



Original: English

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

Date: 5 July 2013

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding
Judge Olga Herrera Carbuccion
Judge Robert Fremr

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

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

Public

**Sang Defence Notification of Withdrawal of Request
Made in Filing ICC-01/09-01/11-415**

Source: 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
Anton Steynberg, Senior Trial Lawyer

Counsel for William Ruto

Karim Khan QC, David Hooper QC
Kioko Kilukumi, Shyamala Alagendra

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**

Paolina Massida

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Deputy Registrar

Didier Daniel Preira

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 28 May 2012, the Defence for Mr. Joshua arap Sang submitted its “Written Submissions in Response to Order Scheduling a Status Conference”.¹ Therein, at paragraph 28, the defence requested:

“[...] in light of the Appeals Chamber’s recent dismissal of the Defence’s jurisdiction appeal, wherein the Chamber found that the definition of organization or organizational policy was an issue for trial, the Defence requests that the Trial Chamber order a briefing schedule for the parties to submit written submissions on their interpretation of the law on this critical definition. Fairness dictates that the accused know with clarity the precise contours of the charges against him.”

2. While the defence still considers the definition of “organizational policy” to be a significant issue in this case, the defence would like to withdraw the said request at this moment. This withdrawal is without prejudice to the defence’s right to make a similar request at any future opportune moment.



Joseph Kipchumba Kigen-Katwa
On behalf of Joshua arap Sang
Dated this 5th day of July 2013
In Nairobi

¹ *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-415, Written Submissions in Response to Order Scheduling a Status Conference, 28 May 2012.