



Original: English

No.: ICC-01/09-01/11
Date: 17 December 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 RUT and JOSHUA ARAP SANG

Public

Prosecution request for extension of time limit

Source: The Office of the Prosecutor

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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Other

1. The Prosecution respectfully requests an extension of the time limit to file its response to the Defence's 16 December 2013 request to excuse Mr Ruto from attendance at trial,¹ such that the response would be due on 13 January 2014.
2. Regulation 35(2) of the Regulations of the Court permits the Chamber to "extend . . . any time limit if good cause is shown". The Appeals Chamber has assessed "good cause" to mean "for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations".²
3. Good cause exists for a six day extension – from 7 January until 13 January 2014 – because: (i) the Defence's request engages novel issues before this Court; (ii) certain Prosecution staff are unavailable over the judicial recess to work on the response; and (iii) granting the requested extension will enable the Prosecution to make more concise and targeted submissions to assist the Chamber.
4. The proposed extension is consistent with the extension the Chamber granted the Defence with respect to any application for leave to appeal the 12 December 2013 decision giving notice of the possibility of variation of legal characterisation.³

¹ ICC-01/09-01/11-1124.

² ICC-01/04-01/06-834, para. 7.

³ ICC-01/09-01/11-1122, page 20.

Conclusion

5. For the foregoing reasons, the Prosecution respectfully requests the Chamber to permit the Prosecution to file its response to the Defence's request by 13 January 2014.



Fatou Bensouda,
Prosecutor

Dated this 17th day of December, 2013
At The Hague, The Netherlands