



Original: English

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

Date: 15 October 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

**Sang Defence Response to Prosecution's Request for Materials
related to witness P-0637 to be accepted into evidence
and assigned evidence (EVD) numbers**

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, Essa Faal and
Leigh Lawrie

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)**

Office of Public Counsel for Victims

Orchlon Narantsetseg

Office of Public Counsel for Defence

States' Representatives

Amicus Curiae

REGISTRY

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Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

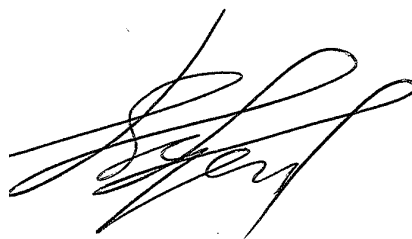
Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 13 October 2014, the Prosecution's *Request for Materials related to witness P-0637 to be accepted into evidence and assigned evidence (EVD) numbers* was notified to the parties.¹ Therein, the Prosecution requested the Chamber to admit into evidence materials related to the testimony of P-0637, namely the statement, transcripts and audio records of his interviews with the Prosecution (for the limited purpose of impeachment), his notebook and its translation, and four sketches that the witness had prepared.²
2. It is correct that the Defence and the Chamber agreed to the procedure to be used when tendering these materials. That is to say, the Sang Defence agreed that there was no need to use limited court time for the Prosecution to go through the time-consuming process of reading out the ERN numbers of sixty-four items and having the Court Officer read them back with a corresponding EVD number, in the event the materials were admitted into evidence.
3. The Sang Defence, in its in court submissions,³ did not object to the admission of the requested materials, and it does not do so now. Therefore, the Defence does not object to the Prosecution's request that the listed materials be given EVD numbers.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua arap Sang
Dated this 15th day of October 2014
In Nairobi, Kenya

¹ ICC-01/09-01/11-1599 ("Request").

² Request, paras 2, 4 and Confidential Annex A.

³ ICC-01/09-01/11-T-149-Conf, 2 October 2014.