



Original: English

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

Date: 10 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

**DEFENCE NOTICE OF WITHDRAWAL OF REQUEST FOR THE COURT NOT
TO SIT ON SATURDAY 1 OCTOBER 2011**

Source: Defence

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 and Kennedy
Ogetto
Counsel for Uhuru Muigai Kenyatta:
Steven Kay QC and Gillian Higgins
Counsel for Mohammed Hussein Ali:
Evans Monari and Gershom Otachi

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

I. PROCEDURAL BACKGROUND

1. On 30 August 2011, the Single Judge issued her “Decision Requesting Observations on the Schedule for the Confirmation of Charges Hearing.”¹
2. On 2 September 2011, the Defence for Mr. Uhuru Kenyatta filed its “Defence Observations for the Purposes of Establishing the Final Schedule of the Confirmation Hearing”,² in which it stated that:

“Both counsel in the Uhuru Kenyatta team are speaking at an international conference arranged by them on behalf of their Chambers at 9 Bedford Row, London, England on Saturday 1 October 2011. Counsel are central to this event. Steven Kay QC is the leader of the 9 Bedford Row international practice group.³ The conference has been arranged since June 2011, and counsel therefore request the court not to sit on that date and to leave sufficient time for them to travel from Den Haag to London on Friday 30 September.”⁴

II. REQUEST

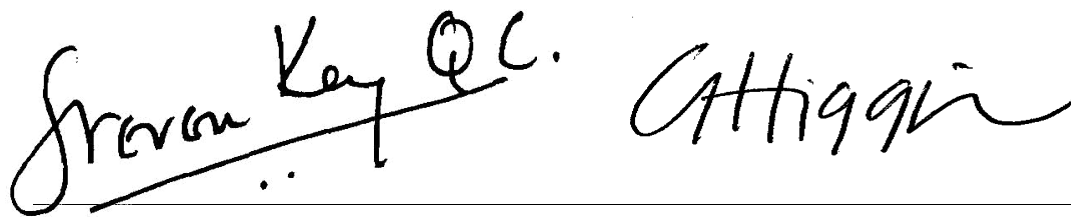
3. The Defence hereby withdraws its request for the Court not to sit on Saturday 1 October 2011, on the basis that the international conference arranged by counsel on behalf of their Chambers at 9 Bedford Row, London, England on that day has now been cancelled.

¹ Pre-Trial Chamber II, Prosecutor v Muthaura et al., Decision Requesting Observation on the Schedule for the Confirmation of Charges Hearing, 30 August 2011, ICC-01/09-02/11-272.

² Pre-Trial Chamber II, Prosecutor v Muthaura et al., Defence Observations for the Purposes of Establishing the Final Schedule of the Confirmation Hearing”, 2 September 2011, ICC-01/09-02/11-278.

³ See www.9bedfordrow.co.uk

⁴ Pre-Trial Chamber II, Prosecutor v Muthaura et al., Defence Observations for the Purposes of Establishing the Final Schedule of the Confirmation Hearing”, 2 September 2011, ICC-01/09-02/11-278, at para 10.



Handwritten signatures of Steven Kay QC and Gillian Higgins. The signature of Steven Kay QC is on the left, and the signature of Gillian Higgins is on the right. A horizontal line is drawn below the signatures.

Steven Kay QC and Gillian Higgins
On behalf of Uhuru Muigai Kenyatta

Dated this, Saturday 10 September 2011

At London, UK