

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 June 2012

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. WILLIAM SAMOEI RUTO and JOSHUA ARAP SANG***

Public

Order on the E-Court Protocol

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Ms Adesola Adeboyejo

Counsel for William Samoei Ruto

Mr Kioko Kilukumi Musau
Mr David Hooper

Counsel for Joshua Arap Sang

Mr Joseph Kipchumba Kigen-Katwa
Mr Joel Kimutai Bosek

Legal Representatives of Victims

Ms Sureta Chana

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Deputy Registrar

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

1. In its "Order scheduling a status conference", issued on 14 May 2012,¹ Trial Chamber V ("Chamber") scheduled a status conference for 11 June 2012. The Chamber also issued an agenda for that status conference and requested the parties, participants and the Registry to make written submissions on some or all of the items on the agenda. One of the items was the applicable E-Court Protocol.
2. The written submissions were filed on 28 May 2012, within the time limit set by the Chamber.² The Office of the Prosecutor ("prosecution") submitted that the parties and participants should apply the revised 'Generic E-Court Protocol', as endorsed by Pre-Trial Chamber I in the case *Prosecutor v. Laurent Gbagbo*.³ The generic protocol is an updated version of the E-Court Protocol currently applicable in this case and is currently being further updated by the E-Court Users Group.
3. The Registry equally recommended the adoption of the same E-Court Protocol and annexed the most updated version for consideration by the Chamber.⁴
4. Neither Defence team made any specific submission in relation to which version of the E-Court Protocol should be applied. However, the Chamber notes that in the case *Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta* the Defence for Mr Muthaura requested the addition of a new metadata field called 'Related to Witness'.⁵ To the extent that it is feasible to implement such new metadata field, this should be done in this case as well.

¹ ICC-01/09-01/11-413.

² Prosecution's Submissions on the Agenda for Status Conference, ICC-01/09-01/11-417, with confidential and confidential *ex parte* annexes; Written Submissions in Response to "Order Scheduling a Status Conference" [from the defence counsel for William Samoei Ruto], ICC-01/09-01/11-416; Written Submissions in Response to Order Scheduling a Status Conference [from the defence counsel for Joshua Arap Sang], ICC-01/09-01/11-415; Filing of the victims' representative pursuant to the "Order scheduling a status conference", ICC-01/09-01/11-419; Registry submissions following the "Order scheduling a status conference", ICC-01/09-01/11-418 with an annex.

³ ICC-01/09-01/11-417, para. 28

⁴ ICC-01/09-01/11-418-Anx1

⁵ ICC-01/09-02/11-427, para. 18

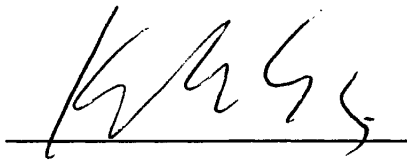
5. The Victims' Legal Representative did not make any submissions in relation to which E-Court Protocol should apply.⁶
6. The Chamber takes note of the written submissions of the parties, participants and the Registry. It sees no reason to depart from the Registry's recommendation to adopt the updated 'Generic E-Court Protocol', subject to any appropriate technical improvements. If the E-Court Users Group considers it feasible to implement the request by the Defence for Mr Muthaura, the Chamber welcomes this addition to the E-Court Protocol. To avoid any disputes, the Chamber suggests that objective criteria be formulated that will allow parties to identify which information they are required to add to the proposed new field.

⁶ ICC-01/09-01/11-419
No. ICC-01/09-01/11

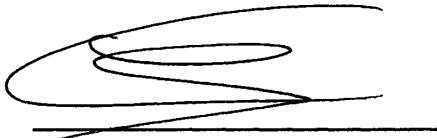
FOR THESE REASONS, THE CHAMBER

ORDERS the Registry to file a fully revised and updated Generic E-Court Protocol, including, if possible, the newly proposed metadata field, no later than 5 July 2012.

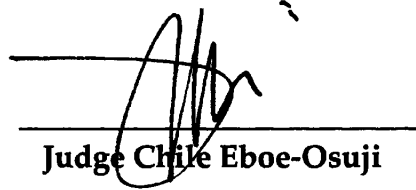
Done in both English and French, the English version being authoritative.



Judge Kuniko Ozaki, Presiding



Judge Christine Van den Wyngaert



Judge Chile Eboe-Osuji

Dated this 19 June 2012

At The Hague, The Netherlands