

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/09-02/11  
Date: 30 January 2013

**TRIAL CHAMBER V**

**Before:** Judge Kuniko Ozaki, Presiding  
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**

**Order for observations on issues related to the commencement of trial**

**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 QC, Mr Essa Faal,  
Mr Kennedy Ogetto, Ms Shyamala  
Alagendra

**Counsel for Uhuru Muigai Kenyatta**  
Mr Steven Kay QC  
Ms Gillian Higgins

**Legal Representatives of Victims**  
Mr Fergal Gaynor

**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**

**Detention Section**

**Victims Participation and Reparations  
Section**

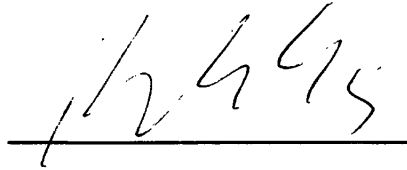
**Others**

1. Trial Chamber V (“Chamber”) is planning to hold a status conference in accordance with Rule 132(2) of the Rules of Procedure and Evidence, before the start of trial. The purpose of the status conference will be to discuss certain matters relating to the forthcoming commencement of trial.
2. In order to facilitate the parties and participants’ preparation for the status conference and to allow for sufficient time for arrangements with the Host State, if necessary, and notwithstanding the pending “Defence Application for a Change of Place where the Court Shall Sit for Trial”,<sup>1</sup> the Chamber orders the Office of the Prosecutor (“Prosecution”), the Defence for Francis Kirimi Muthaura and the Defence for Uhuru Muigai Kenyatta (together “Defence”) to submit, no later than 6 February 2013, any observations on:
  - (i) whether the conditions listed in the summonses to appear issued by the Pre-Trial Chamber<sup>2</sup> are sufficient and adequate for the purposes of the trial; and
  - (ii) whether there are any practical, financial and/or legal matters to be dealt with for the accused to be able to attend the trial at the seat of the Court, including the modalities of the Accused’s stay on the territory of the Host State during the trial.
3. The Prosecution, the Defence and the Common Legal Representative of Victims may also submit, no later than 6 February 2013, any other urgent issue that requires the immediate attention of the Chamber.
4. The Registry is to file its observations on issues (i) and (ii) above and any other urgent matters by 12 February 2013.

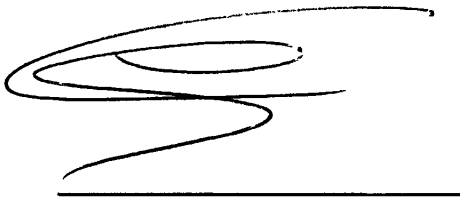
<sup>1</sup> 3 December 2012, ICC-01/09-02/11-551.

<sup>2</sup> Pre-Trial Chamber II, Decision on the Prosecutor’s Application for Summons to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, 8 March 2011, ICC-01/09-02/11-1, pp. 23-24.

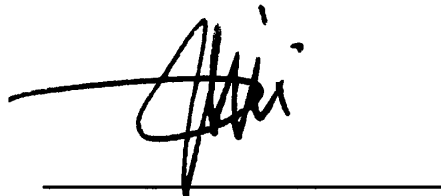
Done in both English and French, the English version being authoritative.



**Judge Kuniko Ozaki, Presiding Judge**



**Judge Christine Van den Wyngaert**



**Judge Chile Eboe-Osuji**

Dated 30 January 2013

At The Hague, The Netherlands