

Annex A

Chart of Footnotes referring to the evidence of Witnesses P-0015, P-0016, P-0019, P-0024, P-0025, P-0028, and P-0336 in the Prosecution's Pre-Trial Brief (ICC-01/09-01/11-625-Conf-AnxA-Red)

Out of a total of 491 footnotes in the Pre-Trial Brief, the witnesses mentioned below have been referred to 391 times in these footnotes.

Witnesses proposed to be called first	References	Number of Individual References	Total References to the witnesses in question
I. Introduction (FN 1-56) – 56 footnotes			
P-15	Fn 40	1	7 references in 56 footnotes NB: P-25 and P-28 are not referred to in this section
P-16	Fn 11	1	
P-19	Fn 55	1	
P-24	Fn 33	1	
P-336	Fn 34, 36, 48	3	
II. Organization – The Network			
1. Composition of the Network (FN 57-88) – 31 footnotes			
P-15	Fn 60, 64, 65, 66, 70, 74, 75, 76, 77, 78, 79, 84, 88	13	41 references in 31 footnotes
P-16	Fn 75, 80	2	
P-19	Fn 62, 65, 77, 83	4	
P-24	Fn 57, 60, 61, 62, 63, 64, 78, 83	8	
P-25	Fn 57, 65, 82, 86	4	
P-28	Fn 61, 62, 64, 65, 71, 75	6	
P-336	Fn 65, 76, 82, 83	4	
2. The Network’s Means to Carry out the Attacks (FN 89-100) – 11 Footnotes			
P-15	Fn 89, 92, 94, 95, 98, 100	6	28 references in 11 footnotes NB: P-25 not referred to in this section
P-16	Fn 91, 92, 93, 98	4	
P-19	Fn 93, 94	2	
P-24	Fn 89, 91, 92, 93, 94, 95, 98, 99, 100	9	
P-28	Fn 94, 95, 98, 99	4	
P-336	Fn 94, 95, 98	3	
3. Planning and Preparation Meetings and public ODM Rallies (FN 101-181) – 80 Footnotes			
P-15	Fn 104, 111, 114, 115, 116, 117, 125, 129, 130, 131, 132, 135, 137, 155, 156, 158, 159, 160, 161	19	71 references in 80 footnotes
P-16	Fn 133, 156, 157, 158, 159	5	
P-19	Fn 107, 123, 126, 143, 145, 168, 173, 174, 179, 180	10	
P-24	Fn 127, 153, 154, 162, 163, 164, 165, 166, 167	9	
P-25	Fn 105, 114, 120, 121, 156, 171, 174, 177, 179	9	
P-28	Fn 101, 102, 108, 131, 132, 136, 142, 146, 147, 148, 171, 177	12	
P-336	Fn 105, 123, 149, 169, 171, 177, 181	7	

Witnesses proposed to be called first	References	Number of Individual References	Total References to the witnesses in question
III. Mode of Liability			
A. Ruto’s Criminal Responsibility (FN 182-290) – 108 Footnotes			
P-15	Fn 186, 187, 188, 189, 190, 191, 193, 197, 199, 200, 201, 202, 203, 204, 207, 209, 210, 211, 212, 213, 217, 219, 220, 221, 222, 224, 225, 227, 229, 230, 231, 232, 233, 236, 238, 239, 240, 241, 244, 246, 247, 248, 250, 254, 255, 256, 257, 259, 265, 266, 276, 277, 278, 285, 286	55	171 references in 108 footnotes
P-16	Fn 185, 191, 201, 202, 203, 206, 207, 210, 217, 219, 222, 223, 231, 236, 237, 238, 239, 242, 243, 246, 247, 248, 250, 252, 254, 255, 256, 286	28	
P-19	Fn 185, 186, 191, 200, 201, 203, 221, 223, 231, 233, 235, 236, 238, 244, 248, 253, 255, 257, 259, 261, 267, 286	22	
P-24	Fn 185, 186, 191, 199, 200, 201, 204, 205, 218, 220, 221, 227, 228, 236, 238, 241, 243, 246, 247, 248, 250, 253, 257, 285, 286	25	
P-25	Fn 219, 222, 231	3	
P-28	Fn 191, 200, 202, 217, 219, 222, 227, 231, 239, 240, 244, 246, 247, 248, 252, 254, 255, 256, 257	19	
P-336	Fn 206, 208, 217, 223, 227, 235, 236, 237, 239, 240, 243, 251, 253, 255, 256, 257, 260, 261, 268	19	
B. Sang’s Criminal Responsibility (FN 291-320) – 29 Footnotes			
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IV. Article 7 chapeau elements: Widespread or systematic attack directed against a civilian population (FN 321-336) – 15 Footnotes			
P-15	Fn 330, 332	2	12 references in 15 footnotes NB: P-25 and P-336 not referred to in this section
P-16	Fn 322	1	
P-19	Fn 322, 330, 332, 335	4	
P-24	Fn 322, 330, 332	3	
P-28	Fn 330, 332	2	
V. CRIMES			
a) Turbo (FN 337-357) – 20 Footnotes			
P-15	Fn 337, 349, 355	3	21 references in 20 footnotes NB: P-25, P-28 and P-336 not referred to in this
P-16	Fn 337, 341, 347, 348, 355	5	
P-19	Fn 337, 339, 340, 341, 346, 347, 348, 351, 352, 353, 354, 355	12	
P-24	Fn 337	1	

