

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 31 January 2012

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

**Prosecution's Application to Submit a Consolidated Response to Ruto's
"Defence Application for Leave to Appeal the Decision on the Confirmation
of Charges" and Sang's "Defence Application for Leave to Appeal the
Decision on the Confirmation of Charges"**

Source: Office of the Prosecutor

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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Ms. Fatou Bensouda, Deputy Prosecutor

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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 Massida

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

States' Representatives

Sir Geoffrey Nice QC
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Amicus Curiae

Other

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1. On 30 January 2012, the Ruto Defence team filed its "*Defence Application for Leave to Appeal the Decision on the Confirmation of Charges*"¹ (Ruto Defence Application), requesting that Pre-Trial Chamber II (PTC II) grant leave to appeal several issues arising from the "*Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute*" (Confirmation Decision). Likewise, on the same date, the Sang Defence team filed its "*Defence Application for Leave to Appeal the Decision on the Confirmation of Charges*"² (Sang Defence Application), seeking similar relief.
2. The Ruto and Sang Defence Applications contain common issues that the Prosecution believes can be more clearly addressed in a single consolidated response.³ Therefore, in the interest of judicial economy, the Prosecution seeks the Chamber's permission to file a consolidated response to both the Ruto and Sang Defence Applications.
3. Pursuant to Regulation 37, the Prosecution also seeks leave from the Chamber to extend the page limit for its consolidated response from 20 pages to 40 pages total. The extension requested would not add any additional pages to the Prosecution's total response, it merely allows the Prosecution to respond in the single document with the same number of pages as the Prosecution would use if two briefs were prepared.

¹ ICC-01/09-01/11-377.

² ICC-01/09-01/11-376.

³ For example, the Applications' first and fourth issues are virtually identical and are argued similarly in the body of the Applications, while the second issue in the Sang Defence Application and the third issue in the Ruto Defence Application are substantially similar.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 31st day of January 2012

At The Hague, the Netherlands