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No.: ICC-01/09-01/11  
Date: 25 January 2016

**TRIAL CHAMBER V(A)**

**Before:** Judge Chile Eboe-Osuji, Presiding Judge  
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**

**With one Confidential *EX PARTE* annex, available only to the Registry and the  
Common Legal Representative for Victims**

**Nineteenth Periodic Report on the general situation of victims in the case and the  
activities of the Victims Participation and Reparations Section and the Common  
Legal Representative in the field**

**Source:** Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Counsel for the Defence**

**Defence of William Samoei Ruto**

Mr Karim Khan

**Defence of Joshua Arap Sang**

Mr Joseph Kipchumba Kigen-Katwa

**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  
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**The Office of Public Counsel for the  
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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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Mr Nigel Verrill

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Ms Isabelle Guibal

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Mr Jean-Claude Aubert

## I. Introduction

1. During the reporting period (24 November 2015 – 25 January 2016) the Common Legal Representative (the “CLR”) met ten victims in person, one of whom was registered to participate in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* (the “Case”). According to the information available to the Registry, the total number of victims verified as within the scope of the Case by the CLR now stands at 954.
2. During the same period, Registry staff conducted a training and information activity for civil society organisations involved in facilitating victim participation in the Case.
3. The present report will cover the following topics:
  - A. Information concerning the activities of the CLR in the field;
  - B. Information concerning the activities of the Registry in the field.

## II. Procedural History

4. On 3 October 2012, Trial Chamber V issued a decision on victims’ representation and participation ordering the Victims Participation and Reparations Section (the “VPRS”) to file every two months, in cooperation with the Common Legal Representative, once appointed, a comprehensive report on the general situation of victims as a whole, including statistics about the victims’ population and information in relation to registered and non-registered victims (the “3 October 2012 Decision”);<sup>1</sup>
5. On 14 November 2013, Trial Chamber V(A) issued a decision ordering the Registry to include additional information relating to referrals of victims to the Victims and Witnesses Section and any additional security incidents of direct relevance to the Case in its two month reports (the “Decision of 14 November 2013”);<sup>2</sup>

## III. Classification

6. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence and regulations 23*bis* and 86 of the Regulations of the Court.

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<sup>1</sup> ICC-01/09-01/11-460, para. 55 and Part VI.

<sup>2</sup> ICC-01/09-01/11-1098-Red2, paras 37 and 44 (c) and (d).

7. Annex A, which addresses the issues listed in the Decision of 14 November 2013,<sup>3</sup> is submitted with the status “Confidential *ex parte*, only available to the Registry and the Common Legal Representative” because it contains sensitive information that relates to the safety and physical well-being of victims or intermediaries.

#### IV. Submissions

##### *A. Information Concerning the Activities of the CLR in the Field*

8. In accordance with the 3 October 2012 Decision, the CLR provided the VPRS with detailed information relating to his activities.<sup>4</sup> The CLR indicated that, during the reporting period, he and his team communicated with 79 victims by telephone to obtain their views and concerns regarding developments in the case including the “no case to answer” submissions.
9. During the reporting period, the CLR also reported that the CLR and his team personally met with 10 victims in Nairobi. The detailed statistics and general situation of the victims are presented in the table below.

| Meeting 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Location: Nairobi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Category: Newly and Previously Registered Victims |
| Detailed Statistics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |
| <p>The CLR met with 10 victims, one of whom was registered for the first time in Nairobi. The newly registered victim is a woman from the Kikuyu community. According to the CLR, following reports of election related violence, the victim and her family sought refuge in the Kiambaa “KAG” church and were reportedly in the kitchen when the church was attacked. During the attack on the church, the victim allegedly escaped with her husband, who was injured in the process, and children through the kitchen window. The victim alleges that she was forcibly displaced from Kiambaa and that her property was destroyed during the Post-Election Violence (the “PEV”). The victim also alleges that her husband recently died from complications surrounding the injury that he sustained at Kiambaa church during the PEV.</p> |                                                   |

<sup>3</sup> ICC-01/09-01/11-1098-Red2, para. 44 (c) and (d).

<sup>4</sup> All data in relation to the activities of the CLR in the field are derived from the meeting forms submitted to the VPRS on a bi-monthly basis for the purposes of the periodic report.

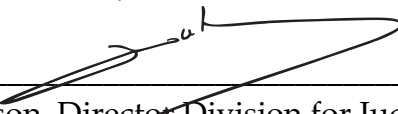
### General Situation

The CLR reported that the situation of the victims in this group has remained largely unchanged since they last met in December 2014. The victims reported that they continue to live a life of economic hardship due in large part to their inability to overcome losing their businesses and property during the PEV. According to the victims, this economic hardship has also placed a strain on the family unit by prompting parents, siblings or children to travel great distances and reside far from home in search of employment.

According to the CLR, the victims also consider that government assistance has not been distributed equitably amongst the victims of the PEV and have requested the CLR to raise this issue with the Cabinet Secretary of Devolution within the Government of Kenya.

### *B. Information Concerning the Activities of the Registry in the Field*

10. During the reporting period, Registry staff in the field, in conjunction with the CLR and his team, organised a meeting with the civil society organisations who have served as intermediaries and have facilitated victim participation in the Case. The objectives of the meeting included: providing updates on Case developments for dissemination to the victims; requesting information on any security related incidents that may affect victims' participatory rights and; responding to the many questions received during the reporting period on the assistance mandate of the Trust Fund for Victims.

  
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 Marc Dubuisson, Director Division for Judicial Services  
*per delegation of*  
 Herman von Hebel, the Registrar

Dated this 25 January 2016

At The Hague, The Netherlands