



Original: English

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

Date: 11 September 2015

APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng
Judge Silvia Alejandra Fernández De Gurmendi
Judge Christine Van Den Wyngaert
Judge Howard Morrison
Judge Piotr Hofmański

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

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

Public

**Sang Defence Request to Join the
*Addendum to the 'Ruto Defence Request for Extension of Page and Time Limits'***

Source: Defence for Joshua arap Sang

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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Anton Steynberg

Counsel for the Defence

For William Samoei Ruto:

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For Joshua Arap Sang

Joseph Kipchumba Kigen-Katwa
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Wilfred Nderitu

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

Office of Public Counsel for Victims

Paolina Massidda

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Amicus Curiae

States' Representatives

REGISTRY

Registrar

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Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

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**Victims Participation and Reparations
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Others

1. The Trial Chamber has certified seven issues for appeal,¹ arising from its *Decision on Prosecution Request for Admission of Prior Recorded Testimony*.²
2. Following the closure of the Prosecution case on 10 September 2015,³ the Defence for Joshua arap Sang (“Defence”) intends to file a ‘no case to answer’ motion. The Trial Chamber has directed that this be filed within fourteen days of the closure of the Prosecution case, irrespective of the pending appeal.⁴
3. The Defence supports and joins the *Ruto Defence Request for Extension of Page and Time Limits*⁵ and its Addendum⁶ (collectively the “Ruto Request”), filed today. The Defence likewise requests that it be granted an additional 21 days (bringing the deadline for filing to 12 October) and a total of 60 pages to file its submissions. As succinctly and persuasively argued in the Ruto Request, there are several novel and complex issues, which require careful and detailed argument from the parties. Furthermore, the Defence simultaneously has the burden of filing its ‘no case to answer’ motion, which requires significant analysis and investment of time. Additionally, the Sang Defence team operates under the legal aid budget and has limited resources to employ in times of sudden increased workload such as this.

¹ ICC-01/09-01/11-1953.

² ICC-01/09-01/11-1938-Conf-Corr; ICC-01/09-01/11-1938-Red-Corr.

³ ICC-01/09-01/11-1954.

⁴ ICC-01/09-01/11-1955.

⁵ ICC-01/09-01/11-1956-Red.

⁶ ICC-01/09-01/11-1957.

4. Therefore, the Defence submits that it is in the interests of justice and that there are good cause and exceptional circumstances to allow a reasonable extension of time and page limits for its appeal brief. As such, the Defence respectfully requests to be permitted until 12 October to file a 60-page appeal brief. The Defence would not oppose a similar extension being granted for the Prosecution's response.

Respectfully Submitted,



Joseph Kipchumba Kigen-Katwa
On behalf of Mr Joshua arap Sang
Dated this 11th day of September 2015
In Nairobi, Kenya