

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 20 November 2013

TRIAL CHAMBER V(A)

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

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. WILLIAM SAMOEI RUTO and JOSHUA ARAP SANG***

Confidential

Decision on the Prosecution's request for extension of the page limit

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

Ms Shyamala Alagendra

Counsel for Joshua Arap Sang

Mr Joseph Kipchumba Kigen-Katwa

Ms Caroline Buisman

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

Detention Section

Victims and Witnesses Unit

Mr Patrick Craig

Others

**Victims Participation and Reparations
Section**

Trial Chamber V(A) (the 'Chamber') of the International Criminal Court in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, pursuant to Regulation 37 of the Regulations of the Court, renders the following Decision on the Prosecution's request for extension of the page limit.

1. On 19 November 2013, the Office of the Prosecutor (the 'Prosecution') submitted its 'Prosecution request for an extension of page limit'.¹ The Prosecution seeks the Chamber's authorisation to extend the standard 20 page limit to 39 pages for an application it intends to make (inclusive of the cover and notification pages).² The Prosecution submits that the application will address complex and novel questions of law concerning the Chamber's authority to 'require the attendance and testimony of witnesses', to request Kenya to serve a summons on a witness and to request Kenya, if necessary, to execute and enforce that summons. The Prosecution adds that submissions are also required concerning the domestic legal framework in Kenya.³ In addition, the application will address the factual submissions regarding seven witnesses for whom summonses are required.⁴ In light of the foregoing, the Prosecution submits that exceptional circumstances exist, justifying the requested extension of the page limit.⁵
2. On 20 November 2013, the defence for Mr Sang filed its 'Sang Defence Response to the Prosecution's Request for an Extension of Page Limit' in which it submits that it does not oppose the Prosecution's request for an extension of the page limit.⁶
3. Although the time limit for responses, as set in Regulation 34 of the Regulations of the Court, has not yet expired, the Chamber will decide on the matter without

¹ ICC-01/09-01/11-1103-Conf.

² Request, ICC-01/09-01/11-1103-Conf, paras 1 and 6.

³ Request, ICC-01/09-01/11-1103-Conf, paras 3 and 4.

⁴ Request, ICC-01/09-01/11-1103-Conf, para. 5.

⁵ Request, ICC-01/09-01/11-1103-Conf, paras 2 and 8.

⁶ ICC-01/09-01/11-1105-Conf.

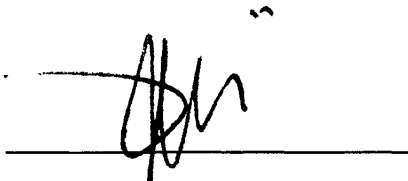
receiving the views of other parties/ participants, given the apparently imminent filing of the application for which the extension of the page limit is sought.⁷

4. The Chamber considers that in view of the novelty and complexity of the legal issues the Prosecution intends to raise in its application, as well as the number of witnesses to whom the application is intended to relate, exceptional circumstances exist for granting the extension of the page limit for the intended application to 39 pages.

THE CHAMBER HEREBY

GRANTS the Prosecution request for an extension of page limit.

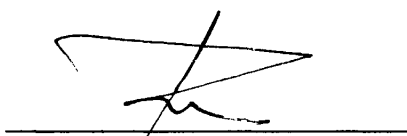
Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuca



Judge Robert Fremr

Dated 20 November 2013

At The Hague, The Netherlands

⁷ Request, ICC-01/09-01/11-1103-Conf, para. 1.