

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 11 September 2015

APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng
Judge Silvia Alejandra Fernández De Gurmendi
Judge Christine Van Den Wyngaert
Judge Howard Morrison
Judge Piotr Hofmański

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

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

Public

Addendum to “Ruto Defence request for extension of page and time limits”

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
Ms. Helen Brady

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. In respect of its appeal against the corrigendum to the *Decision on Prosecution Request for Admission of Prior Recorded Testimony*,¹ the defence for Mr. William Samoei Ruto (“Defence”) today, 11 September 2015, filed a request before this Appeals Chamber for an extension of: (i) the page limit for its appeal brief to a total of 60 pages; and (ii) the time limit to file said brief of an additional 14 days, so that the brief would be due on 5 October rather than 21 September 2015 (“Request”).
2. Since filing the Request, Trial Chamber V(A) has rejected the Defence’s application for a modification of the current schedule for the submission of any ‘no case to answer’ motion.² The effect of this decision is that the Defence is required to work simultaneously on two complex and important substantive filings, namely the appeal against the Decision which covers seven issues and the ‘no case to answer’ motion.³
3. The Defence submits that it is unduly burdensome and a serious strain on defence resources to have to work on both filings simultaneously, particularly given the import and complexity of both. In these circumstances the Defence modifies its original Request and requests an extension of the time limit to file its appeal brief of an additional 21 days, so that the brief would be due on 12 October rather than 21 September 2015.

Requested Relief

4. For the reasons set out above, the Defence respectfully modifies its original Request in respect of the time limit for filing its appeal brief and requests an extension of 21 days so that the brief would be due on 12 October rather than 21 September 2015.

¹ ICC-01/09-01/11-1938-Conf-Corr; ICC-01/09-01/11-1938-Red-Corr.

² ICC-01/09-01/11-1955.

³ The Prosecution closed its case yesterday, 10 September 2015. See ICC-01/09-01/11-1954. In terms of paragraph 37 of ICC-01/09-01/11-1334, the Defence is required to file its ‘no case to answer’ motion “no later than 14 days after” the last day of the Prosecution’s case.

Respectfully submitted,



Karim A.A. Khan QC

Lead Counsel for Mr. William Samoei Ruto

Dated this 11th Day of September 2015
At The Hague, Netherlands