

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 March 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. WILLIAM SAMOEI RUTO and JOSHUA ARAP SANG***

Public

Decision on the joint defence request for extension of time

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Ms Fatou Bensouda

Counsel for William Samoei Ruto
Mr Kioko Kilukumi Musau
Mr David Hooper

Counsel for Joshua Arap Sang
Mr Joseph Kipchumba Kigen-Katwa
Mr Silas Chekera

Legal Representatives of Victims
Mr Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**
Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar

Victims and Witnesses Unit
Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber V (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, pursuant to Regulation 35 of the Regulations of the Court (“Regulations”), issues this Decision on the joint defence request for extension of time.

1. On 9 July 2012, the Chamber issued its “Decision leading up to trial”,¹ in which it set, *inter alia*, the date for the second joint filing of the Office of the Prosecutor (“Prosecution”) and defence teams for Mr Ruto and Mr Sang (together “Defence”) on agreed facts pursuant to Rule 69 of Rules of Procedure and Evidence or 8 March 2013.²
2. On 7 March 2013, the Defence filed the “Joint Defence Request for an Extension of time Regarding the 8 March 2013 Deadline for the Second Joint Prosecution-Defence Submission on Agreed Facts” (“Request”),³ requesting the 8 March 2013 deadline to be extended for one week. In the Request the Defence informs the Chamber that on 1 March 2013, it received from the Prosecution a first document containing proposed facts, in which the Defence is requested to agree to the authenticity of 184 documents. A second document containing 24 substantive facts on which the Defence is to agree was sent to the Defence on 4 March 2013.⁴
3. The Defence submits that despite its efforts it is unable to conduct a thorough consideration of all the proposed facts due to the short time frame. Further, the Defence submits that dates on which the documents were sent coincided with the first round of the general elections in Kenya, which further complicated

¹ Decision on the schedule leading up to trial, ICC-01/09-01/11-440.

² ICC-01/09-01/11-440, para. 18.

³ ICC-01/09-01/11-639.

⁴ ICC-01/09-01/11-639, para. 3.

availability of some members of the Defence during this time period and the review of the proposed facts.⁵

4. On 8 March 2013, the Chamber indicated, by way of email to the parties, that it intended to grant the request and that a formal decision would follow.⁶
5. The Chamber considers that the reasons advanced in the Request justify the extension of the deadline until 15 March 2013. In particular, the Chamber is satisfied that good cause is shown because of the limited time frame for the Defence to thoroughly consider the proposed facts despite its diligent efforts.

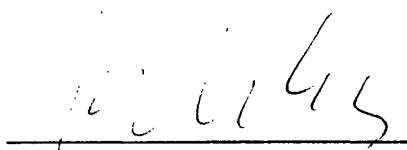
⁵ ICC-01/09-01/11-639, paras 4-6.

⁶ Email from TC V Communications 8 March 2013, 2.36 pm. Considering that the purpose of the joint filing on agreed facts is to expedite the proceedings and to facilitate the work of the parties, the Chamber has decided, pursuant to Regulation 35(2) of the Regulations, that, in the circumstances, there is no need to give the Prosecution the opportunity to be heard on the Defence's Request prior to this Decision.

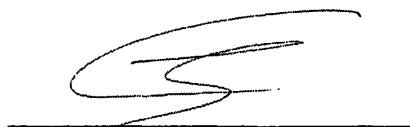
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the relief sought in the Request and extends the deadline for the Second Joint Prosecution-Defence Submission on Agreed Facts until 15 March 2013.

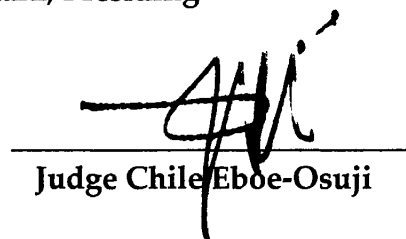
Done in both English and French, the English version being authoritative.



Judge Kuniko Ozaki, Presiding



Judge Christine Van den Wyngaert



Judge Chile Eboe-Osuji

Dated this 14 March 2013

At The Hague, The Netherlands