



Original: **English**

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

Date: **27 July 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

PUBLIC
with CONFIDENTIAL and *ex parte*, Pre-Trial Chamber only, Annex

Filing on behalf of Mr. William Samoei Ruto
Indicating Reduced List of Live Witnesses
for the Confirmation of Charges Hearing

Source: Defence

Document 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 William Samoei Ruto

Joseph Kipchumba Kigen-Katwa,
David Hooper QC, Kioko Kilukumi
Musau, Kithure Kindiki

Counsel for Henry Kiprono Kosgey

George Odinga Oraro, Julius Kemboy
and Allan Kosgey

Counsel for Joshua Arap Sang

Joseph Kipchumba Kigen-Katwa, Joel
Kimutai Bosek and Philemon K.B. Koech

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

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Daniel Pereira

Detention Section

Victims and Witnesses Unit

**Victims Participation and Reparations
Section**

Other

1. On 19 July 2011, the Defence for Mr. William Ruto indicated that it intended to call twenty-five witnesses to give live testimony at the Confirmation Hearing, and submitted information detailing the scope and subject matter of the proposed testimony of each witness.¹
2. On 25 July 2011, the Single Judge ordered the Defence to “reduce the number of witnesses they intend to call to testify at the confirmation of charges hearing to a maximum of two witnesses for each suspect and to submit, by no later than Wednesday, 27 July 2011 an amended list of *viva voce* witnesses, indicating their names and the scope and subject-matter of their proposed questioning”.² The Single Judge confirmed that this list may be filed *ex parte* to the Pre-Trial Chamber at this stage of the proceedings.³
3. The Defence hereby submits, in a confidential and *ex parte* annex, the names and a summary of the proposed testimony of two witnesses to be called at Confirmation on behalf of Mr. William Ruto. The Defence expressly notes however that this is without prejudice to any future application for leave to appeal that it may file with respect to the Single Judge’s order of 25 July 2011.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. William Samoei Ruto

Dated this 27th day of July 2011,

At Nairobi, Kenya

¹ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-203, Filing on Behalf of Mr. William Samoei Ruto Indicating Live Witnesses for the Confirmation of Charges Hearing, 19 July 2011. This was in compliance with two decisions from the Pre-Trial Chamber: *Prosecutor v. Ruto et al*, ICC-01/09-01/11-153, Decision Requesting the Parties to Submit Information for the Preparation of the Confirmation of Charges Hearing, 29 June 2011 and *Prosecutor v. Ruto et al*, ICC-01/09-01/11-176, Decision on the ‘Defence Application of Time to Submit Information on *Viva Voce* Witnesses to be Called at the Confirmation Hearing’, 11 July 2011.

² *Prosecutor v. Ruto et al*, ICC-01/09-01/11-221, Order to the Defence to Reduce the Number of Witnesses to be Called to Testify at the Confirmation of Charges Hearing and to Submit an Amended List of *Viva Voce* Witnesses, 25 July 2011.

³ *Id.*, paras 28 and 29.