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No.: **ICC-01/09-01 /11**
Date: **14 December 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

Prosecution's Request for Extension of the Page Limit for its Pre-Trial Brief

Source: The Office of the Prosecutor

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

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1. On 9 July 2012, the Chamber instructed the Prosecution to file a pre-trial brief explaining its case with reference to the evidence it intends to rely on at trial. This brief should contain, for each count, a summary of the relevant evidence of each witness to be relied on at trial and all other evidence upon which the prosecution intends to rely, and shall clearly explain how the evidence relates to the charges.¹

2. Given the nature of the pre-trial brief and the scope of the issues to be addressed therein, the Prosecution seeks the Chamber's authorization to extend the standard 20-page limit to 75 pages, pursuant to Regulation 37(2) of the Regulations of the Court.

3. The Prosecution's case covers facts pertaining to the 2007 post-election violence (PEV) in Kenya with 8 incidents. It involves two accused charged with six counts through two different modes of liability. The Prosecution must explain broad aspects intrinsic to its case theory including the causes of the PEV, the planning and preparation leading to the attacks against the civilian population, the execution of the attacks, the ensuing crimes, the circumstances surrounding the crimes and the role of both of the accused. The Prosecution submits that the extension sought is warranted and necessary to enable the Prosecution to adequately address the broad aspects of its case in a meaningful and coherent manner that benefits the Trial Chamber, as well as the parties.

4. The Prosecution recalls that Trial Chambers I and III have previously granted similar requests in the *Lubanga* and *Bemba* cases respectively.² Both cases involved a single accused.

¹ ICC-01/09-01/11-440, para 15.

² ICC-01/04-01/06-1070, ICC-01/04-01/06-1350 and ICC-01/05-01/08-578

5. The Prosecution submits that the reasons set out above constitute 'exceptional circumstances' within the meaning of Regulation 37(2) of the Regulations of the Court. Accordingly, the Prosecution respectfully requests that the Chamber grant an extension of the page limit for the filing of the pre-trial brief to 75 pages.



Fatou Bensouda, Prosecutor

Dated this 14th day of December 2012
At The Hague, The Netherlands