

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 September 2013

TRIAL CHAMBER V(A)

Before:

**Judge Chile Eboe-Osuji, Presiding
Judge Olga Herrera Carbuca
Judge Robert Fremr**

SITUATION IN THE REPUBLIC OF KENYA

***IN THE CASE OF
THE PROSECUTOR***

v.

WILLIAM SAMOEI RUTO AND JOSHUA ARAP SANG

Public

**Common Legal Representative for Victims' Response to the Ruto Defence for
Adjournment**

Source: Wilfred Nderitu, Common Legal Representative for Victims

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Anton Steynberg

Counsel for the Defence

for William Samoei Ruto:

Karim Khan QC, David Hooper QC
Shyamala Alagendra, Essa Faal

For Joshua arap Sang

Joseph Kipchumba Kigen-Katwa
Caroline Buisman

Legal Representatives of Victims

Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Orchlon Narantsetseg

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Didier Daniel Preira

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

Other

I. SUBMISSIONS

1. The Common Legal Representative for Victims ("the CLR") has received a Request for adjournment¹ filed by the Defence for Mr. William Samoei Ruto ("the Ruto Defence") pursuant to Article 64(6)(f) of the Rome Statute, in which the Ruto Defence seeks the adjournment of the trial proceedings in this case "in order that Mr. Ruto can return to Kenya to deal with an on-going and extremely serious matter of national security". It is common knowledge that there was a terrorist attack at the Westgate Mall in Nairobi, Kenya yesterday. According to media reports, the death toll from the attacks stands at 68 persons, with at least 200 persons injured, and the Kenya Defence Forces are still working to rescue many others who are held hostage inside the mall.
2. The CLR concedes that the situation is serious enough to warrant the return to Kenya of Mr. Ruto in order for him to assist the President in handling this tragedy. This is more so in view of the fact that many people continue to be held hostage according to news reports² received by the CLR at 11.15 pm, The Hague time. In addition to this, there are reports³ that the President has lost close relatives and friends in the attack.

II. CONCLUSION

3. The CLR therefore does not oppose the Ruto Defence request for adjournment for a reasonable period, in all the circumstances of the case.
4. The CLR will make additional submissions during the oral hearing of the Ruto Defence request for adjournment, if necessary.

Respectfully submitted,

¹ ICC-01/09-01/11-966

² <http://www.kenyamoja.com/tv/ktnlive/>

³ <http://www.nation.co.ke/news/-/1056/2002522/-/137cu2e/-/index.html>

A handwritten signature in blue ink, appearing to read 'Wilfred Nderitu', with a long horizontal flourish extending to the right.

WILFRED NDERITU

Common Legal Representative for Victims

Dated this 22nd day of September 2013

At The Hague, The Netherlands