



Original: **English**

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

Date: **13 January 2014**

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Robert Fremr

SITUATION IN THE REPUBLIC OF KENYA

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

**PUBLIC
With Confidential Annex A**

Prosecution's addendum to the Updated Pre-Trial Brief

Source: Office of the Prosecutor

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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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States' Representatives

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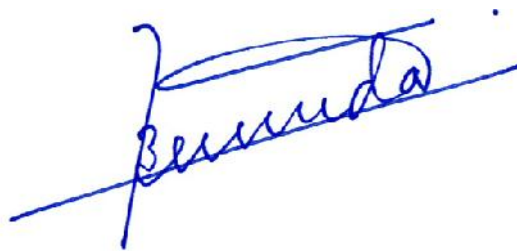
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Section Others**

1. On 25 February 2013, the Prosecution filed an updated version of its Pre-Trial Brief,¹ wherein it outlined the Prosecution's case against William Samoei RUTO and Joshua Arap SANG and the core supporting evidence which Prosecution intends to rely on at trial.
2. On 12 December 2013, Trial Chamber V(A) provided notice pursuant to Regulation 55(2) of the Regulations of the Court that, in respect to Mr RUTO, there is a possibility that the legal characterisation of facts with respect to the mode of criminal responsibility may be subject to change in accordance with Article 25(3)(b), (c) or (d) of the Statute.² The Chamber directed the Prosecution to provide an addendum to the Pre-Trial Brief "wherein the Prosecution explains its case, with accompanying evidence, under each of the proposed characterisations for which Regulation 55(2) Notice has now been given", and that it was to do so within 30 days of notification.
3. In compliance with the Chamber's order, the Prosecution hereby files the said addendum as a confidential annex to this submission.



Fatou Bensouda, Prosecutor

Dated this 13th day of January 2014

At The Hague, the Netherlands

¹ ICC-01/09-01/11-625.

² ICC-01/09-01/11-1122, p.20.