



Original: English

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

Date: 12 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

Response to Victims' Representative's Request for Extension of Time-Limit

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, and Kioko Kilukumi
Musau

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

Sureta Chana

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

Counsel Support Section

Deputy Registrar

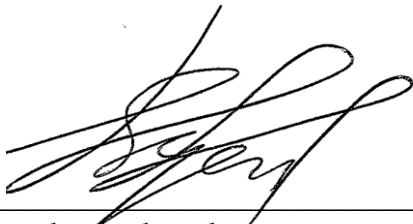
Didier Daniel Preira

Victims and Witnesses Unit

Detention Section

1. The Defence notes the request¹ of the Victims' Representative for the Chamber to grant a post-facto extension of time in relation to her late filing in response² to the *Defence Request Regarding Prejudicial Comments Made by Victims' Legal Representative Sureta Chana during Closing Statement*³.
2. The Defence further notes that pursuant to Regulation 35(2) of the Regulations of the Court, the Chamber has the discretion to grant a post-facto extension of time where the participant can show that she was unable to make the filing within the time limit for reasons outside of her control.
3. The Defence takes no position on whether the Victims' Representative has shown that the reasons for the delay were beyond her control. However, the Defence appreciates that, for various reasons, it can be difficult for participants or parties who are relatively new to the ICC system to coordinate large filings, especially when working remotely.

Respectfully Submitted,



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

Dated this 12th day of October 2011

At Nairobi, Kenya

¹ ICC-01/09-01/11-349.

² ICC-01/09-01/11-348.

³ ICC-01/09-01/11-343.