



Original: **English**

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

Date: **21 August 2012**

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
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 document
with Public Annexes A, B and C

**Prosecution's Updated Document Containing the Charges pursuant to the
Trial Chamber's Order (ICC-01/09-01/11- 439)**

Source: The 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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1. In the “Order for the Prosecution to file an updated document containing the charges” (“Order”) issued on 5 July 2012,¹ Trial Chamber II (“Trial Chamber”) directed the Prosecution to file an updated post confirmation hearing document containing the charges (“Updated DCC”) after consultation with the Defence.² The Trial Chamber specified that the Updated DCC should contain references to the relevant paragraphs of the Confirmation Decision but should not include any facts explicitly rejected by the Pre-Trial Chamber in the Confirmation Decision.³
2. Pursuant to the Order and after consultation with the Defence, the Prosecution hereby appends to this filing the following documents: the Updated DCC with references to the relevant paragraphs of the Confirmation Decision as Annex A;⁴ a redline version, which tracks the changes applied to the former DCC dated 15 August 2011 to reflect the findings of the Confirmation Decision, as Annex B; and a chart presenting to the Chamber the issues which remain in dispute between the parties, including the relevant comments made by the parties on each issue, as Annex C.
3. Annex C is a jointly submitted Prosecution-Defence Annex to the Updated DCC. The Defence has had the opportunity to review Annex C and agrees that it accurately reflects their comments on the issues in dispute. The Prosecution and the Defence are prepared to submit more extensive arguments regarding the stated areas of disagreements should the Chamber deem these necessary.

¹ ICC-01/09-01/11- 439.

² ICC-01/09-01/11- 439, paras. 7-10.

³ ICC-01/09-01/11- 439, para. 9.

⁴ ICC-01/09-01/11- 439, para. 9.



Fatou Bensouda,
Prosecutor

Dated this 21st day of August, 2012
At The Hague, The Netherlands