



Original: **English**

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

Date: **28 June 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 MUIGAIKENYATTA AND MOHAMMED HUSSEIN ALI**

Public Document

**Prosecution's request for extension of page limit for the Document Containing the
Charges**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for Francis Kirimi Muthaura:

Karim Khan and Kennedy Ogetto

Counsel for Uhuru Muigai Kenyatta:

Steven Kay QC and Gillian Higgins

Counsel for Mohammed Hussein Ali:

Gregory Kehoe, Evans Monari, Gershom Otachi and John Philpott

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

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

States' Representatives

Sir Geoffrey Nice QC
Mr. Rodney Dixon

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

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Mr. Didier Preira

Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pursuant to Regulation 37(2) of the Regulations of the Court ("Regulations") the Prosecution requests an extension of the page limit to 50 pages for the Document Containing the Charges ("DCC") that it will file on or before 19 August 2011.¹
2. Regulation 37(2) of the Regulations provides that the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances. The Prosecution submits that exceptional circumstances outlined below justify the extension of the page limit.
3. In the Prosecution's view, the extension of page limit for the DCC is warranted in this case to permit the Prosecution to set forth, in sufficient detail, the relevant facts and circumstances of the crimes that occurred in the Rift Valley Province, in the Republic of Kenya between December 2007 and January 2008, along with a description of the evidence in relation to each of the suspects' mode of liability and role in the common plan or in contributing to the commission of the alleged crimes. Since the case involves three suspects with different modes of liability, a complex background and incidents underpinning the charges, the Prosecution requests an additional 30 pages to articulate each of the suspects' roles and actions in sufficient detail.
4. The Prosecution submits that the reasons set out above constitute exceptional circumstances pursuant to Regulation 37(2). In addition, the Prosecution submits that granting the request herein results in no prejudice to the Defence. On the contrary, it will provide detailed information on the charges to the Defence and thereby enable the Defence to prepare adequately for the Confirmation Hearing.

¹ See order, ICC-01/09-02/11-64; also Article 61(3) of the Rome Statute, Rule 121(3) of the Rules of Procedure and Evidence, and Regulation 52 of the Regulations of the Court.



Luis Moreno-Ocampo, Prosecutor

Dated this 28th day of June 2011

At The Hague, The Netherlands