

Supplemental Analysis of Evidence Listed for Mr. Ruto and Mr. Sang

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Element or Area of Relevance	References
Crimes Against Humanity	
(1) Attack	KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0005-0001 – KEN-D09-0005-0012 Proposed Country House KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007-0069 Affidavit of Cornelius Korir KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0010-0001 Statement Hon William S.Ruto

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	KEN-D09-0011-0001 Photographs
(2) Widespread	
(3) Systematic	KEN-D11-0001-0026 KEN-D11-0001-0034 KEN-D11-0002-0001 KEN-D11-0002-0126 KEN-D11-0002-0146 KEN-D11-0004-0001 KEN-D11-0004-0003 KEN-D11-0005-0001 KEN-D11-0005-0008 KEN-D11-0005-0016 KEN-D11-0005-0031 KEN-D11-0005-0037 KEN-D11-0005-0042 KEN-D11-0005-0051 KEN-D11-0005-0056 KEN-D11-0005-0065 KEN-D11-0005-0074 KEN-D11-0005-0080 KEN-D11-0005-0085 KEN-D11-0005-0088 KEN-D11-0005-0097 KEN-D11-0005-0108 KEN-D11-0005-0115 KEN-D11-0005-0125 KEN-D11-0005-0131 KEN-D11-0005-0136

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	KEN-D11-0005-0140 KEN-D11-0005-0144 KEN-D11-0005-0146 KEN-D11-0005-0150 KEN-D11-0005-0160 KEN-D11-0005-0181 KEN-D11-0006-0001 KEN-D11-0006-0002 KEN-D11-0006-0010 KEN-D11-0006-0023 KEN-D11-0006-0028 KEN-D11-0007-0001 KEN-OTP-0011-0420 KEN-OTP-0014-0177 KEN-OTP-0033-0100 KEN-OTP-0033-0511 KEN-OTP-0038-0083 KEN-OTP-0042-0224 KEN-OTP-0047-0090 KEN-OTP-0049-0004 KEN-OTP-0061-0051 KEN-OTP-0061-0053 KEN-OTP-0061-0055 KEN-OTP-0061-0057 KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya

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	KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0005-0001 – KEN-D09-0005-0012 Propose Country House KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007-0069 Affidavit of Cornelius Korir KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0010-0001 Statement Hon William S.Ruto KEN-D09-0011-0001 Photographs
(4) Directed against a civilian population	KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem

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	KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007-0069 Affidavit of Cornelius Korir KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0010-0001 Statement Hon William S.Ruto
(5) Knowledge of the attack	KEN-D09-0005-0001 – KEN-D09-0005-0012 Propose Country House KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat

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	KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007.0069 Affidavit of Cornelius Korir KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0010-0001 Statement Hon William S.Ruto KEN-D09-0011-0001 Photographs
(6) Intention to target civilians	KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0005-0001 – KEN-D09-0005-0012 Propose Country House KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007.0069 Affidavit of Cornelius Korir

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	KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0008-0036 Newspaper cuttings KEN-D09-0010-0001 Statement Hon William S.Ruto KEN-D09-0011-0001 Photographs
(7) Organizational policy	KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0004-0195 2009 Population and Housing Census KEN-D09-0005-0001 – KEN-D09-0005-0012 Propose Country House KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura KEN-D09-0007-0021 Affidavit of Joseph Githuku Kanyura KEN-D09-0007-0026 Affidavit of Joseph Kairuri Mwangi KEN-D09-0007-0040 Affidavit of Pastor Sammy Mbugua KEN-D09-0007-0044 Affidavit of Shadrak Mbugua KEN-D09-0007-0048 Statement of Samuel Kariuki Ndungu KEN-D09-0007-0051 Affidavit of Reverend Stephen Mburu Ngugi KEN-D09-0007-0054 Statement of Wesley Kiprono Kurgat

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Element or Area of Relevance	References
	KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto KEN-D09-0007.0069 Affidavit of Cornelius Korir KEN-D09-0008-0001 Re: Confirmation if Fredrick Cheebe Kapondi was in the custody of the prison officers throughout the period of April 2007 to 14th December 2007 KEN-D09-0008-0004 Majimbo is a good idea whose time has come KEN-D09-0008-0006 Criminal Case No. 34 of 2008 KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0008-0036 Newspaper cuttings KEN-D09-0010-0001 Statement Hon William S.Ruto KEN-D09-0011-0001 Photographs KEN-D09-0011-0128 Photographs KEN-D09-0012.0007 The Social Institutions of the Kalenjin People
Constituent Elements of the Counts	
(1) Murder – Article 7(1)(a)	
(2) Forcible Transfer – Article 7(1)(d)	KEN-D09-0013-0009
(3) Persecution – Article 7(1)(h)	KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0007-0017 Affidavit of John Kimani Mwaura

