

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 December 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***

Confidential

**Sang Defence Observations regarding the Ruto Defence Request
To File Supplementary Material Relevant to the "Ruto Defence Request
for the Appointment of a Disclosure Officer and/or the
Imposition of Other Remedies for Disclosure Breaches"**

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

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

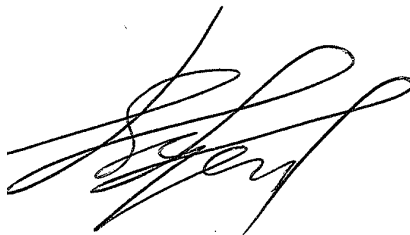
Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 1 December 2014,¹ the Ruto Defence sought to add another example of late Rule 77 disclosure to its *Request for the Appointment of a Disclosure Officer and/or the Imposition of Other Remedies for Disclosure Breaches*.² The defence for Mr Joshua arap Sang supports the addition of this supplemental material, as it was not possible for it to have been included in the original Request and it is directly relevant to the relief sought therein. Furthermore, as the Prosecution has been given an opportunity to respond, there is no prejudice to the opposite party.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua arap Sang
Dated this 5th day of December 2014
In The Hague, The Netherlands

¹ ICC-01/09-01/11-1724-Conf, 1 December 2014.

² ICC-01/09-01/11-1602-Conf-Red, 13 October 2014 ("Request").