

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 April 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

Order under Regulation 24(1) of the Regulations of the Court

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

The Office of the Prosecutor
Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for Francis Kirimi Muthaura
Karim A. Khan and Kennedy Ogetto

Counsel for Uhuru Muigai Kenyatta
Steven Kay and Gillian Higgins

Counsel for Mohammed Hussein Ali
Evans Monari, John Philpot and
Gershom Otachi Bw'omanwa

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar
Silvana Arbia, Registrar
Didier Preira, Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II (the "Chamber")¹ of the International Criminal Court (the "Court"), renders this order with respect to the "Prosecution's Request for Conditions of Enforcement" (the Prosecution's Request").²

1. On 8 March 2011, the Chamber, by majority, decided to summon Francis Kirimi Muthaura, Uhuru Muigai Kenyatta, and Mohammed Hussein Ali (collectively, the "suspects") to appear before the Court and, in addition, imposed on the suspects certain conditions restricting liberty (other than detention).³
2. On 6 April 2011, the Prosecutor filed before the Chamber the Prosecution's Request, in which he argues that "if the suspects remain free pending confirmation, adequate conditions should be imposed to guarantee that they continue to appear voluntarily and that they not obstruct or endanger the investigation on the Court's proceedings",⁴ and requests the imposition of additional conditions upon the suspects.⁵
3. The Single Judge notes regulations 24(1) and 34(b) of the Regulations of the Court (the "Regulations").
4. According to regulation 24(1) of the Regulations, the "defence may file a response to any document filed by any participant in the case in accordance with the Statute, Rules, these Regulations and any order by the Chamber". Pursuant to regulation 34(b) of the Regulations, such response "shall be filed within 21 days of notification in accordance with regulation 31 of the document to which the participant is responding", unless otherwise ordered.

¹ Pre-Trial Chamber II, "Decision Designating a Single Judge", ICC-01/09-02/11-9.

² ICC-01/09-02/11-47.

³ Pre-Trial Chamber II, "Decision on the Prosecutor's Application for Summonses to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali", ICC-01/09-02/11-01, pp. 23-24.

⁴ ICC-01/09-02/11-47, para. 3.

⁵ ICC-01/09-02/11-47, para. 8.

5. Cognizant of the principle of expeditiousness, and considering the nature of the Prosecution's Request, the Single Judge deems it necessary to reduce the time limit provided for in regulation 34(b) of the Regulations, should the Defence teams for the suspects wish to respond to the Prosecution's Request.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

orders the Defence teams, should they wish to respond to the Prosecution's Request, to file their responses by no later than Friday, 15 April 2011 at 16.00 hours.

Done in both English and French, the English version being authoritative.


Judge Ekaterina Trendafilova
Single Judge

Dated this Friday, 8 April 2011

At The Hague, The Netherlands