



Original: English

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

Date: 12 June 2014

TRIAL CHAMBER V(A)

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

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

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

Public

**Sang Defence submissions on the level of confidentiality of documents admitted
pursuant to Decision ICC-01/09-01/11-1353**

Source: Defence for Mr. Joshua arap Sang

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Anton Steynberg, Senior Trial Attorney

Counsel for William Ruto

Karim Khan QC, David Hooper QC
Shyamala Alagendra and Essa Faal

Counsel for Joshua Sang

Joseph Kipchumba Kigen-Katwa
Caroline Buisman

Legal Representatives of the Victims

Wilfred Nderitu

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Orchlon Narantsetseg

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. In response to Trial Chamber V(A)'s direction that submissions as to the appropriate level of confidentiality of items admitted pursuant to its *Decision on the Prosecution's Request for Admission of Documentary Evidence* ("Decision") be made by 12 June 2014,¹ the Defence for Mr. Joshua arap Sang ("Defence") hereby submits the following.

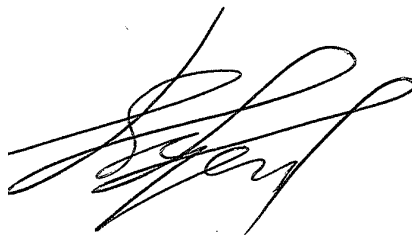
II. SUBMISSIONS

1. The Defence endorses the submission made by the Defence for Mr. William Samoei Ruto that KEN-OTP-0003-0419, a press release, be designated as public rather than confidential.²
2. The Defence submits that medical reports, subject to the redaction of names and other personal identifying features, could be classified as public. If such details are redacted, these documents do not identify the people mentioned therein and thus do not place them at risk. However, they do offer an overview of the types of injuries and number of fatalities that occurred, and it is submitted that the public has a legitimate interest in viewing such information. For these reasons, the Defence submits the following documents could be made public, subject to any necessary redactions:
 - i. KEN-OTP-0006-1021
 - ii. KEN-OTP-0011-0026
 - iii. KEN-OTP-0011-0127
 - iv. KEN-OTP-0011-0196 (EVD-T-OTP-00016)
 - v. KEN-OTP-0011-0640 (EVD-T-OTP-00060)
 - vi. KEN-OTP-0006-1057
 - vii. KEN-OTP-0121-3490
 - viii. KEN-OTP-0006-1059

¹ ICC-01/09-01/11-1353, 10 June 2014, para 89.

² ICC-01/09-01/11-1360, 12 June 2014, para 2.

3. The Defence supports the level of confidentiality, as determined by the Trial Chamber in its Decision, of all other admitted items.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua arap Sang
Dated this 12th day of June 2014
In Nairobi, Kenya