



Original: English

No.: ICC-01/09-02/11
Date: 5 December 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***

Public document

Notice of withdrawal of the charges against Uhuru Muigai Kenyatta

Source: The 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

Fatou Bensouda
James Stewart
Benjamin Gumpert

Counsel for Uhuru Muigai Kenyatta

Steven Kay
Gillian Higgins

Legal Representatives of Victims

Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Other

1. In light of the Trial Chamber's 3 December 2014 "Decision on Prosecution's application for a further adjournment",¹ the Prosecution withdraws the charges against Mr Kenyatta.
2. The evidence has not improved to such an extent that Mr Kenyatta's alleged criminal responsibility can be proven beyond reasonable doubt. For this reason, and in light of the Trial Chamber's rejection of the Prosecution's request for an adjournment until the Government of Kenya complies with its co-operation obligations under the Rome Statute,² the Prosecution withdraws its charges.
3. As noted by the Trial Chamber, this withdrawal is without prejudice to the possibility of bringing new charges against Mr Kenyatta "at a later date, based on the same or similar factual circumstances, should [the Prosecution] obtain sufficient evidence to support such a course of action".³



Fatou Bensouda,
Prosecutor

Dated this 5th day of December, 2014
At The Hague, The Netherlands

¹ ICC-01/09-02/11-981, page 26.

² ICC-01/09-02/11-981, paras. 43-57.

³ ICC-01/09-02/11-981, para. 56.