

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11
Date: 3 September 2012

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
THE PROSECUTOR *v.* FRANCIS KIRIMI MUTHAURA
AND
UHURU MUIGAI KENYATTA**

Public document

**Decision on the "Joint Prosecution/Defence Application Pursuant to Regulation
35 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
Ms Fatou Bensouda

Counsel for Francis Kirimi Muthaura
Mr Karim Khan, Mr Essa Faal,
Mr Kennedy Ogetto, Ms Shyamala
Alagendra

Counsel for Uhuru Muigai Kenyatta
Mr Steven Kay
Ms Gillian Higgins

Legal Representatives of Victims
Mr Morris Anyah

Legal Representatives of 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
Ms Silvana Arbia

Deputy Registrar

Victims and Witnesses Unit
Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber V (“Chamber”) of the International Criminal Court in the case of *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta* renders the following Decision on the “Joint Prosecution/Defence Application Pursuant to Regulation 35 of the Regulations of the Court”.

1. On 9 July 2012, the Chamber instructed the Prosecutor (“prosecution”) and the defence “to liaise with a view to reaching agreement about non-contentious issues” and to file the first joint submission on agreed facts by 3 September 2012.¹
2. On 3 September 2012, the prosecution and the defence teams for both accused filed the “Joint Prosecution/Defence Application Pursuant to Regulation 35 of the Regulations of the Court” (“Request”).² In the Request, the prosecution and the defence teams seek leave to extend by two days the deadline for filing the first joint submission on agreed facts. It is submitted that the extension is requested as a result of time pressure due to other filings as well as the need for meaningful *inter partes* consultations.³
3. Pursuant to Regulation 35 of the Regulations of the Court and in light of the reasons provided in the joint Request, the Chamber is satisfied that good cause is shown for granting the requested extension of time.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the relief sought in the Request and extends the deadline for the joint submission on agreed facts until 5 September 2012.

¹ Decision on the schedule leading up to trial, 9 July 2012, ICC-01/09-02/11-451, para. 15.

² ICC-01/09-02/11-473.

³ Request.

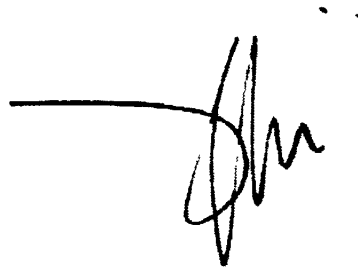
Done in both English and French, the English version being authoritative.



Judge Kuniko Ozaki, Presiding Judge



Judge Christine Van den Wyngaert



Judge Chile Eboe-Osuji

Dated this 3 September 2012

At The Hague, The Netherlands