



Original: English

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

Date: 10 December 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

**Ruto Defence Response to
Prosecution's Submission of the Charges
against William Samoei Ruto and Joshua Arap Sang**

Source: Defence for Mr. William Samoei Ruto

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

Cynthia Tai, Trial Lawyer

Counsel for William Ruto

David Hooper QC

Kioko Kilukumi Musau

Counsel for Joshua Sang

Joseph Kipchumba Kigen-Katwa

Philemon K.B. Koech, Joel Kimutai Bosek

Legal Representatives of the Victims

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 Pereira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In response to the modified Charges section¹ of the prosecution's Updated Document Containing the Charges,² the defence for Mr. William Samoei Ruto shares the same objections as listed in paragraph 1, sub-paragraphs (i) to (iv), by the defence for Mr. Joshua Arap Sang in his response to the same. That is, the defence for Mr. Ruto objects to:
 - i. The use of the word "including" when referring to geographic locations in the Charges;
 - ii. The overly broad span of dates relating to the crime bases in the Charges;
 - iii. The inclusion of the allegation of six people being killed in Kimumu and the allegation of thirty people being killed in Langas, which are not findings made by the Pre-Trial Chamber; and
 - iv. The omission of the dates of the alleged preparatory meetings from the Charges.

2. For all of the reasons espoused by the defence for Mr. Sang, the defence for Mr. Ruto requests the Trial Chamber to direct the prosecution to draft the Charges section in a way that does not exceed the Pre-Trial Chamber's Confirmation Decision.



David Hooper, QC
 On behalf of William Samoei Ruto
 Dated this 10th day of December 2012
 In The Hague

¹ *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-486, Prosecution's Submission of the Charges against William Samoei Ruto and Joshua Arap Sang, 28 November 2012 ("Charges").

² *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-448, Prosecution's Updated Document Containing the Charges pursuant to Trial Chamber's Order (ICC-01/09-01/11-439), 21 August 2012 ("Updated DCC").