



Original: **English**

No.: ICC-01/09-01/11  
Date: 2 January 2014

**TRIAL CHAMBER V(A)**

**Before:** Judge Chile Eboe-Osuji, Presiding  
Judge Olga Herrera Carbuccia  
Judge Robert Fremr

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF**

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

**Public**

**Sang Defence request for an extension of the page limit.**

**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, 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**

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Patrick Craig

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. INTRODUCTION

1. Pursuant to Regulation 37(2) of the Regulations, the Defence of Mr. Joshua arap Sang (“the Defence”) requests an extension of the page limit to 39 pages for the Defence’s response to the Office of the Prosecutor’s (the “Prosecution”) application to summon certain witnesses.<sup>1</sup> The Defence submits that exceptional circumstances, as required by Regulation 37(2), exist and justify the requested extension.

## II. PROCEDURAL HISTORY

2. On 19 November 2013, the Prosecution applied for an extension of the standard page limit to 39 pages for their application to summon certain witnesses.<sup>2</sup> The Defence did not oppose that request and furthermore, indicated that it may at a later stage make a similar request.<sup>3</sup>
3. The Prosecution’s request for an extension of the page limit was granted by Trial Chamber V(a) (the “Chamber”) on 20 November 2013.<sup>4</sup> In granting the request, the Chamber held that the novel legal issues involved, and factual circumstances of the individual witnesses concerned, amounted to exceptional circumstances.

## III. SUBMISSIONS

4. The Defence is currently drafting the response to the Prosecution’s application to summon witnesses. It is submitted, that the same novel and complex legal and factual circumstances confronting the Prosecution in their application, apply equally to the Defence in its response. The Prosecution’s application raises a number of issues and an adequate Defence response necessitates more pages than the standard page limit permits.
5. In these circumstances, it is submitted that exceptional circumstances justify the granting of the Defence’s request for an extension of the standard page limit to 39 pages for the Defence’s response to the Prosecution’s application to summon certain witnesses.

---

<sup>1</sup> ICC-01/09-01/11-1120-Conf, ICC-01/09-01/11-1120-Red2-Corr.

<sup>2</sup> ICC-01/09-01/11-1103-Conf.

<sup>3</sup> ICC-01/09-01/11-1105-Conf.

<sup>4</sup> ICC-01/09-01/11-1106-Conf.



---

Joseph Kipchumba Kigen-Katwa  
On behalf of Mr. Joshua arap Sang  
Dated this 2<sup>nd</sup> January 2014  
In Nairobi, Kenya