

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 April 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF
THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA, UHURU MUIGAI
KENYATTA AND MOHAMMED HUSSEIN ALI

Public Document

**Transmission by the Registry of the "Request by Ms. Moraa Gesicho to appear as
Amicus Curiae"**

Source: The Registrar

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

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou bensouda, Deputy Prosecutor

Counsel for the Defence

Karim Ahmad Khan
Steven Kay
Evans Monari

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

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

States' Representatives

Amicus Curiae

Professor Max Hilaire
Professor William A. Cohn

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the "Court");

NOTING *"the Request by Professors Max Hilaire & William A. Cohn to appear as Amicus Curiae"*¹, submitted by Professors Max Hilaire & William A. Cohn J on 11 January 2010;

NOTING *"The Request for Leave to Respond to "the Request by Professors Max Hilaire & William A. Cohn to appear as Amicus Curiae""*², submitted by the Office of the Prosecutor on 15 January 2011;

NOTING *"The Victim's Response to the Application of Professors Max Hilaire & William A. Cohn to appear as Amici Curiae "*³, submitted by the Legal Representative for Victim Applicants;

NOTING *"the Decision on Application to Appear as Amicus Curiae and related Requests"*⁴, issued by the Pre-Trial Chamber II on 03 February 2011;

NOTING the *"Prosecutor's Application pursuant to Article 58 as Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali"*⁵ submitted by the Office of the Prosecutor on 15 December 2010;

NOTING the *"Decision on the Prosecutor's Application for Summons to Appear for Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali "*⁶ issued by the Pre-Trial Chamber II on 08 March 2011 ;

¹ ICC-01/09-8

² ICC-01/09-9

³ ICC-01/09-11

⁴ ICC-01/09-14

⁵ ICC-01/09-31-Conf-Exp

⁶ ICC-01/09- 02/11-01

NOTING the *"Dissenting opinion by Judge Hans-Peter Kaul to Pre-Trial Chamber II's "Decision on the Prosecutor's Application for Summons to Appear for Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali""*⁷ issued by the Pre-Trial Chamber II on 15 March 2011;

NOTING *"The Transmission by the Registry of the "Request by Ms. Moraa Gesicho to appear as Amicus Curiae"*⁸, submitted by the Registry on 5 April 2011;

NOTING rule 13(1) and 103 of the Rules of Procedure and Evidence ("RPE"), regulation 23*bis* of the Regulations of the Court ("RoC"), and regulation 21(2) of the Regulations of the Registry ("RoR");

CONSIDERING that, on 31 March 2011, at 14.24 hours Ms. Moraa Gesicho has communicated electronically to the Registry the *"Request by Ms. Moraa Gesicho to appear as Amicus Curiae"*;

RESPECTFULLY TRANSMITS, the *"Request by Ms. Moraa Gesicho to appear as Amicus Curiae"*, submitted by Ms. Moraa Gesicho to the Pre-Trial Chamber II.



 Marc Dubuisson, Director of the Division of Court Services
as per delegation of
 Silvana Arbia, Registrar

Dated this 5 April 2011

At The Hague in The Netherlands

⁷ ICC-01/09-02/11-3

⁸ ICC-01/09-55 + Anx