



Original: English

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

Date: 6 February 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

Defence observations on issues related to the commencement of trial

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

Silas Chekera

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 Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. By its Order of 30th January 2013,¹ the Chamber ordered the defence to submit any observations it may have on (i) whether the conditions listed in the summonses to appear issued by the Pre-Trial Chamber are sufficient and adequate for the purposes of the trial; and (ii) whether there are any practical, financial and/or legal matters to be dealt with for the accused to be able to attend the trial at the seat of the Court, including the modalities of the Accused's stay on the territory of the Host State during the trial. The Chamber also invited the defence to submit, no later than 6 February 2013, any other urgent issue that requires the immediate attention of the Chamber.
2. Dealing with the matters in turn, the defence for William Ruto makes the following observations and submissions;
 - (i) In respect of the conditions listed in the summons to appear, the defence has no observations other than that the accused will continue to observe those conditions.
 - (ii) In respect of any practical, financial and/or legal matters relating to the Accused's attendance at trial in the Hague, and the modalities of his stay, the defence has no observations at this time with one exception. At present Mr Ruto is to remain within 30 kilometres of the Hague. He would be grateful if, given the expected length of trial, that restriction could be extended to 60 kilometres.
 - (iii) In respect of other urgent issues the defence wishes to draw to the attention of the Chamber the difficulties that now confront the defence in preparing the case in an adequate manner given the late disclosure of prosecution material. The conduct of that disclosure is well known to the Chamber. It is submitted that such extensive late disclosure, still continuing, was anticipated by neither the defence nor the Chamber. In those circumstances the defence invites the Chamber to consider providing the defence with more time to prepare its case.



David Hooper, QC
On behalf of William Samoei Ruto
Dated this 6 February 2013
In London

¹ ICC-01/09-01/11-575, Order for observations on issues related to the commencement of trial, 30 January 2013.