

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11
Date: 10 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***

URGENT

Public

**Order requesting observations from the Government of Kenya on the
Prosecution's leave to appeal request**

Decision 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 Uhuru Muigai Kenyatta

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

Government of the Republic of Kenya

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber V(B) ('Chamber') of the International Criminal Court in the case of *The Prosecutor v. Uhuru Muigai Kenyatta*, having regard to Rule 103 of the Rules of Procedure and Evidence ('Rules') and Regulation 28(2) of the Regulations of the Court, renders the following 'Order requesting observations from the Government of Kenya on the Prosecution's leave to appeal request'.

1. On 3 December 2014, the Chamber rendered its 'Decision on Prosecution's application for a finding of non-compliance under Article 87(7) of the Statute' ('Decision'),¹ in which it rejected the 'Prosecution's application for a finding of non-compliance under Article 87(7) of the Statute against the Government of Kenya'.²
2. On 9 December 2014, the Office of the Prosecutor filed a request for leave to appeal the Decision ('Request').³
3. Pursuant to Rule 103(1) of the Rules, the Chamber may invite a State to submit *amicus curiae* observations at any stage if the Chamber 'considers it desirable for the proper determination of the case'. Considering the nature of the Request, the Chamber finds it would be appropriate to receive observations on the matter from the Government of the Republic of Kenya.

FOR THE FOREGOING REASONS THE CHAMBER HEREBY

INVITES the competent authorities of the Government of the Republic of Kenya to file their observations on the Request, if any, not later than 22 December 2014; and

¹ ICC-01/09-02/11-982.


² 29 November 2013, ICC-01/09-02/11-866-Conf-Exp. A public redacted version was filed on 2 December 2013.


³ Prosecution's application for leave to appeal the "Decision on Prosecution's application for a finding of non-compliance under Article 87(7) of the Statute", ICC-01/09-02/11-985.

DIRECTS the parties, pursuant to Rule 103(2) of the Rules, and the Legal Representative of Victims, to file any responses to such observations, not later than 6 January 2015.

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



Judge Kuniko Ozaki, Presiding Judge

Judge Robert Fremr

Judge Geoffrey Henderson

Dated 10 December 2014

At The Hague, The Netherlands