

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 July 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 on 9 July 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

Mr Githu Muigai, SC, Attorney General
of the Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section 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 9 July 2014.

1. On 31 March 2014, in its 'Decision on Prosecution's applications for a finding of non-compliance pursuant to Article 87(7) and for adjournment of the provisional trial date',¹ the Chamber scheduled a status conference for 9 July 2014, in order for the Office of the Prosecutor ('Prosecution') and the Government of the Republic of Kenya ('Kenyan Government') to provide an update to the Chamber on the status of cooperation and consultations which had been ordered in that decision, as well as any other relevant issues.²
2. On 30 May 2014, the Legal Representative of the Victims ('LRV') made a request to be present at the status conference.³ The LRV submitted that the matters to be discussed are likely to affect victims' interests, and that the status conference is a 'critical juncture'⁴ which requires the LRV's presence. On 4 June 2014, the Chamber granted the LRV's request.⁵
3. The Chamber hereby confirms that the status conference will be held on 9 July 2014 from 10h00 to 12h00, and thereafter, as required, from 14h00 to 16h00. Given the nature of the subject matter, the status conference will commence with an *ex parte*, Prosecution and Kenyan Government only, session at 10h00. However, the Chamber's preference is for as much of the status conference as possible to be conducted in the presence of the defence team for Mr Kenyatta ('Defence') and the

¹ ICC-01/09-02/11-908.

² ICC-01/09-02/11-908, para. 102.

³ Email communication from LRV to Trial Chamber V-B Communications, 30 May 2014 at 15:51.

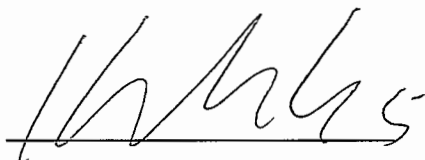
⁴ Decision on victims' representation and participation, 3 October 2012, ICC-01/09-02/11-498, paras 41 and 70; Decision on the conduct of trial proceedings, 2 December 2013, ICC-01/09-02/11-867, para. 23.

⁵ Email communication from Legal Officer of the Chamber to the parties and participant on 4 June 2014 at 17:06.


LRV, and in public session, where appropriate. Therefore, in the interests of efficiency, the Prosecution and Kenyan Government are requested to agree and identify in advance which specific issues may only be addressed *ex parte*, and which may be subsequently addressed in the presence of the Defence and LRV, in either open or closed session.

4. In order to facilitate preparations, the Chamber issues the following agenda:
 - A. Update from the Prosecution and the Kenyan Government on the current status of the co-operation and consultations between them;
 - B. Envisaged next steps and timeline in relation to such co-operation; and
 - C. Any other matters.
5. Should the parties, participant or Kenyan Government wish to raise any particular issues under Agenda Item C, they are requested to inform the Chamber thereof by 16:00 on 7 July 2014 by way of e-mail to Trial Chamber V(B) Communications or, in the case of the Kenyan Government, through the Registry.
6. The presence of Mr Kenyatta is not required on this occasion.

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



Judge Kuniko Ozaki, Presiding Judge



Judge Robert Fremr



Judge Geoffrey Henderson

Dated 4 July 2014

At The Hague, The Netherlands