



Original: **English**

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

Date: 15 August 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

**Ruto and Sang's Joinder to Kosgey's Contingent Request for Extension
of Time Limit for Disclosure in Compliance with the E-Court Protocol**

Source: Defence for Mr. William Ruto and Mr. Joshua Sang

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 Ruto

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

Counsel for Henry Kosgey

George Odinga Oraro, Julius Kemboy
and Allan Kosgey

Counsel for Joshua Sang

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

Legal Representatives of the Victims

Legal Representatives of the Applicants
Sureta Chana

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

Registrar

Silvana Arbia

Counsel Support Section

Deputy Registrar

Didier Daniel Pereira

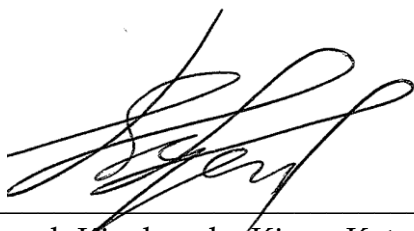
Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Defence for Mr. Ruto and Mr. Sang hereby joins and incorporates the Kosgey Defence team's contingent request for an extension of the 16 August 2011 time limit for disclosure of material intended for use at the confirmation of charges hearing.¹ The Defence for Mr. Ruto and Mr. Sang shares the same technical limitations, training problems and general IT frustrations that the Kosgey Defence outlines in paragraphs 6-12 of its Request, and submits that this constitutes "good cause" for a minor extension of the disclosure deadline pursuant to Regulation 35(2). Consequently, the Defence requests the same reasonable two-day extension of time to disclose evidence to the Prosecution in compliance with the E-Court protocol set by the Single Judge.
2. The Defence further notes that while it does indeed seem possible for the Defence to now use the single OPCD computer to upload its materials into RingTail, that single computer cannot physically accommodate case managers from three teams at one time. Furthermore, at 15:45 on Monday, 15 August, the IT section has still not granted access to the Ruto or Sang shared or network drives as requested by the Defence, such that the Defence could use its own log-in for this process.
3. The Defence for Mr. Ruto and Mr. Sang is prepared to effect hard-copy disclosure of all the documents and materials in its possession by the deadline tomorrow in an attempt to mitigate any potential prejudice that might be said to accrue to the Prosecution, due to disclosure that cannot be served in the approved E-Court protocol format until after the 16 August deadline.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua Arap Sang and Mr. William Samoei Ruto

Dated this 15th day of August 2011

At Nairobi, Kenya

¹ *Prosecutor v. Ruto et al*, ICC-01/09-01/11, Henry Kosgey's Contingent Request for Extension of Time Limit for Disclosure in Compliance with the E-Court Protocol, 15 August 2011 ("Request").