

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 16 September 2015

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

**Ruto Defence Request to Join the "Sang Defence Second Request for
Reconsideration of Page Limit"**

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. Following the closure of the Prosecution case on 10 September 2015,¹ the defence for Mr. William Samoei Ruto ("Defence") and the defence for Mr. Joshua arap Sang ("Sang Defence") both indicated their intention to file 'no case to answer' motions.²
2. On 15 September 2015, the Sang Defence filed its *Second Request for Reconsideration of Page Limit* ("Second Request").³ In the Second Request, the Sang Defence requests that the Trial Chamber reconsiders the page limit set out in the *Decision No. 5 on the Conduct of Trial Proceedings (Principles and Procedure on 'No Case to Answer' Motions)* ("Decision")⁴ and extends the page limit to 100 pages.⁵
3. The Defence supports and joins the Second Request and likewise requests that it be granted a total of 100 pages to file its 'no case to answer' motion. As argued in the Second Request, an extension of the page limit is required in order for the Defence to address several substantive legal and factual issues arising from the admission of the lengthy statements of five witnesses.⁶ In light of the 'factual and evidential complexity of the case', an extension would give effect to the accused's right to a fair trial and enable the Defence to make its submissions effectively.
4. Therefore, the Defence respectfully requests that the Trial Chamber extends the page limit of any 'no case to answer' motion to 100 pages.⁷

¹ ICC-01/09-01/11-1954.

² Communications to Trial Chamber dated 10 September 2015 (Ruto Defence) and 11 September 2015 (Sang Defence).

³ ICC-01/09-01/11-1963-Conf.

⁴ ICC-01/09-01/11-1334.

⁵ ICC-01/09-01/11-1963-Conf, para. 10.

⁶ ICC-01/09-01/11-1963-Conf, para. 7.

⁷ Pursuant to Regulation 23bis of the Regulations of the Court, this filing is submitted confidentially. The Defence submits that it may be reclassified as "public".

Respectfully submitted,



Karim A.A. Khan QC

Lead Counsel for Mr. William Samoei Ruto

Dated this 16th Day of September 2015

At The Hague, Netherlands