

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **03 January 2013**

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding
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

**Defence Response to the “Prosecution Request for extension of the page limit for
its pre-trial brief”**

Sources: Defence for Uhuru Muigai Kenyatta

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Ms. Adesola Adeboyejo

Counsel for Francis Kirimi Muthaura

Karim A. A. Khan QC, Essa M. Faal,

Kennedy Ogetto & Shyamala Alagendra

Counsel for Uhuru Muigai Kenyatta

Steven Kay QC & Gillian Higgins

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

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Defence for Mr Uhuru Kenyatta (“Defence”) files its response to the “Prosecution’s Request for extension of the page limit for its pre-trial brief”.¹

II. PROCEDURAL HISTORY

2. On 9 July 2012, Trial Chamber V instructed the Prosecution to file its pre-trial brief no later than 9 January 2013.²
3. On 14 December 2012, the Prosecution requested a page limit extension and asserted that the pre-trial brief would not exceed 75 pages.³
4. On 2 January 2013, Trial Chamber V informed the Defence that if it wished to file a response, it must be filed no later than 3 January 2013.⁴

III. SUBMISSIONS

5. The Defence has no objection to the Prosecution’s request for a page limit extension in respect of the filing of its pre-trial brief.

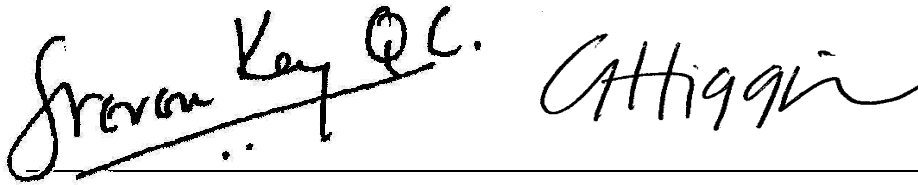
¹ ICC-01/09-02/11-573.

² ICC-01/09-02/11-451, para. 20.

³ ICC-01/09-02/11-573, para. 5.

⁴ Email correspondence from Trial Chamber V to the Parties, 2 January 2013.

Respectfully Submitted,

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Steven Kay QC.' and is written over a horizontal line. The second signature, on the right, is 'G Higgins'.

Steven Kay QC and Gillian Higgins
On behalf of Uhuru Muigai Kenyatta
At London, England

Dated this 3rd Day of January 2013