

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 02 October 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 Document

**Request by the Victims' Representative for authorisation to respond to the
"Defence Request Regarding Prejudicial Comments Made by Victims' Legal
Representative Sureta Chana during Closing Statement"**

Source: Victims' Representative

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 the Defence

Counsel for William Samoei Ruto
Joseph Kipchumba Kigen-Katwa, David
Hooper and Kioko Kilukumi Musau
Counsel for Henry Kiprono Kosgey
George Odinga Oraro
Counsel for Joshua Arap Sang
Joseph Kipchumba Kigen-Katwa

Legal Representatives of the Victims

Ms Sureta Chana

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented
Applicants(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Fiona Mckay

Detention Section

**Victims Participation and Reparations
Section**

Other

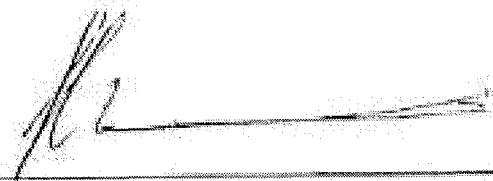
1. On 30 September 2011, the Defence for William Samoei Ruto and Mr. Joshua Arap Sang filed a document entitled “Defence Request Regarding Prejudicial Comments Made by Victims’ Legal Representative Sureta Chana during Closing Statement” (the “Defence Request”).¹
2. The Single Judge’s “Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings” of 5 August 2011,² which appointed a common legal representative of all the victims admitted to participate by that decision (the “victims’ representative”), stated at paragraph 101:

... the legal representative of the victims admitted to participate in the present proceedings may be authorised by the Chamber to make written submissions on specific issues of law and/or fact. This right may be employed if the legal representative proves, by way of an application to that effect, that the victims' personal interests are affected by the issue(s) at stake and the Chamber deems it appropriate, in light of, inter alia, the stage of the proceedings, the nature of the issue(s) concerned, the rights of the suspects and the principle of fairness and expeditiousness of the proceedings.

3. The Defence Request relates specifically to observations made on behalf of the victims by the victims’ representative at the oral confirmation of charges hearing, and to the role of the victims’ representative in the proceedings. It is submitted that the Defence Request therefore affects directly the interests of the victims.
4. The victims’ representative therefore requests authorisation to file a written response to the Defence Request. Authorisation is requested for a response of up to 30 pages, which the victims’ representative considers, exceptionally, is necessary in view of the nature and scope of the Defence contentions.

¹ ICC-01/09-01/11-343.

² ICC-01/09-01/11-249.



Sureta Chana

Dated this 2nd day of October 2011

At London, United Kingdom