

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 May 2014

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

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

Public

Ruto Defence application to join the Urgent Sang Defence Application for an Extension of the Page Limit for the Defence's Appeal against the "Decision on Prosecutor's Application for Witness Summonses and resulting Request for State Party Cooperation"

Source: 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

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Mr. James Stewart
Mr. Anton Steynberg

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Mr. Joseph Kipchumba Kigen-Katwa
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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

Registrar

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 30 May 2014, the Defence for Mr. Joshua arap Sang (“Sang Defence”) requested that the Appeals Chamber grant an extension of the page limit for its appeal brief against the *Decision on Prosecutor’s Application for Witness Summonses and resulting Request for State Party Cooperation* (“Impugned Decision”)¹ from 20 to 40 pages (“Request”).²
2. The defence for Mr. William Samoei Ruto (“Defence”) joins in the Request. The Defence submits that the “exceptional circumstances” identified by the Sang Defence justify the requested extension of the page limit.

II. Applicable Law

3. Regulation 37 of the Regulations of the Court provides as follows:

Page limits for documents filed with the Registry

1. A document filed with the Registry shall not exceed 20 pages, unless otherwise provided in the Statute, Rules, these Regulations or ordered by the Chamber.
2. The Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.

III. Submissions

4. The Defence adopts the justifications advanced by the Sang Defence in the Request in support of the requested extension of the page limit. The Defence specifically notes and agrees with the Sang Defence’s submission that “[t]he two issues certified for appeal by the Trial Chamber deal with a variety of complex

¹ ICC-01/09-01/11-1274-Corr2.

² Urgent Sang Defence Application for an Extension of the Page Limit for the Defence’s Appeal against the “Decision on Prosecutor’s Application for Witness Summonses and resulting Request for State Party Cooperation”, dated 29 May 2014 and notified on 30 May 2014. A courtesy copy was provided to the parties on 28 May 2014.

and novel legal areas”³ and that “[t]hese issues cannot be comprehensively addressed in 20 pages”.⁴

5. Accordingly, the Defence submits that the “exceptional circumstances” requirement within the meaning of Regulation 37(2) is satisfied in this case.

IV. Relief Sought

6. The Defence joins the Request and respectfully requests that it also be granted an extension of the page limit for its appeal brief from 20 to 40 pages.

Respectfully submitted,



Karim A.A. Khan QC
Lead Counsel for Mr. William Samoei Ruto

Dated this 30th Day of May 2014
At The Hague, Netherlands

³ Request, para. 10.

⁴ *Ibid.*