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Modes of Liability	
(1) Indirect Co-Perpetration – Article 25(3)(a)	KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0004-0195 2009 Population and Housing Census KEN-D09-0005-0001 – KEN-D09-0005-0012 Propose Country House KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0012 Affidavit of William Serem KEN-D09-0007-0005 Affidavit of David Nyambane KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting

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(2) Common Purpose – Article 25(3)(d)	KEN-D11-0006-0002 KEN-D11-0013-0010 KEN-D11-0001-0010

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	KEN-D11-0002-0001
	KEN-D11-0002-0125
	KEN-D11-0002-0126
	KEN-D11-0002-0146
	KEN-D11-0002-0216
	KEN-D11-0004-0001
	KEN-D11-0004-0003
	KEN-D11-0005-0001
	KEN-D11-0005-0008
	KEN-D11-0005-0016
	KEN-D11-0005-0031
	KEN-D11-0005-0037
	KEN-D11-0005-0042
	KEN-D11-0005-0045
	KEN-D11-0005-0051
	KEN-D11-0005-0056
	KEN-D11-0005-0065
	KEN-D11-0005-0074
	KEN-D11-0005-0080
	KEN-D11-0005-0085
	KEN-D11-0005-0088
	KEN-D11-0005-0097
	KEN-D11-0005-0108
	KEN-D11-0005-0115
	KEN-D11-0005-0125
	KEN-D11-0005-0131
	KEN-D11-0005-0136
	KEN-D11-0005-0140

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Defence Themes	
(1) Recanting Statements (re KNHRC and CIPEV reports)	KEN-D11-0005-0170 KEN-D11-0005-0174 KEN-OTP-0011-0413 KEN-OTP-0049-0004 KEN-OTP-0045-0178 KEN-OTP-0045-0181 KEN-OTP-0047-0135

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	KEN-OTP-0047-0144 KEN-D09-0013-0001 KEN-D09-0009-0001
(2) National Inquires/Investigations into PEV	KEN-OTP-0014-0177 KEN-OTP-0033-0511 KEN-OTP-0049-0004 KEN-OTP-0005-8418 KEN-OTP-0005-9940 KEN-OTP-0006-1124 KEN-OTP-0006-1124_R01 KEN-OTP-0011-0389 KEN-OTP-0012-0473 KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0007-0057 Statement under inquiry of William Samoei Ruto
(3) History of PEV in Kenya	KEN-OTP-0014-0177 KEN-OTP-0033-0511 KEN-OTP-0049-0004 KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya

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(4) Counter-Evidence (in comparison to dates of meetings/rallies, etc)	KEN-D11-0005-0037 KEN-D11-0005-0042 KEN-D11-0005-0051 KEN-D11-0005-0085 KEN-D11-0005-0088 KEN-D11-0005-0097 KEN-D11-0005-0131 KEN-D11-0005-0140 KEN-D11-0005-0167 KEN-D11-0005-0177 KEN-D11-0005-0186 KEN-D11-0007-0001 KEN-OTP-0061-0055 KEN-D09-0006-0248 Hon. William Ruto recordings at Kass FM KEN-D09-0007-0009 Statement of Eliud Kipngetich Letting KEN-D09-0008-0036 Newspaper cuttings KEN-D09-0011-0128 Photographs KEN-D09-0011-0001 Photographs KEN-D09-0006-0005 KEN-D09-0006-0256 KEN-D09-0007-0013

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Element or Area of Relevance	References
	KEN-D09-0007-0029 KEN-D09-0007-0033 KEN-D09-0007-0036
(5) Background Material	KEN-OTP-0014-0177 KEN-OTP-0033-0100 KEN-OTP-0033-0511 KEN-OTP-0049-0004 KEN-D09-0002-0001 The Kenya Gazette KEN-D09-0002-0004 The Kenya Gazette KEN-D09-0003-0001 Report of the Parliamentary Select Committee to Investigate Ethnic-Clashes in Western and Other Parts of Kenya KEN-D09-0003-0251 Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007 KEN-D09-0003-0643 Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya KEN-D09-0004-0001 The Constitution of Kenya KEN-D09-0008-0028 Crisis in Kenya: Land, displacement, and the search for 'durable solutions' KEN-D09-0012.0007 The Social Institutions of the Kalenjin People