

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 24 January 2013

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Sanji Mmasenono Monageng, First Vice-President
Judge Cuno Tarfusser, Second Vice-President

SITUATION IN THE REPUBLIC OF KENYA

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

Public Document

**Decision on “Joint Defence Application for a Change of Place where the Court
Shall Sit for Trial”**

Source: Presidency

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

The Office of the Prosecutor
Fatou Bensouda

Counsel for William Ruto
David Hooper QC
Kioko Kilukumi Musau

Counsel for Joshua Sang
Joseph Kipchumba Kigen-Katwa
Silas Chekera

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
Ms Silvana Arbia
Deputy Registrar
Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations
Section

Other
Trial Chamber V

NOTING the “Joint Defence Application for a Change of Place where the Court Shall Sit for Trial” of 24 January 2013 (“Joint Defence Application”), by which the Defence requests the Presidency (i) to ask Trial Chamber V to receive observations from the Prosecutor, the Legal Representative of the Victims and the Registry, on the possibility of holding the Trial in Kenya, or alternatively in Arusha, Tanzania; and (ii) to change the place where the Court shall sit for trial to Kenya or to Tanzania;¹

RECALLING the earlier application of rule 100 of the Rules in the instant case whereby, in the process of assessing the desirability and feasibility of conducting proceedings in Kenya, in its “Decision Requesting Observations on the Place of the Proceedings for the Purposes of the Confirmation of Charges Hearing” of 3 June 2011, Pre-Trial Chamber II requested observations by the Prosecutor, the Defence and victims concerning the change of the place of the proceedings;²

RECALLING FURTHER the Decision on “Defence Application for a change of place where the Court shall sit for Trial” of 21 December 2012, in which the Presidency emphasised the importance of the Chamber establishing the views of the parties before deciding whether to recommend the Presidency to consult the relevant national authorities³

HEREBY

REQUESTS the Chamber to receive observations from the parties, participants, and the Registry, as well as any national authority that the Chamber deems appropriate, on the Joint Defence Application, before deciding whether to recommend the Presidency to consult the relevant national authorities.

¹ ICC-01/09-01/11-567, paras. 38-39.

² ICC-01/09-02/11-102, p. 4.

³ ICC-01/09-02/11-581, p. 3.



Judge Sang-Hyun Song
President

Dated this 24 January 2013

At The Hague; The Netherlands