



Original: English

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

Date: 29 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

Defence Notification of No Proposals for Redactions

Source: Defence for Mr. William Ruto and Mr. Joshua Sang

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 Ruto

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

Counsel for Henry Kosgey

George Odinga Oraro, Julius Kemboy
and Allan Kosgey

Counsel for Joshua 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 Preira

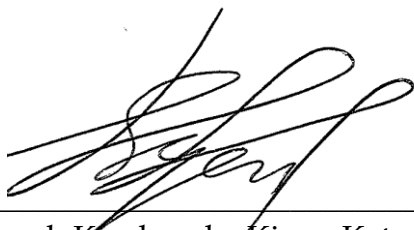
Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 20 April 2011, the Single Judge issued a *Decision on the 'Prosecution's application requesting disclosure after a final determination of Kenya's admissibility challenge' and Establishing a Calendar for Disclosure Between the Parties*.¹ Therein, the Single Judge ordered the Defence "to submit properly justified proposals for redactions under rule 81 of the Rules, if any, no later than Friday, 22 July 2011".²
2. On 21 July 2011, the Defence sought an extension of this deadline, on the basis that it had been unable to complete its investigations (indeed could not complete its investigations in the absence of a less-redacted version of the Prosecution's Article 58 Application and the Document Containing the Charges), and given the need to have further consultations with witnesses.³ The Defence sought an extension until 5 August – a mere four days after the anticipated filing of the DCC and the Prosecution's list of evidence.⁴
3. The Single Judge partially granted the Defence's request and granted an extension until 29 July 2011 to provide redaction proposals.⁵
4. The Defence for Mr. Ruto and Mr. Sang hereby notifies the Honourable Single Judge that, at this time, it has no material intended for use during confirmation which requires redactions. However, investigations are still ongoing and new evidence requiring redactions may become necessary in light of the contents of the DCC as filed on 1 August, and in light of further disclosures still being made by the Prosecution.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua Arap Sang and Mr. William Samoei Ruto

Dated this 29th day of July 2011

At Nairobi, Kenya

¹ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-62, Decision on the 'Prosecution's application requesting disclosure after a final determination of Kenya's admissibility challenge' and Establishing a Calendar for Disclosure Between the Parties, 20 April 2011 ("**Decision on the Disclosure Calendar**").

² Decision on the Disclosure Calendar, p. 13.

³ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-211, Defence Application for Extension of Time to Submit Properly Justified Proposals for Redactions, 21 July 2011 ("**Application**").

⁴ Application, paras 4 and 9-12.

⁵ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-215, Decision on the 'Defence's Application for Extension of Time to Submit Properly Justified Proposals for Redactions', 21 July 2011.