

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 9 September 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

Order authorising disclosure of victims' applications

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Anton Steynberg

Counsel for William Samoei Ruto

Mr Karim Khan
Mr David Hooper
Mr Essa Faal
Ms Shyamala Alagendra

Counsel for Joshua Arap Sang

Mr Joseph Kipchumba Kigen-Katwa

Legal Representatives of Victims

Mr Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber V(A) (the 'Chamber') of the International Criminal Court (the 'Court'), in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, having regard to Articles 64(3)(c) and 68(1) of the Rome Statute (the 'Statute'), Rule 81 of the Rules of Procedure and Evidence (the 'Rules') and Regulation 23bis of the Regulations of the Court (the 'Regulations'), issues this Order authorising disclosure of victims' applications .

1. On 5 September 2013, the Legal Representative of Victims (the 'LRV') filed the 'Notification of Dual Status Victims in Prosecution's updated list of witnesses' (the 'LRV Notification').¹
2. The LRV informs the Chamber that in light of the 'Prosecution's updated witness list and witness summaries' filed on 2 September 2013,² the LRV has found that some of the witnesses are qualified as victims of the case and have filled-in an application form.³
3. The LRV further submits that, to the best of his knowledge, the status of four of these individuals has not been notified to any party and their application forms have not been disclosed.⁴
4. The Chamber notes that on 24 July 2013, it authorised disclosure of victims' applications of five Prosecution witnesses. However, the Chamber authorised that limited redactions be kept vis-à-vis the defence, specifically redactions to the contact information of witnesses and other third parties.⁵
5. The Chamber considers that the authorisation of Chamber mentioned above applies *mutatis mutandis* to the LRV Notification. Consequently, the LRV shall transmit to the parties the applications forms of the five dual status victims

¹ LRV Notification, 5 September 2013, ICC-01/09-01/11-908-Conf-Exp.

² ICC-01/09-01/11-898+Conf-Anxs .

³ LRV Notification, ICC-01/09-01/11-908-Conf-Exp, paras 3-4.

⁴ LRV Notification, ICC-01/09-01/11-908-Conf-Exp, paras 6-7.

⁵ Order authorising disclosure of lesser redacted versions of victims' applications, ICC-01/09-01/11-826.

identified in the LRV Notification. Nevertheless, pursuant to Article 68(1) of the Statute and Rule 81(4) of the Rules, redactions to the contact information of witnesses and other third parties shall be maintained vis-à-vis the defence.

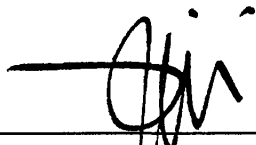
6. Moreover, considering that the LRV Notification was filed confidential *ex parte* awaiting the Chamber's instructions,⁶ and pursuant to Regulation 23bis, the Chamber orders that the LRV Notification is reclassified as Confidential.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

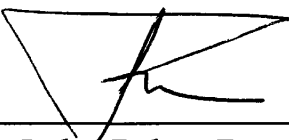
DIRECTS the LRV to transmit to the parties the applications forms of the five dual status victims identified in the LRV Notification, albeit maintaining redactions to the contact information of witnesses and other third parties vis-à-vis the defence.

ORDERS the reclassification of filing ICC-01/09-01/11-908-Conf-Exp as Confidential.

Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji, Presiding Judge


Judge Olga Herrera Carbuccion


Judge Robert Fremr

Dated 9 September 2013

At The Hague, The Netherlands

⁶ LRV Notification, ICC-01/09-01/11-908-Conf-Exp, para. 8.