Witnesses proposed to be called first	References	Number of Individual References	Total References to the witnesses in question
			section
Greater Eldoret Area			
b) Huruma (FN 358-374) – 16 footnotes			
P-15	Fn 359	1	3 references in 16 footnotes NB: P-16, P-25, P-28, P-336 not referred to in this section
P-19	Fn 367	1	
P-24	Fn 358	1	
c) Kimumu (FN 375-392) – 17 footnotes			
P-15	Fn 381, 387, 390	3	6 references in 17 footnotes NB: P-16, P-19, P-25, P-336 not referred to in this section
P-24	Fn 375	1	
P-28	Fn 375, 392	2	
d) Langas (FN 393-405) – 12 Footnotes			
P-24	Fn 405	1	2 references in 12 footnotes NB: P-15, P-16, P-19, P-25, P-336 not referred to in this section
P-28	Fn 402	1	
e) Yamumbi (FN 406-424) – 18 Footnotes			
P-15	Fn 406, 407, 409, 420, 423, 424	6	6 references in 18 footnotes NB: P-16, P-19, P-24, P-25, P-28, P-336 not referred to in this section
f) Kiambaa (FN 425-453) – 28 Footnotes			
P-15	Fn 451	1	1 reference in 28 footnotes NB: P-16, P-19, P-24, P-25, P-28, P-336 not referred to in this section
g) Kapsabet (FN 454-475) – 21 Footnotes			
P-15	Fn 470,	1	11 references in 21 footnotes NB: P-16, P-25, P-336 not referred to in this section
P-19	Fn 474	1	
P-24	Fn 454, 455, 456, 461, 465, 472, 473, 475	8	
P-28	Fn 465	1	
h) Nandi Hills Town (FN 476-491) – 15 Footnotes			

Witnesses proposed to be called first	References	Number of Individual References	Total References to the witnesses in question
P-15	Fn 476, 489	2	11 references in 15 footnotes NB: P-16, P-19, P-25, P-28, P-336 not referred to in this section
P-24	Fn 476, 479, 480, 481, 482, 483, 484, 485, 491	9	

Confirmation Decision (ICC-01/09-01/11-373)

An analysis of the references in the Confirmation Decision establishes that in confirming the case, the Pre-Trial Chamber relied upon documentary evidence and witness statements. In respect of the Prosecution witness evidence relied upon to confirm the case, the Chamber only relied upon the following 6 witnesses, namely: CW 1 (P-28), CW-2 (P-16), CW-4 (P-19), CW-5 (P-25), CW-6 (P-24) and CW-8 (P-15). The references can be broken down as follows:

Witnesses Proposed to be called first	Number of References in 584 Footnotes
P-15 (CW-8)	162
P-16 (CW-2)	102
P-19 (CW-4)	69
P-24 (CW-6)	116
P-25 (CW-5)	25
P-28 (CW-1)	92
P-32	-
P-336	-

It should be noted that P-0032 and P-0336 were not confirmation witnesses.

Out of a total of 584 footnotes in the Confirmation Decision, the witnesses mentioned above have been referred to 566 times in these footnotes.