



Original: **English**

No.: ICC-01/09-01 /11
Date: 3 September 2012

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
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 document
with Public Annex A**

**First Joint Submission by the Prosecution and the Defence as to Agreed Facts
and Certain Materials contained in the Prosecution's List of Evidence**

Source: The Office of the Prosecutor

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

The Office of the Prosecutor

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For William Samoei Ruto:

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For Joshua Arap Sang:

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Legal Representatives of Victims

Sureta Chana

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. In the “Decision on the schedule leading up to trial” issued on 9 July 2012,¹ Trial Chamber V (“Trial Chamber”) directed the Prosecution and the Defence teams (jointly, the “Parties”) to liaise with a view to reaching an agreement as to facts concerning non-contentious issues.² Discussions between the Parties have resulted in certain agreements being reached on the facts and on the maps and photographs contained in appended Annex A.
2. The Parties are continuing to meet and confer regarding those facts that remain in dispute. Should any further agreements be reached, these will be communicated to the Chamber at the earliest opportunity.



Fatou Bensouda,
Prosecutor

Dated this 3rd day of September, 2012
At The Hague, The Netherlands

¹ ICC-01/09-01/11- 440.

² ICC-01/09-01/11- 440, para. 10.