

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 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
with public Annex**

**Addendum to Defence Submissions on impact of Kenyan parliamentary
resolutions on applications for in-court protective measures**

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

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Mr. James Stewart, Deputy Prosecutor
Mr. Anton Steynberg, Senior Trial
Lawyer

Counsel for William Ruto

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Ms. Caroline Buisman

Legal Representatives of the Victims

Mr. Wilfred Nderitu

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I. Introduction

1. On 18 September 2013, at the order of the Trial Chamber, the Prosecution, the defence for Mr. William S. Ruto (“Defence”), the defence for Mr. Sang and the Common Legal Representative made their respective submissions on the issue of whether the resolutions passed by the Kenyan Parliament earlier this month concerning the Republic of Kenya’s continuation as a party to the Rome Statute should be taken into consideration in the Trial Chamber’s evaluation of applications for in-court protective measures.¹
2. The Defence hereby submits as an annex to this filing an article from the Nation newspaper dated 7 September 2013, entitled “date nears and Ruto disowns motion”. The Defence respectfully submits that this article contains information relevant to the Trial Chamber’s determination on the above described issue and prays that the Trial Chamber takes the article into consideration when deliberating on the issue.
3. The relevant portion of the article, which was issued prior to the commencement of Mr. Ruto’s trial, is excerpted below for the Trial Chamber’s convenience:

Deputy President William Ruto has distanced himself from Thursday’s motion by MPs to withdraw Kenya from the Rome Statute. Reacting to the motion moved by his key ally, Leader of Majority in Parliament Adan Duale, Mr Ruto said he respected the doctrine of separation of powers and had no control over decisions taken by Parliament. “What happens in Parliament is not under my jurisdiction,” Mr Ruto said through an aide. On the impact of the motion to his trial which begins at the International Criminal Court (ICC) at The Hague on Tuesday, the Deputy President maintained that he has competent lawyers.

¹ ICC-01/09-01/11-T-32-CONF-ENG ET.

Respectfully submitted,



Karim A.A. Khan QC
Lead Counsel for Mr. William Samoei Ruto

Dated this 20th Day of September 2013
At The Hague, the Netherlands