



Original: English

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

Date: 18 August 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 Annex A

Supplemental Defence Filing of Disclosure Analysis for Evidence
Intended for Use at the Confirmation of Charges Hearing

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

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Fatou Bensouda, Deputy Prosecutor

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Musau and Kithure Kindiki

Counsel for Henry Kosgey

George Odinga Oraro, Julius Kemboy
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Counsel for Joshua Sang

Joseph Kipchumba Kigen-Katwa, Joel
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Legal Representatives of the Victims

Legal Representatives of the Applicants

Sureta Chana

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

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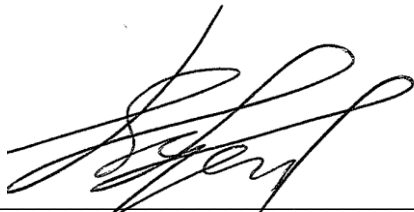
Victims and Witnesses Unit

Detention Section

1. During the initial appearance of Mr. Ruto, Mr. Kosgey and Mr. Sang on 7 April 2011, the Single Judge set the date for the commencement of the confirmation of charges hearing (“Confirmation” or “Confirmation Hearing”) for 1 September 2011.¹ On 6 April 2011, the Single Judge had requested that if the Defence intended to present evidence at Confirmation, it should present an in-depth analysis chart when submitting any evidence to the Registry.² Thereafter, 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*.³ Therein, the Single Judge ordered the Defence “to disclose to the Prosecutor the evidence they intend to present at the confirmation hearing, if any, and to file the list of such evidence, no later than Tuesday 16 August 2011”.⁴ The analysis was to be submitted to the Registry by this same time.

2. On 16 August 2011, the Defence submitted a *Filing of Disclosure Analysis for Evidence Intended for Use at the Confirmation of Charges Hearing*.⁵ For the benefit of the parties and the Pre-Trial Chamber, the Defence now submits a supplemental analysis in Confidential Annex A which makes reference to all of the evidence on which the Defence intends to rely at the confirmation of charges hearing.

Respectfully Submitted,



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

Dated this 18th day of August 2011

At Nairobi, Kenya

¹ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-T-1-ENG, 7 April 2011.

² *Prosecutor v. Ruto et al*, ICC-01/09-01/11-44, Decision Setting the Regime for Evidence Disclosure and other Related Matters, 6 April 2011.

³ *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**”).

⁴ Decision on the Disclosure Calendar, p. 13.

⁵ *Prosecutor v. Ruto et al*, ICC-01/09-01/11-269, Defence Filing of Disclosure Analysis for Evidence Intended for Use at the Confirmation of Charges Hearing, 16 August 2011.