

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **27 July 2011**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Ekaterina Trendafilova, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Cuno Tarfusser

**SITUATION IN THE REPUBLIC OF KENYA**

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

**PUBLIC**

**with CONFIDENTIAL and *ex parte*, Pre-Trial Chamber only, Annex**

**Filing on behalf of Mr. Joshua Arap Sang  
Indicating Reduced List of Live Witnesses  
for the Confirmation of Charges Hearing**

**Source: Defence**

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

**The Office of the Prosecutor**

Luis Moreno-Ocampo, Prosecutor  
Fatou Bensouda, Deputy Prosecutor

**Counsel for William Samoei Ruto**

Joseph Kipchumba Kigen-Katwa,  
David Hooper QC, Kioko Kilukumi  
Musau, Kithure Kindiki

**Counsel for Henry Kiprono Kosgey**

George Odinga Oraro, Julius Kemboy  
and Allan Kosgey

**Counsel for Joshua Arap Sang**

Joseph Kipchumba Kigen-Katwa, Joel  
Kimutai Bosek and Philemon K.B. Koech

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**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 Daniel Pereira

**Detention Section**

**Victims and Witnesses Unit**

**Victims Participation and Reparations  
Section**

**Other**

1. On 19 July 2011, the Defence for Mr. Joshua Sang indicated that it intended to call twenty-five witnesses to give live testimony at the Confirmation Hearing, and submitted information detailing the scope and subject matter of the proposed testimony of each witness.<sup>1</sup>
2. On 25 July 2011, the Single Judge ordered the Defence to “reduce the number of witnesses they intend to call to testify at the confirmation of charges hearing to a maximum of two witnesses for each suspect and to submit, by no later than Wednesday, 27 July 2011 an amended list of *viva voce* witnesses, indicating their names and the scope and subject-matter of their proposed questioning”.<sup>2</sup> The Single Judge confirmed that this list may be filed *ex parte* to the Pre-Trial Chamber at this stage of the proceedings.<sup>3</sup>
3. The Defence hereby submits, in a confidential and *ex parte* annex, the names and a summary of the proposed testimony of two witnesses to be called at Confirmation on behalf of Mr. Joshua Sang. The Defence expressly notes however that this is without prejudice to any future application for leave to appeal that it may file with respect to the Single Judge’s order of 25 July 2011.



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Joseph Kipchumba Kigen-Katwa  
On behalf of Mr. Joshua Arap Sang

Dated this 27<sup>th</sup> day of July 2011,

At Nairobi, Kenya

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<sup>1</sup> *Prosecutor v. Ruto et al*, ICC-01/09-01/11-204, Filing on Behalf of Mr. Joshua Arap Sang Indicating Live Witnesses for the Confirmation of Charges Hearing, 19 July 2011. This was in compliance with two decisions from the Pre-Trial Chamber: *Prosecutor v. Ruto et al*, ICC-01/09-01/11-153, Decision Requesting the Parties to Submit Information for the Preparation of the Confirmation of Charges Hearing, 29 June 2011 and *Prosecutor v. Ruto et al*, ICC-01/09-01/11-176, Decision on the ‘Defence Application of Time to Submit Information on *Viva Voce* Witnesses to be Called at the Confirmation Hearing’, 11 July 2011.

<sup>2</sup> *Prosecutor v. Ruto et al*, ICC-01/09-01/11-221, Order to the Defence to Reduce the Number of Witnesses to be Called to Testify at the Confirmation of Charges Hearing and to Submit an Amended List of *Viva Voce* Witnesses, 25 July 2011.

<sup>3</sup> *Id.*, paras 28 and 29.