

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 28 November 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

**Ruto Defence request for materials related to Witness P-0800 to be accepted into
evidence and assigned evidence (EVD and MFI) numbers**

Source: Defence for Mr. William Samoei Ruto

Document 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 A. A. Khan QC
Mr. David Hooper QC
Mr. Essa Faal
Dato' Shyamala Alagendra
Ms. Leigh Lawrie

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 Massida

**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

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 25 November 2014, the Presiding Judge directed that the parties have *inter partes* discussions to see whether agreement could be reached on the admission of documents and videos that had been shown to Prosecution Witness P-0800 ("P-0800") during his cross examination by the defence for Mr. William Samoei Ruto ("Defence").¹
2. The Defence informs the Trial Chamber that the Prosecution and the Defence have agreed that the following documents and videos shown to P-0800 by the Defence can be marked for identification:
 1. KEN-D09-0042-0553
 2. KEN-D09-0042-0554
 3. KEN-D09-0042-0570
 4. KEN-D09-0042-0607
 5. KEN-D09-0042-0605
 6. KEN-D09-0042-0002
 7. KEN-D09-0042-0449
 8. KEN-OTP-0068-0042
 9. KEN-D09-0035-0115
 10. KEN-D09-0042-0148
 11. KEN-D09-0042-0451
 12. KEN-D09-0042-0283
 13. KEN-D09-0042-0284
 14. KEN-D09-0042-0325
 15. KEN-OTP-0116-0495_R02
 16. KEN-OTP-0116-0497_R02
 17. KEN-OTP-0138-0017_R01
 18. KEN-OTP-0116-0479
 19. KEN-OTP-0138-0626_R01
 20. KEN-OTP-0129-0573_R02
 21. KEN-OTP-0107-0317_R01
 22. KEN-OTP-0117-0930_R02
 23. KEN-OTP-0138-0015_R01
 24. KEN-OTP-0141-0026_R01

¹ ICC-01/09-01/11-T-160-ENG, p.2.

3. The Defence also informs the Trial Chamber that the Prosecution and the Defence have agreed that the following documents and videos can be admitted as exhibits in the case:

- 1.KEN-D09-0042-0602
- 2.KEN-D09-0042-0603
- 3.KEN-D09-0022-0002 (MFI-T-D09-00049)
- 4.KEN-D09-0036-0150
- 5.KEN-D09-0042-0609
- 6.KEN-D09-0042-0289
- 7.KEN-D09-0042-0297
- 8.KEN-D09-0042-0316

4. The Defence also requests that the document KEN-OTP-0142-0699_R01 (transcript of handwritten statement) be marked for identification.
5. The Defence accordingly requests that the foregoing documents and videos be admitted into evidence as Defence exhibits or marked for identification as detailed above.

Respectfully submitted,



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

Dated this 28th Day of November 2014
At The Hague, Netherlands