



Original: **English**

No.: ICC-01/09-01/11
Date: **2 September 2013**

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding Judge
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

With confidential Annexes A and B

Prosecution's updated witness list and witness summaries

Source: Office of the Prosecutor

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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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States' Representatives

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**Victims Participation and Reparations
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Others

1. On 9 August 2013, Trial Chamber V(A) ("Chamber") issued its Decision on the Conduct of Trial Proceedings (General Directions),¹ wherein it ordered, *inter alia*, that the Prosecution file an updated list of witnesses it intends to call at trial and summaries of their anticipated testimony. The Chamber ordered both the list of witnesses and the summaries to be filed one week before the commencement of trial.
2. Confidential Annex A contains the Prosecution's updated list of witnesses. It lists the witnesses the Prosecution intends to call at trial in sequential order of expected appearance, based on the Prosecution's current assessment. However, should any of the witnesses be unable or unwilling to testify, the Prosecution may approach the Chamber to vary this order. Annex A also includes the estimated duration of each witness's examination-in-chief.
3. Confidential Annex B contains updated summaries² of the main facts on which each witness is expected to testify. The summaries also include an introductory statement which states the relevance of the testimony relative to the charges.
4. The Prosecution files Annex A and Annex B as confidential, because it contains information pertaining to trial witnesses which must be kept confidential.



Fatou Bensouda, Prosecutor

Dated this 2nd September 2013

At The Hague, the Netherlands

¹ ICC-01/09-01/11-847.

² The Prosecution initially filed summaries of witness testimony on 9 January 2013 (ICC-01/09-01/11-540-Conf-AnxB-Red). The updated summaries are more comprehensive versions of the summaries filed on 9 January. As all witness identities have now been revealed to the Defence, they are filed confidential and available to the Defence.