

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 22 April 2014

**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***

**Public**

**Defence request for extension of time limit**

**Sources:** Defence for Mr. William Samoei Ruto

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

**The Office of the Prosecutor**

Ms. Fatou Bensouda  
Mr. James Stewart  
Mr. Anton Steynberg

**Counsel for William Samoei Ruto**

Mr. Karim A. A. Khan QC  
Mr. David Hooper QC  
Mr. Essa Faal  
Ms. Shyamala Alagendra

**Counsel for Joshua Arap Sang**

Mr. Joseph Kipchumba Kigen-Katwa  
Ms. Caroline Buisman

**Legal Representatives of the Victims**

Mr. Wilfred Nderitu

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Mr. Orchlon Narantsetseg

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr. Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. On 17 April 2014 the *Decision on Prosecutor's Application for Witness Summonses and resulting Request for State Party Cooperation* was rendered ("Decision").<sup>1</sup> The Decision advises that "*Judge Herrera Carbuccia's dissenting opinion will be filed in due course.*"<sup>2</sup>
2. The defence for Mr. William Samoei Ruto ("Defence") respectfully requests an extension of the time limit for leave to appeal the Decision in order that the time limit shall start running on notification of Judge Herrera Carbuccia's dissenting opinion.<sup>3</sup>
3. Regulation 35(2) of the Regulations of the Court permits the Chamber to "*extend...any time limit if good cause is shown.*" The Defence submits that good cause exists for the requested extension because the Decision engages complex, novel and not uncontroversial legal issues. The dissent will likely inform the Defence's decision on leave to appeal including the formulation of the issue(s) on which to seek leave.

#### **Requested Relief**

4. For the foregoing reasons, the Defence respectfully requests the Chamber to grant the requested extension of the time limit in which to seek leave to appeal.

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<sup>1</sup> ICC-01/09-01/11-1274.

<sup>2</sup> *Ibid.*, p. 77.

<sup>3</sup> The time limit for seeking leave to appeal in the present case is specified in Rule 155(1) of the Rules of Procedure and Evidence.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized initial 'K' followed by a horizontal line that tapers to the right.

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**Karim A.A. Khan QC**

Lead Counsel for Mr. William Samoei Ruto

Dated this 22<sup>nd</sup> Day of April 2014  
At The Hague, Netherlands