

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 26 February 2014

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding Judge
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 Document,
With Confidential Annex A**

**Prosecution's submission of one additional document in support of the
"Prosecution's supplementary request under article 64(6)(b) and article 93 to
summon a further witness" [ICC-01/09-01/11-1188-Conf-Exp/Red]**

Source: 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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Mr. James Stewart

Mr. Anton Steynberg

Counsel for the Defence

Counsel for William Samoei Ruto

Mr. Karim Khan QC

Mr. David Hooper QC

Ms. Shyamala Alegendra

Counsel for Joshua Arap Sang

Mr. Joseph Kipchumba Kigen-Katwa

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

Mr. Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Others

1. The Prosecution hereby submits one additional document in support of its “supplementary request under article 64(6)(b) and article 93 to summon a further witness”¹ (“Supplementary Request”).
2. In paragraph 15 of the Supplementary Request, the Prosecution referred to an affidavit allegedly deposed by P-323, in which he sets out the purported reasons for recanting his evidence. At the time of filing the Supplementary Request, the Prosecution was not in possession of the affidavit.
3. However, at 13:01 on 25 February 2014, an email was received by the OTP Information Desk from Advocates Kiplenge & Kurgat forwarding the relevant affidavit.
4. The Prosecution submits that the affidavit is relevant to the determination of its Supplementary Request and hence submits a copy thereof annexed hereto.
5. The Prosecution accordingly requests that the Chamber accepts receipt of the attached document in support of the Supplementary Request.
6. The Prosecution submits this filing as “Confidential”, since it relates to previous filings submitted with the same classification.



Fatou Bensouda, Prosecutor

Dated this 26th day of February 2014

At The Hague, the Netherlands

¹ ICC-01/09-01/11-1188-Conf-Exp; ICC-01/09-01/11-1188-Conf-Red.