

# ANNEX A

## FIRST JOINT PROSECUTION AND DEFENCE SUBMISSION ON AGREEMENTS AS TO EVIDENCE

Number	Fact
<b>1</b>	The defence admits that the full names of the Accused are Francis Kirimi MUTHAURA (MUTHAURA) and Uhuru Muigai KENYATTA (KENYATTA).
<b>2</b>	MUTHAURA was born on 20 October 1946 in MARIENE, Meru, Central District, Eastern Province in the Republic of Kenya.
<b>3</b>	MUTHAURA is of Meru ethnicity.
<b>4</b>	MUTHAURA served as Permanent Secretary to the Presidency, Head of Public Service and Secretary to the Cabinet of the Government of Kenya from February 2003 until Jan 26 <sup>th</sup> 2012.
<b>5</b>	MUTHAURA studied economics, political science, and diplomacy at the University of Nairobi from 1969 to 1972 and from 1974-1975.
<b>6</b>	MUTHAURA held the position of Permanent Secretary in the Ministry of Transport and Communication (March 2001 - November 2001), thereafter the position of Permanent Secretary in the Ministry of Environment and Natural Resources (November 2001 - 31 December 2002), and thereafter Permanent Secretary in the Ministry of Provincial Administration and Internal Security (Jan 2003).
<b>7</b>	In January and February 2008 during the PEV, MUTHAURA chaired daily meetings of the National Security and Advisory Committee.
<b>8</b>	As secretary to the cabinet, one of MUTHAURA's roles was to communicate decisions of cabinet to the relevant ministries.
<b>9</b>	As Permanent Secretary for the Presidency in the ordinary course of his duties, one of MUTHAURA's roles was to communicate the President's decisions to the relevant government departments as directed by the President.
<b>10</b>	After the results of the 2007 Presidential elections were announced on 30 December 2007, violence broke out and lasted at least until end of January 2008. This period is referred to as Post-election violence ("hereinafter referred to as PEV").
<b>11</b>	The Rift Valley is one of Kenya's eight provinces.
<b>12</b>	There are over 40 ethnic groups in Kenya. The four largest are the Kikuyu, the Luhya, Kalenjin and Luo in that order.
<b>13</b>	More than 1,000 people died in Kenya due to the PEV.
<b>14</b>	The 2007 Kenya elections were polarized along ethno-political lines.
<b>15</b>	PNU stands for "Party of National Unity".
<b>16</b>	ODM stands for "Orange Democratic Movement".
<b>17</b>	KANU stands for "Kenya African National Union".
<b>18</b>	On 27 December 2007, presidential and parliamentary elections were held in Kenya.
<b>19</b>	The results of the 2007 Kenya Presidential elections were announced on 30 <sup>th</sup> December 2007.
<b>20</b>	On 30 December 2007, the Electoral Commission of Kenya declared Mwai KIBAKI winner of the presidential election.

<b>21</b>	In the 2007 elections, the Luo, Luhya and Kalenjin communities generally supported the ODM.
<b>22</b>	Mwai KIBAKI was sworn in as President on 30 December 2007 at State House, NAIROBI, shortly after the results of the election were announced.
<b>23</b>	President KIBAKI's victory was immediately contested by the ODM leadership as being fraudulent.
<b>24</b>	On or around 30 December 2007, violent attacks and skirmishes broke out in RIFT VALLEY.
<b>25</b>	The PNU candidate for the NAIVASHA constituency in the 2007 elections was Jane KIHARA.
<b>26</b>	The KANU candidate for the NAIVASHA constituency in the 2007 elections was John MUTUTHO.
<b>27</b>	John MICHUKI was the Minister of Provincial Administration and Internal Security in the Republic of Kenya from June 2007 until 10 <sup>th</sup> January 2008.
<b>28</b>	George SAITOTI was the Minister of Provincial Administration and Internal Security in the Republic of Kenya from 10 January 2008 until 10 June 2012.
<b>29</b>	During the period covered by the charges, the Kenyan Army had a base with two barracks in GILGIL, which is about 40 kilometres away from NAIVASHA.
<b>30</b>	State House in NAIROBI is the official residence of the Head of State of the Republic of Kenya.
<b>31</b>	Harambee House is located on Harambee Avenue, PO Box 30510, Nairobi.
<b>32</b>	On 26 November 2007, President KIBAKI held a meeting with national youth leaders in State House following their National Youth rally at Uhuru Park the previous day.
<b>33</b>	MUTHAURA, Stanley MURAGE, Hyslop IPU, Cyrus GITUAI, Mohammed KUTI and Yvonne KHAMATI were present at the 26 November 2007 National Youth Leaders' State House Meeting.
<b>34</b>	On 27 January 2008, violence broke out in Naivasha town.