

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **18 March 2011**

**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. FRANCIS KIRIMI MUTHAURA,  
UHURU MUIGAI KENYATTA AND MOHAMMED HUSSEIN ALI**

**Public Document**

**Decision Setting a New Date for the Initial Appearance**

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

**The Office of the Prosecutor**

Luis Moreno-Ocampo, Prosecutor  
Fatou Bensouda, Deputy Prosecutor

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the 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 & Deputy Registrar**

Silvana Arbia, Registrar  
Didier Preira, Deputy-Registrar

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**PRE-TRIAL CHAMBER II** (the “Chamber”) of the International Criminal Court issues this decision to set a new date for the initial appearance of the three persons summoned in the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*.

1. On 8 March 2011, the Chamber, by majority, decided to summon Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali to appear before the Court (the “8 March 2011 Decision”).<sup>1</sup>

2. The Chamber recalls article 60(1) of the Statute and rule 121(1) of the rules according to which a person subject to a summons under article 58 “shall appear before the Pre-Trial Chamber” and be informed of, the crimes he is alleged to have committed, his rights under the Statute, as well as to set up a date for a hearing on whether to confirm the charges or not.

3. The Chamber also recalls that in its 8 March 2011 Decision, it has decided to set Thursday, 7 April 2011 at 14.30 hours, as the date for the three persons to appear before the Chamber.<sup>2</sup>

4. The Chamber notes that it has received recent information that during the afternoon of April 7 2011, the Courts’ rooms are occupied with hearings related to the Trial Chambers. Accordingly, the Chamber considers it necessary to fix an alternative date and time to hold the said hearing.

**FOR THESE REASONS, THE CHAMBER HEREBY**

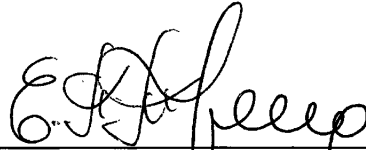
**a) decides** to convene the hearing for the initial appearance of Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali **on Friday, 8 April 2011 at 14.30 hours.**

<sup>1</sup> Pre-Trial Chamber II, “Decision on the Prosecutor’s Application for Summonses to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, ICC-01/09-02/11-01.

<sup>2</sup> Pre-Trial Chamber II, “Decision on the Prosecutor’s Application for Summonses to Appear for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, ICC-01/09-02/11-01, p. 23.

**b) orders** the Registrar to notify the present decision through the appropriate channel of communication.

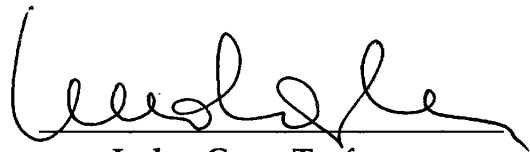
Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova  
Presiding Judge



Judge Hans-Peter Kaul  
Judge



Judge Cuno Tarfusser  
Judge

Dated this Friday, 18 March 2011

At The Hague, The Netherlands