

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 June 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**

Public

**Defence Submission of Copy of Mr. Ruto's signed waiver further to the Chamber's
Decision ICC-01/09-01/11-777**

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

Fatou Bensouda, Prosecutor
Cynthia Tai, Trial Lawyer

Counsel for William Ruto

Karim AA Khan QC, David Hooper QC,
Kioko Kilukumi, Shyamala Alagendra

Counsel for Joshua Sang

Joseph Kipchumba Kigen-Katwa
Silas Chekera

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**

Ms. Paolina Massidda

**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

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 18 June 2013, Trial Chamber V(A) of the Court, by majority, issued the “Decision on Mr Ruto's Request for Excusal from Continuous Presence at Trial” (“Decision”).¹ The Trial Chamber granted the Defence of Mr. Ruto’s (“Defence”) request² for permission for Mr. Ruto not to be required to be continuously present in court during his trial in order to enable him to carry out his functions of state as Deputy President of Kenya, subject to the conditions set out at page 52 of the Decision.
2. In order to confirm Mr. Ruto’s informed waiver of his right to be continuously present in court during his trial, the Chamber instructed the Defence to file with the Registry no later than 25 June 2013, the waiver annexed³ to the Decision “signed by Mr. Ruto himself”.⁴
3. The Defence hereby respectfully notifies the Trial Chamber that on 20 June 2013, Mr. Ruto reviewed and signed the waiver annexed to the Chamber’s Decision. The Defence annexes to this filing, for the Trial Chamber’s information, a copy of the signed waiver.
4. In compliance with the Chamber’s decision, the Defence shall do its utmost to submit the original signed waiver to the Court Management Services (“CMS”) in The Hague by 25 June 2013, and undertakes that the original has been dispatched to the CMS from Nairobi without delay.
5. The Defence additionally takes cognizance of the observations of the Trial Chamber at paragraph 108 of the Decision. Mr. Ruto has instructed defence counsel, through this public filing, to – once again – make it clear that he fully supports the rule of law. Accordingly, Mr. Ruto, both in his personal capacity as

¹ ICC-01/09-01/11-777.

² Defence Request pursuant to Article 63(1) of the Rome Statute, 17 April 2013, ICC-01/09-01/11-685.

³ ICC-01/09-01/11-777-Anx1.

⁴ Decision, p. 52.

well as in his official capacity as the Deputy President of the Republic of Kenya, encourages and urges all individuals, whether perceived supporters or opponents of him personally, to respect the rule of law and not, in any way, obstruct or interfere with the proper administration of justice. Witnesses must be left free to give their accounts – whether to the Prosecution or the Defence. No one should think dissuading witnesses from speaking the truth – or enjoining witnesses to lie – is acceptable. It is not – and the “truth” must be determined by the Judges of the ICC – not individuals or groups within Kenya or outside its borders.

Respectfully submitted,



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

Dated this 24th Day of June 2013
At London, United Kingdom