation 23*bis* and to the order of Single Judge,⁵ the annex to this filing be treated as confidential.

¹ ICC-01/09-02/11-162-Conf-Exp and annexes A and B (confidential *ex parte*).

² ICC-01/09-02/11-188, page 9 and Annex (confidential *ex parte*).

³ ICC-01/09-02/11-162-Conf-Exp and annexes A and B (confidential *ex parte*).

⁴ ICC-01/09-02/11-188 and Annex A (confidential *ex parte*).

⁵ ICC-01/09-02/11-188, page 9.



Luis Moreno-Ocampo

Prosecutor

Dated this 26th day of July 2011

At The Hague, The Netherlands