



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 Carbuccion
Judge Robert Fremr

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

***THE PROSECUTOR v. WILLIAM SAMOEI RUTO
AND JOSHUA ARAP SANG***

URGENT

Public

**Sang Defence Response to Ruto Defence
Request for an Adjournment**

Source: Defence for Mr. Joshua arap Sang

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Anton Steynberg, Senior Trial Attorney

Counsel for William Ruto

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

Counsel for Joshua Sang

Joseph Kipchumba Kigen-Katwa
Caroline Buisman

Legal Representatives of the Victims

Wilfred Nderitu

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Counsel Support Section

Deputy Registrar

Didier Daniel Preira

Victims and Witnesses Unit

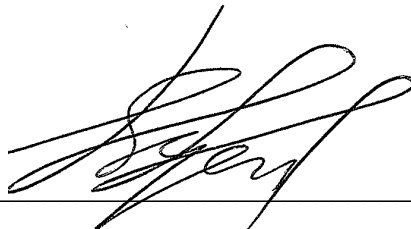
Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Ruto defence has urgently requested an adjournment of the trial proceedings so that the first accused, William Ruto, the Deputy President of the Republic of Kenya, may return to Kenya in order to fulfil his constitutional responsibilities and to provide leadership in the wake of a serious and on-going crisis situation.¹
2. The Sang defence hereby joins and supports the Ruto defence's Request; or in the alternative proposes that the Chamber excuse Mr Ruto's presence at trial so that the proceedings continue in his absence. In any event, Mr Sang raises no objection at this time in relation to his right to be tried without undue delay.²
3. The Sang defence notes that the Preamble to the Statue of this Court acknowledges the jurisdiction of State Parties over "grave crimes", which "threaten the peace, security and well-being of the world". The defence recalls that the Preamble further states, "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes". In this situation, it is essential that Mr Ruto, as the second in command of the Republic of Kenya, be in a position to do so.
4. The Sang defence submits that the gravity of the terrorist attack and the serious threat to national security in Kenya at this time, overrides any inconveniences that a short adjournment would cause to the parties, participants and witnesses. However, the Sang defence is prepared to proceed, and in the event that the Chamber deems it necessary to continue, requests that it considers excusing Mr Ruto from having to attend trial until the crisis is resolved.



Joseph Kipchumba Kigen-Katwa
On behalf of Mr. Joshua arap Sang
Dated this 22nd day of September 2013
In The Hague, The Netherlands

¹ *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-966, Urgent Request for an Adjournment, 22 September 2013 ("Request").

² Article 67(1)(c).