

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **24 June 2011**

**PRE-TRIAL CHAMBER II**

**Before: Judge Ekaterina Trendafilova, Single Judge**

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF  
*THE PROSECUTOR v. WILLIAM SAMOEI RUTO, HENRY KIPRONO KOSGEY  
AND JOSHUA ARAP SANG***

**Public**

**Request for instructions on the processing of victims' applications**

**Source: Registry**

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

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo  
Ms Fatou Bensouda  
Ms Cynthia Tai

**Counsel for the Defence**

**Defence of William Samoei Rulo**  
Kioko Kilukumi Musau  
David Hooper  
**Defence of Henry Kiprono Kosgey**  
George Odinga Oraro  
Alan Kosgey

**Defence of Joshua Arap Sang**  
Joseph Kipchumba Kigen-Katwa  
Joel Kimutai Bosek

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**  
Ms. Liesbeth Zegveld  
Njenga Mwangi

**Unrepresented Victims**

**Unrepresented Applicants  
(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**

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**Registrar**

Ms Silvana Arbia

**Counsel Support Section**

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Other**

**The Registrar of the International Criminal Court (“the Court”);**

**NOTING** article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence, and regulation 86(5) of the Regulations of the Court;

**NOTING** the Decision on the Prosecutor’s Application for Summons to Appear for William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang;<sup>1</sup>

**NOTING** the Decision Designating a Single Judge;<sup>2</sup>

**NOTING** the First Decision on Victims’ Participation in the Case (the “First Decision”);<sup>3</sup>

**CONSIDERING** that between 18 June 2011 and 20 June 2011 the Registry received approximately 1800 applications for participation and/or reparations which may be linked to the present case;

**CONSIDERING** that after a brief assessment, the Registry believes that many of the 1800 applications may be incomplete;

**CONSIDERING** that the Registry faces resource constraints which will prevent it from redacting and reporting individually on all 1800 applications before the deadline of 8 July set down in the First Decision;

**TRANSMITS** to the Chamber the following request for instructions on the processing of victims’ applications.

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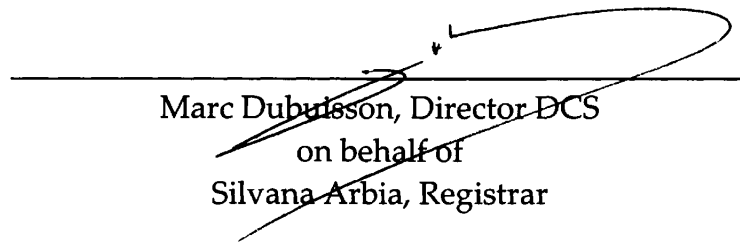
<sup>1</sup> ICC-01/09-01/11-1.

<sup>2</sup> ICC-01/09-01/11-6.

<sup>3</sup> ICC-01/09-01/11-17.

1. Between 18 June and 20 June 2011 the Registry received approximately 1800 applications for participation and/or reparations which appear, from preliminary reviews, to be related to the present case. The Registry notes that although the receipt of a large number of applications had been anticipated, the number actually received significantly exceeds the estimates that had been given by the intermediaries providing the applications.
2. The Registry has not yet been able to review all of these applications for completeness. However based on preliminary assessments, it is estimated that as many as approximately 800 applications might be complete. Considering the limited resources available to the VPRS, the Registry calculates that it could redact and provide individual reports on no more than 400 complete applications by the deadline of 8 July set down in the First Decision.
3. The Registry notes paragraph 18 of the First Decision of the Single Judge whereby the Registry was ordered, in cases where applications are incomplete and supplementary information requested has not been received within a reasonable time, to “submit those applications to the Chamber for the Single Judge’s consideration.” However the Registry also notes that it was ordered to submit “complete applications” for participation in the present case and “no later than Friday, 8 July 2011.” In light of the recent intake of a very large number of applications for participation, the Registry requests the Chamber’s guidance on whether to process all applications irrespective of completeness, or to prioritize applications assessed as complete.

4. The Registry respectfully recommends that it reports on and transmits to the Chamber, the parties and participants, only those applications assessed as complete. In instances where it is unclear whether an application is complete or not, the Registry would propose to report on and transmit such applications in order that they can be the subject of observations from the parties and a decision from the Chamber.



Marc Dubuisson, Director DCS  
on behalf of  
Silvana Arbia, Registrar

Dated this 24 June 2011

At The Hague, The Netherlands