

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11
Date: 3 February 2014

TRIAL CHAMBER V(B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. UHURU MUIGAI KENYATTA***

Public

Scheduling order and agenda for status conference of 5 February 2014

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Benjamin Gumpert

Counsel for Uhuru Muigai Kenyatta

Mr Steven Kay

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**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber V(B) ('Chamber') of the International Criminal Court in the case of *The Prosecutor v. Uhuru Muigai Kenyatta*, in accordance with Rule 132(2) of the Rules of Procedure and Evidence, hereby confirms the scheduling of a status conference for 5 February 2014 starting at 10h00 to 12h00, and thereafter, as required, from 14h00 to 16h00.

1. In order to facilitate the preparation of the parties and the participants, the Chamber issues the following agenda:
 - A. An update from the Office of the Prosecutor ('Prosecution') on the additional investigative steps being taken in relation to its case against Mr Kenyatta;¹
 - B. The requests of the Prosecution seeking an adjournment of the provisional trial date;²
 - C. The request of the defence team for Mr Kenyatta ('Defence') of 13 January 2014 seeking that the Chamber dismiss the request of the Prosecution for an adjournment, and terminate the proceedings under Article 64(2) of the Rome Statute;³ and
 - D. Other matters.
2. The discussion of all agenda items will, in principle, take place in public session.
3. The presence of Mr Kenyatta is not required on this occasion.

¹ See Notification of the removal of a witness from the Prosecution's witness list and application for an adjournment of the provisional trial date, 19 December 2013, ICC-01/09-02/11-875 ('First Prosecution Request'), paras 3-4. The Chamber notes that this issue has been subsequently addressed in the Prosecution opposition to the Defence request for the termination of the Kenyatta case, 31 January 2014, ICC-01/09-02/11-892 ('Second Prosecution Request'), paras 7-9.

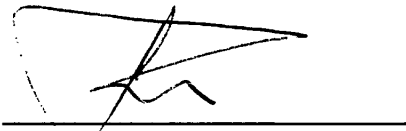
² See First Prosecution Request, ICC-01/09-02/11-875; Defence Response to the Prosecution's "Notification of the removal of a witness from the Prosecution's witness list and application for an adjournment of the provisional trial date", 13 January 2014, ICC-01/09-02/11-878-Conf (redacted version notified on 24 January 2014 as ICC-01/09-02/11-878-Red); Victims' response to Prosecution's application for an adjournment of the provisional trial date, 13 January 2014, ICC-01/09-02/11-879-Conf (redacted version filed concurrently as ICC-01/09-02/11-879-Red); Second Prosecution Request, ICC-01/09-02/11-892.

³ See Defence response to the Prosecution's "Notification of the removal of a witness from the Prosecution's witness list and application for an adjournment of the provisional trial date", ICC-01/09-02/11-878-Red ('Defence Request'); see also Second Prosecution Request, ICC-01/09-02/11-892.

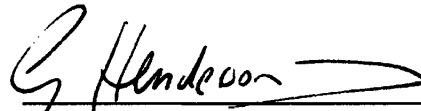
Done in both English and French, the English version being authoritative.



Judge Kuniko Ozaki, Presiding Judge



Judge Robert Fremr



Judge Geoffrey Henderson

Dated 3 February 2014

At The Hague, The Netherlands