

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 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. WILLIAM SAMOEI RUTO, HENRY KIPRONO KOSGEY
AND JOSHUA ARAP SANG

Under Seal

Ex parte only available to the Registry

Information submitted to the Chamber by the Counsel Support Section

Source: The Registry

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

The Office of the Prosecutor

Counsel for the Defence

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

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Marc Dubuisson

Following the request of the Honourable Judges of the Pre-Trial Chamber, the Counsel Support Section is pleased to provide the following information on the defence teams intervening in the case and other practical arrangements in view of the upcoming initial appearance.

I. On the composition of the teams

The Registry has received a total of nine powers of attorney in this case in favour of eight lawyers; so far, three of them are admitted to the the List of Counsel and two on the List of Assistants. We are pleased to confirm that every one of the three defendants is represented by at least one person admitted to the List of Counsel:

- Messrs. Joseph Kipchumba Kigen-Katwa and Kioko Kilukumi Musau for Mr. William Ruto Samoei
- Mr. George Odinga Oraro for Mr. Henry Kosgey, and
- Mr. Joseph Kipchumba Kigen-Katwa for Mr. Joshua Arap Sang.

Other persons in the defence teams are:

- For Mr. William Ruto, Mr. Kithure Kindiki;
- For Mr. Henry Kosgey, Messrs. Julius Kipkosgei Kemboy and Allan Kibet Kosgey (both admitted to the List of Assistants); and
- For Mr. Joshua Arap Sang, Messrs. Joel Kimutai Bosek and Philemon Kiptum Koech-Busienei (the former has submitted his application to be admitted to the List of Counsel, and our Section is waiting for the requested additional information in order to render a decision on his candidacy for admission to the List).

II. On the participation at the hearing

The Registry has been able to secure three offices which will be available between 6 April 2011 and 8 April 2011 for the exclusive use of the defendants for the purposes of meeting with their defence teams.

All counsels have been informed that:

- Their participation at the upcoming initial appearance hearing will be limited to three persons per team, and that they may submit a request to the Chamber should they wish to have more persons present;
- Only those persons who have received a power of attorney and have been admitted to the List of Counsel will have the right of audience, and
- The Registry will provide them with the standard robes that will be used during the hearing, if needed.

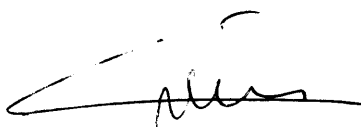
III. On the request of legal aid submitted by Mr. Joshua Arap Sang

The Registry received a request of legal assistance paid by the Court submitted by Mr. Joshua Arap Sang. A preliminary assessment has revealed that additional information and documentation are necessary to enable the Registrar to make an informed decision on the request. Mr. Sang's counsel has been contacted to furnish the required information and documentation within a deadline expiring on Thursday, 31 March 2011. On Friday 1 April 2011, the Registry will proceed and make a provisional decision on legal assistance paid by the Court (legal aid), which may be limited to the initial appearance hearing only. The scope of the provisional decision will naturally depend on the additional information requested as provided by counsel, if any, within the allotted deadline.

The Financial Investigator of the Registry is in possession of the Financial Information Form submitted by Mr. Sang, and has already commenced the requisite financial investigation. Upon receipt of the additional information and

documentation requested, he will be able to further proceed and complete the investigation, in turn enabling the Registrar to make an informed decision on the indigence of the suspect, Mr. Sang, and the extent of his legal aid entitlements.

The Registry would be pleased to be further assistance to the Honourable Judges of the Chamber in this matter should it be required.



Esteban Peralta Losilla, Chief, Counsel Support Section
on behalf of
Silvana Arbia, Registrar

Dated this 30 March 2011

At The Hague, Netherlands