



Original: English

No.: ICC-01/09-02/11  
Date: 14 December 2012

**TRIAL CHAMBER V**

**Before:** Judge Kuniko Ozaki, Presiding Judge  
Judge Christine Van den Wyngaert  
Judge Chile Eboe-Osuji

**SITUATION IN THE REPUBLIC OF KENYA**

***IN THE CASE OF  
THE PROSECUTOR V. FRANCIS KIRIMI MUTHAURA AND UHURU  
MUIGAI KENYATTA***

**Public**

**Prosecution's Request for extension of the page limit for its pre-trial brief**

**Source:** The 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**

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**Unrepresented Victims**

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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Defence Support Section**

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Maria Luisa Martinod-Jacome

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

1. On 9 July 2012, the Chamber instructed the Prosecution to file a pre-trial brief explaining its case with reference to the evidence it intends to rely on at trial.<sup>1</sup>
2. Given the nature of the pre-trial brief and the scope of the issues to be addressed therein, the Prosecution seeks the Chamber's authorization to extend the standard 20-page limit to 75 pages, pursuant to Regulation 37(2) of the Regulations of the Court.
3. In the pre-trial brief, the Prosecution intends to address the planning and preparation of the attacks against the civilian population in the Rift Valley, the execution of the Nakuru and Naivasha attacks, the ensuing crimes, the circumstances surrounding the commission of the crimes, and the role of both Accused. The Prosecution submits that the extension sought is warranted and necessary to enable the Prosecution to adequately address these aspects of its case in a meaningful and coherent manner that benefits the Trial Chamber, as well as the parties.
4. The Prosecution recalls that Trial Chambers I and III have previously granted similar requests in the *Lubanga* and *Bemba* cases.<sup>2</sup> Both cases involved a single accused.

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<sup>1</sup> ICC-01/09-02/11-451, para 20.

<sup>2</sup> ICC-01/04-01/06-1070, ICC-01/04-01/06-1350 and ICC-01/05-01/08-578

5. The Prosecution submits that the reasons set out above constitute “exceptional circumstances” within the meaning of Regulation 37(2) of the Regulations of the Court. Accordingly, the Prosecution respectfully requests that the Chamber grant an extension of the page limit for its pre-trial brief, such that the brief will not exceed 75 pages.



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Fatou Bensouda,  
Prosecutor

Dated this 14<sup>th</sup> day of December 2012  
At The Hague, The Netherlands