

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11
Date: 31 October 2013

TRIAL CHAMBER V(B)

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

SITUATION IN THE REPUBLIC OF KENYA

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

Public

**Order extending page limit for Prosecution response to abuse of process
application**

**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 James Stewart

Mr Benjamin Gumpert

Counsel for the Defence

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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber V(B) ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Uhuru Muigai Kenyatta*, pursuant to Regulation 37(2) of Regulations of the Court ('Regulations'), issues this 'Order extending page limit for Prosecution response to abuse of process application'.

1. On 19 September 2013, the defence team for Mr Kenyatta ('Defence') filed a confidential *ex parte*, Defence and VWU only, request for an extension to the page limit for its then forthcoming abuse of process application.¹ This request was granted by the Chamber.²
2. On 10 October 2013, the Defence filed the 'Defence Application for a Permanent Stay of the Proceedings due to Abuse of Process' ('Stay Application').³ The Stay Application is 50 pages long and attaches 87 annexes.
3. On 30 October 2013, the Office of the Prosecutor ('Prosecution') filed a request seeking authorisation to extend the page limit for its response to the Stay Application from 20 pages, being the standard limit,⁴ to 50 pages ('Request').⁵ The Prosecution submits that the page extension is necessary in order to address 'the detailed factual allegations raised in the [a]pplication'.⁶
4. Under Regulation 37(2) of the Regulations, the Chamber may grant an extension of the standard page limit in 'exceptional circumstances'. In the present case, the Chamber is of the view that this test is satisfied given the serious and complex nature of the allegations made and the voluminous factual material relied upon in the Stay Application.

¹ ICC-01/09-02/11-808-Conf-Exp. This filing was subsequently reclassified as 'confidential' pursuant to an order of the Chamber, ICC-01/09-02/11-828-Conf.

² ICC-01/09-02/11-811-Conf.

³ ICC-01/09-02/11-822-Conf+Conf-Anxs.

⁴ Regulation 37(1) of the Regulations.

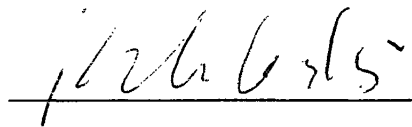
⁵ ICC-01/09-02/11-844.

⁶ ICC-01/09-02/11-844, para. 2.


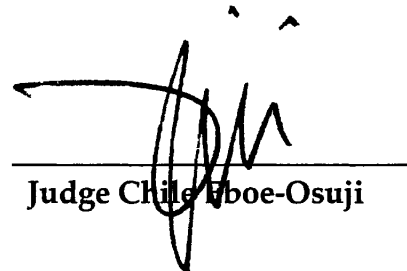
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the Request and extends the page limit for the Prosecution's response to the Stay Application to 50 pages.

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



Judge Kuniko Ozaki, Presiding


Judge Robert Fremr
Judge Chile Eboe-Osuji

Dated 31 October 2013

At The Hague, The Netherlands