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 Carbuccia

**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

The Office of the Prosecutor Counsel for the Defence

for William Samoei Ruto:

Fatou Bensouda Karim Khan QC, David Hooper QC

James Stewart Shyamala Alagendra, Essa Faal

Anton Steynberg

For Joshua arap Sang

Joseph Kipchumba Kigen-Katwa

Caroline Buisman

Legal Representatives of Victims

Legal Representatives of Applicants

Wilfred Nderitu

Unrepresented Victims Unrepresented Applicants for

Participation/Reparation

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Victims Defence

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Didier Daniel Preira

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Patrick Craig

Victims Participation and Reparations Other

Section

Fiona McKay

#### 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 reports<sup>2</sup> received by the CLR at 11.15 pm, The Hague time. In addition to this, there are reports<sup>3</sup> that the President has lost close relatives and friends in the attack.

## II. CONCLUSION

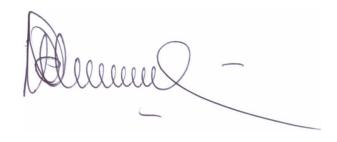
- 3. The CLR therefore does not oppose the Ruto Defence request for adjournment for a reasonable period, in all the circumstances of the case.
- 4. The CLR will make additional submissions during the oral hearing of the Ruto Defence request for adjournment, if necessary.

Respectfully submitted,

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

<sup>&</sup>lt;sup>1</sup> ICC-01/09-01/11-966

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



WILFRED NDERITU

# **Common Legal Representative for Victims**

Dated this 22<sup>nd</sup> day of September 2013 At The Hague, The Netherlands