

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/09-01/13  
Date: 15 October 2013

**PRE-TRIAL CHAMBER II**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF *THE PROSECUTOR v. WALTER OSAPIRI BARASA***

**Public**

**Order to the Prosecutor to respond to the “Defence Request for Disclosure(1)”  
dated 14 October 2013**

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

**The Office of the Prosecutor**

Fatou Bensouda

James Stewart

Kweku Vanderpuye

**Counsel for the Defence**

Nicholas Kaufman

**Legal Representatives of Victims**

**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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**Registrar**

Herman von Hebel

**Detention Section**

**Victims and Witnesses Unit**

**Others**

**Victims Participation and  
Reparations Section**

**I, Judge Cuno Tarfusser**, having been designated<sup>1</sup> as Single Judge of Pre-Trial Chamber II (“Chamber”) of the International Criminal Court responsible for addressing and determining the issues arising in connection with the Prosecutor’s “Request for Judicial Assistance to Obtain Evidence for Investigation under Article 70” dated 18 July 2013,<sup>2</sup>

**NOTING** the Warrant of Arrest for Walter Osapiri Barasa (“Warrant of Arrest”), issued on 2 August 2013 by the Single Judge, unsealed on 2 October 2013 ;<sup>3</sup>

**NOTING** the “Defence Request for Disclosure (1)” dated 14 October 2013 (“Defence Request”),<sup>4</sup> whereby Counsel for Walter Barasa details contacts with his client and ensuing communications with the Office of the Prosecutor having occurred since 19 September 2013, as well as ongoing developments before the judicial authorities of Kenya, and requests the Chamber (i) “to order the disclosure of all information materially relevant to attempts made by the Office of the Prosecutor (‘OTP’) and its agents to enforce” the Warrant of Arrest and to “recruit” Walter Barasa “as an incriminating witness”<sup>5</sup> against Mr Ruto; and (ii) to substantially reduce the time limit for the Prosecutor’s Response to the Defence Request, in light of the fast pace of ongoing proceedings before the Kenyan judicial authorities<sup>6</sup>;

**NOTING** Regulation 35(1) of the Regulations of the Court;

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<sup>1</sup> ICC-01/09-114-Conf-Exp.

<sup>2</sup> ICC-01/09-113-Conf-Exp.

<sup>3</sup> ICC-01/09-01/13-1-Red2.

<sup>4</sup> ICC-01/09-01/13-18.

<sup>5</sup> ICC-01/09-01/13-18, p. 3.

<sup>6</sup> ICC-01/09-01/13-18, para. 23.

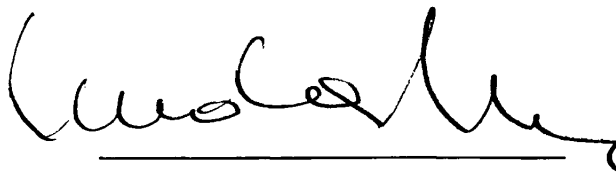
**CONSIDERING** that, in light of the subject matter of the Defence Application, it is appropriate to reduce the time limit for the Prosecutor to respond thereto;

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY**

**ORDERS**

the Prosecutor to submit her response to the Defence Request by Monday 21 October 2013.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written over a horizontal line.

**Judge Cuno Tarfusser**

**Single Judge**

Dated this Tuesday 15 October 2013

The Hague, The Netherlands