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

Date: 4 June 2014

THE APPEALS CHAMBER

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Erkki Kourula
Judge Anita Ušacka

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

***THE PROSECUTOR v.
WILLIAM SAMOEI RUTO AND JOSHUA ARAP SANG***

Public

Defence response to Prosecution request for an Extension of the Time Limit

Source: Defence for Mr. William Samoei Ruto

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

I. Introduction

1. The defence for Mr. William Samoei Ruto (“Defence”) opposes the Prosecutor’s request for an extension of time¹ to file her response to the appeal briefs to be submitted in the appeal of Mr. Ruto and Mr. Sang against the *Decision on Prosecutor’s Application for Witness Summonses and resulting Request for State Party Cooperation* (“Decision”).²

II. Submissions

2. The Prosecutor fails to establish good cause to justify the requested extension of the time limit.
3. Bearing in mind the extensive written and oral submissions which were entered into by the parties and participants at first instance,³ the arguments arising from the two issues certified for appeal are well-known and have been fully litigated. Indeed, in addition to oral submissions, the Prosecutor set out her arguments in an application, a reply and additional submissions.⁴ Thus, her position is well-rehearsed and simply needs to be synthesised into a consolidated response. While it is acknowledged that the defence teams have taken different positions on some aspects of the present litigation,⁵ these were relatively minor and can be dealt with well within the normal time limit.
4. In addition, the Appeals Chamber’s order extending the page limit of the appeal briefs by 5 pages and underlining that the appeal arguments should be presented in a “*concise and focussed manner*” further militates against the requested extension of time.⁶
5. The Defence recalls that Mr. Ruto has the right “[t]o be tried without delay”.⁷ In the

¹ ICC-01/09-01/11-1328, paras. 4, 5(c).

² ICC-01/09-01/11-1274-Corr2.

³ The detailed procedural history underlying the appeal is set out in the Decision. See paras. 1-12.

⁴ ICC-01/09-01/11-1120-Red2-Corr, ICC-01/09-01/11-1183-Red, ICC-01/09-01/11-1202.

⁵ ICC-01/09-01/11-1328, para. 4.

⁶ ICC-01/09-01/11-1335.

⁷ Rome Statute, Article 67(1)(c).

present circumstances, the Defence submits that the appeal should be pursued by the parties in accordance with the normal time limits.

III. Relief Requested

6. For the reasons set out above, good cause has not been established to justify an extension of time. The Defence, therefore, respectfully requests that the Prosecutor's request for an extension of time be rejected.

Respectfully submitted,



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

Dated this 4th Day of June 2014
At The Hague, Netherlands