

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

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. WALTER OSAPIRI BARASA

Public Document
with confidential annexes

Registrar's communication of power of attorney received

Source: The Registrar

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Mr. James Stewart

Mr. Anton Steynberg

Counsel for the Defence

Mr. Nicholas Kaufman

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

Mr. Herman von Hebel

Deputy Registrar

Mr. Didier Preira

Counsel Support Section

Mr. Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR OF THE INTERNATIONAL CRIMINAL COURT (“the Registrar”),

NOTING Regulations 23*bis* and 24*bis* of the Regulation of the Court,

Hereby notifies Pre- Trial Chamber II as follows:

1. The Registrar respectfully informs the Chamber that he received an email from Mr. Nicholas Kaufman on 20 September 2013 at 15:31 CET. This email contained two documents attached, a Power of Attorney, apparently signed by Mr. Walter Barasa (Annex I) and a copy of a Kenyan ID document in the name of Walter Osapiri Barasa (Annex II).
2. The Registrar informs the Chamber that, at this stage, he is not in a position to independently verify the authenticity of this Power of Attorney.
3. The Registrar notes that Pre-Trial Chamber I had, in an analogous situation, determined that it was “impossible for the Chamber to determine if [the defendant in the relevant case] actually wishes to appoint any specific counsel as his counsel” (*Public redacted version of decision requesting Libya to file observations regarding the arrest of Saif Al-Islam Gaddafi*, ICC-01/11-01/11-39-Red, par. 10).
4. The Registrar, therefore, adds the received documents to the case file for the information of the Chamber and informs the latter of her availability to take all appropriate actions as instructed by the Chamber.

5. The classification of the annexes is justified under regulation 23*bis* of the Regulations of the Court because they contain documents referring to personal information and whose authenticity is not yet independently verified by the Registry.



Herman von Hebel

Registrar

Dated this 15 October 2013

At The Hague, Netherlands