

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 January 2014

TRIAL CHAMBER V(B)

Before: Judge Kuniko Ozaki, Presiding
Judge Robert Fremr
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. UHURU MUIGAI KENYATTA***

PUBLIC

Defence Withdrawal of its Request Pursuant to Article 63(1) of the Statute and Rule 134^{quater} of the Rules of Procedure and Evidence to Excuse Uhuru Muigai Kenyatta from Continuous Attendance at Trial (ICC-01/09-02/11-882)

Source: 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

Fatou Bensouda
James Stewart
Benjamin Gumpert
Adesola Adeboyejo

Counsel for the Defence

Steven Kay QC
Gillian Higgins

Legal Representatives of the Victims

Fergal Gaynor

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations Other
Section**

1. On 15 January 2014, the Defence submitted the 'Defence Request Pursuant to Article 63(1) of the Statute and Rule 134*quater* of the Rules of Procedure and Evidence to Excuse Uhuru Muigai Kenyatta from Continuous Attendance at Trial' ('Excusal Request').¹
2. On 23 January 2014, the Chamber vacated the trial date of 5 February 2014.²
3. In view of the vacation of the trial date pending the determination of the matters currently before Trial Chamber V(B), the Defence hereby withdraws its Excusal Request, which was based upon the premise that the 5 February date was fixed for trial.³
4. The Defence reserves the right to make a further application under Rule 134*quater* should the need arise.

Respectfully submitted,




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

Dated this 27th day of January 2014

At London, England

¹ ICC-01/09-02/11-882.

² ICC-01/09-02/11-886.

³ ICC-01/09-02/11-847.