



Original: English

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

Date: 08 September 2011

PRE-TRIAL CHAMBER II

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

SITUATION IN THE REPUBLIC OF KENYA

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

PUBLIC

**Notice of Withdrawal of “Defence Motion for an Adjournment of the
Confirmation Hearing Scheduled for 21 September 2011”**

Source: Defence for General Mohammed Hussein Ali

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

Counsel for Francis Kirimi Muthaura:

Karim A.A. Khan QC, Kennedy Ogeto
and Essa Faal

Counsel for Uhuru Muigai Kenyatta:

Steven Kay QC and Gillian Higgins

Counsel for Mohammed Hussein Ali:

Evans Monari, Greg Kehoe, John Philpot
and Gershom O. Bw'omanwa

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

REGISTRY

Registrar

Ms. Silvana Arbia, Registrar

Deputy Registrar

Mr. Didier Daniel Preira, Deputy
Registrar

Victims and Witnesses Unit

Counsel Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 2 September 2011, the Defence for Uhuru Kenyatta filed "Application by the Defence for Uhuru Kenyatta under Articles 61(3) and 67(1)(a) for an Adjournment of the Confirmation Hearing Scheduled for 21 September 2011 and Request for Alteration to their Selected Viva Voce Witnesses" (the "Kenyatta Motion") wherein the Defence requested an adjournment of the Confirmation of Charges Hearing for a period of 3 months.
2. On 3 September 2011, the Defence for Ambassador Muthaura filed its "Defence Application for Adjournment of the Confirmation Hearing or in the Alternative, extension of Time to file an Amended List of Evidence" (the Muthaura Application"), in which it requested the Single Judge to adjourn the confirmation hearing for a minimum of eight weeks and /or in the alternative to grant an extension of time within which to file an amended list of evidence.
3. On 5 September 2011, the Defence for General Mohammed Hussein Ali (the "Defence") filed "Defence Motion for an Adjournment of the Confirmation Hearing Scheduled for 21 September 2011" joining the Kenyatta Motion and requesting an adjournment of the Confirmation of Charges Hearing for a period of 3 months.
4. On 6 September 2011, the Defence for Ambassador Muthaura filed its "Muthaura Defence Notice of Withdrawal of its Request for Adjournment of the Confirmation Hearing," in which it stated that it had assessed that the necessity for the requested adjournment had been largely addressed by the extensions granted by the Single Judge.
5. The Defence no longer deems it necessary to maintain the request for adjournment of the Confirmation of Charges Hearing having perused the Prosecution's disclosure of 19 August 2011. The Defence, therefore, requests that the said request for adjournment be withdrawn and the Confirmation of Charges Hearing to proceed on 21 September 2011 as scheduled.

Respectfully submitted,



Evans Monari and Gershom Otachi Bw'omanwa
On behalf of Mohammed Hussein Ali

Dated this 8th day of September 2011

At Nairobi, Kenya