

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 April 2014

TRIAL CHAMBER V(B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF KENYA

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

Urgent Confidential

Order extending deadline for filing of first update due on 30 April 2014

Order to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Benjamin Gumpert

Counsel for Uhuru Muigai Kenyatta

Mr Steven Kay
Ms Gillian Higgins

Legal Representatives of Victims

Mr Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Mr Githu Muigai, SC, Attorney General of
the Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber V(B) ('Chamber') of the International Criminal Court in the case of *The Prosecutor v. Uhuru Muigai Kenyatta*, in accordance with Regulation 35(2) of the Regulations of the Court ('Regulations'), hereby issues this 'Order extending deadline for filing of first update due on 30 April 2014'.

1. On 31 March 2014, the Chamber issued a decision¹ in which it, *inter alia*, directed the Office of the Prosecutor ('Prosecution') and the Government of the Republic of Kenya ('Kenyan Government') to file submissions updating the Chamber on the status of a revised Prosecution request for co-operation on a two monthly basis, with the first update being due on 30 April 2014 ('First Report').
2. On 25 April 2014, by way of e-mail, the Prosecution notified the Chamber of its intention to file a request to postpone the date for filing of the First Report.² On 30 April 2014, the Prosecution duly filed a request seeking that the Chamber extends the deadline for filing of the First Report until 12 May 2014 ('Request').³ The Prosecution submitted that, in light of a meeting to be urgently convened between the Prosecution and the Kenyan Government on the matter, the later date would enable both parties to more fully apprise the Chamber of the status of the revised request and the progress that has been made in relation thereto.⁴
3. The Chamber notes that the Prosecution informed the Kenyan Government of its intention to seek this extension of the filing deadline.⁵ Given the nature of the Request and need for an urgent decision, the Chamber does not consider it necessary to receive submissions.

¹ Decision on Prosecution's applications for a finding of non-compliance pursuant to Article 87(7) and for an adjournment of the provisional trial date, 31 March 2014, ICC-01/09-02/11-908 ('Decision').

² E-mail communication from Benjamin Gumpert to the Chamber dated 25 April 2014 at 16:08.

³ Prosecution application to adjourn until 12 May the provision of the update due on 30 April, ICC-01/09-02/11-911-Conf.

⁴ Request, ICC-01/09-02/11-911-Conf, paras 4, 5 and 8.

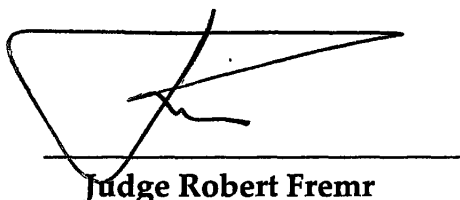
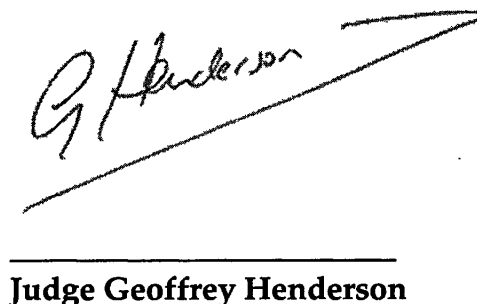
⁵ ICC-01/09-02/11-911-Conf-AnxA.

4. In the circumstances, the Chamber considers that, in order to be more fully apprised of the status of cooperation and execution of the request, it would be beneficial to defer the deadline for filing of the First Report, and therefore finds good cause to have been shown for doing so. The Chamber notes that the date of the meeting does not yet appear to have been finalised,⁶ but notes that both parties have undertaken to convene it on an urgent basis and at the earliest possible opportunity. Consequently, pursuant to Regulation 35(2) of the Regulations, the Chamber directs that the First Report should be submitted no later than 16:00 on Thursday 15 May. This extension of deadline does not impact the due date for the subsequent reports to be filed on a two monthly basis from 30 April 2014 as directed in the Decision.

Done in both English and French, the English version being authoritative.



Judge Kuniko Ozaki, Presiding Judge


Judge Robert Fremr
Judge Geoffrey Henderson

Dated 30 April 2014

At The Hague, The Netherlands

⁶ Request, ICC-01/09-02/11-911-Conf, para. 5.
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