



Original: English

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

Date: 2 January 2013

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

**Joint Defence Response to
Prosecution's Request for Extension of the Page Limit for its Pre-Trial Brief**

Source: Defence for Mr. William Samoei Ruto
Defence for Mr. Joshua Arap Sang

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

Wilfred Nderitu

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 Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The defence for Mr. William Samoei Ruto and the defence for Mr. Joshua Arap Sang (the “defence”) hereby respond jointly to the prosecution’s request to extend the page limit for its Pre-Trial Brief.¹
2. Pursuant to Regulation 37(2), the prosecution requests an extension of the page limit for its Pre-Trial Brief from 20 to 75 pages. The prosecution submits that the 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”.²
3. The defence does not object to the requested extension of the page limit. The Pre-Trial Brief is a document which is primarily intended to assist the Chamber and the defence in understanding the prosecution’s case. Therefore, there is no prejudice to the defence in ensuring that the prosecution has an adequate and reasonable amount of pages within which to provide a clear and comprehensive overview.



David Hooper, QC
On behalf of William Samoei Ruto
Dated this 2nd day of January 2013
In London



Joseph Kipchumba Kigen-Katwa
On behalf of Joshua Arap Sang
Dated this 2nd day of January 2013
In Nairobi

¹ *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-513, Prosecution’s Request for Extension of the Page Limit for its Pre-Trial Brief, 14 December 2012 (“Request”). The defence notes the E-mail communication from the Trial Chamber instructing the defence to file a response, if any, no later than 3 January 2012.

² Request, para. 1.