Cour Pénale Internationale

International Criminal Court

Original: English

No.: **ICC-01/09-02/11**
Date: **31 January 2012**

PRE-TRIAL CHAMBER II

Before: **Judge Ekaterina Trendafilova, Presiding Judge**
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF THE PROSECUTOR V. FRANCIS KIRIMI MUTHAURA, UHURU MUIGAI KENYATTA AND MOHAMMED HUSSEIN ALI

Public

Prosecution's Application to Submit a Consolidated Response to Kenyatta's ''Defence Application for Leave to Appeal the "Decision on the Confirmation of Charges"" and Muthaura's ''Defence Application for Leave to Appeal the "Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute""

Source: **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
Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor
Adesola Adeboyejo

Counsel for Francis Kirimi Muthaura:
Karim Khan, Kennedy Ogetto
Counsel for Uhuru Muigai Kenyatta:
Steven Kay QC and Gillian Higgins
Counsel for Mohammed Hussein Ali:
Gregory Kehoe and Evans Monari

Legal Representatives of Victims
Morris Azuma Anyah

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

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Silvana Arbia, Registrar
Didier Preira, Deputy-Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 30 January 2012, the Kenyatta Defence team filed its "*Defence Application for Leave to Appeal the "Decision on the Confirmation of Charges*""[1] (Kenyatta Defence Application), requesting that Pre-Trial Chamber II (PTC II) grant leave to appeal several issues arising from the "*Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute*" (Confirmation Decision). Likewise, on the same date, the Muthaura Defence team filed its "*Defence Application for Leave to Appeal the "Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute*""[2] (Muthaura Defence Application), seeking similar relief.

2. The Kenyatta and Muthaura Defence Applications contain common issues that the Prosecution believes can be more clearly addressed in a single consolidated response.[3] Therefore, in the interest of judicial economy, the Prosecution seeks the Chamber's permission to file a consolidated response to both the Kenyatta and Muthaura Defence Applications.

[1] ICC-01/09-02/11-384.
[2] ICC-01/09-02/11-385.
[3] For example, the third issue in the Kenyatta Defence Application and the seventh issue in the Muthaura Defence Application are identical.

3. Pursuant to Regulation 37, the Prosecution also seeks leave from the Chamber to extend the page limit for its consolidated response from 20 pages to 40 pages total. The extension requested would not add any additional pages to the Prosecution's total response, it merely allows the Prosecution to respond in the single document with the same number of pages as the Prosecution would use if two briefs were prepared.

Luis Moreno-Ocampo, Prosecutor

Dated this 31st day of January 2012

At The Hague, the Netherlands