

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 January 2014

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

Decision on the Sang Defence request for an 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 Sang Defence request for an extension of the page limit.

1. On 28 November 2013, the Office of the Prosecutor ('Prosecution') filed the 'Prosecution's request under article 64(6)(b) and article 93 to summon witnesses' ('Application').¹ On 9 December 2013, the Chamber via an email directed the two Defence teams and the Legal Representative for Victims to file any responses to the Application by 8 January 2014.
2. On 2 January 2014, the Defence for Mr Sang ('Sang Defence') submitted the 'Sang Defence request for an extension of the page limit'.² The Sang Defence seeks the Chamber's authorisation to extend the standard 20 page limit to 39 pages for its response to the Application.³ The Sang Defence submits that the same novel and complex legal and factual circumstances confronting the Prosecution in their Application, for which the extension was granted,⁴ apply equally to the response the Sang Defence intends to file.⁵ In light of the foregoing, the Sang Defence submits that exceptional circumstances exist, justifying the requested extension of the page limit.⁶
3. On 3 January 2014, the Prosecution via an email to the Chamber and the two Defence teams submits that it does not oppose a similar extension being granted to the Sang Defence for its response to the Application.

¹ ICC-01/09-01/11-1120-Conf-Red. See also the corrected and amended version of the Application, ICC-01/09-01/11-1120-Conf-Red-Corr2.

² ICC-01/09-01/11-1131.

³ ICC-01/09-01/11-1131, paras 1 and 5.

⁴ See Decision on the Prosecution's request for extension of the page limit, 20 November 2013, ICC-01/09-01/11-1106-Conf, para. 4.

⁵ ICC-01/09-01/11-1131, para. 4.

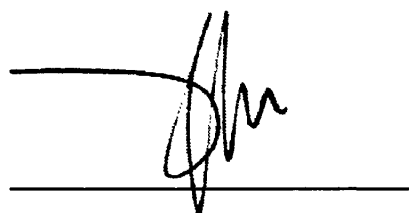
⁶ ICC-01/09-01/11-1131, para. 5.

4. The Chamber considers that the novelty, complexity and the number of the legal and factual issues that guided its consideration in granting the Prosecution's request for extension of page limit in relation to the Application equally apply to the issues the Sang Defence intends to raise in its response. Therefore, the Chamber concludes that exceptional circumstances exist for granting an extension of the page limit for the intended response to 39 pages.

THE CHAMBER HEREBY

GRANTS the extension of the page limit requested by the Sang Defence.

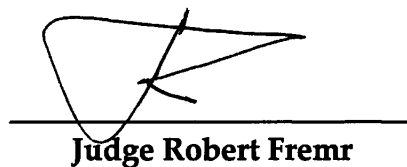
Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuccia



Judge Robert Fremr

Dated 7 January 2014

At The Hague, The Netherlands