

Public

Annex A

Prosecution/Defence agreed facts pursuant to Rule 69

Fact Ref	Fact
1.	The Defence admits the identity of the Accused - William Samoei Ruto (RUTO) and Joshua Arap Sang (SANG).
2.	RUTO was born on 21 December 1966 in the village of Kamagut, Turbo Division of the Uasin Gishu District, Rift Valley Province, Republic of Kenya.
3.	RUTO is a Kalenjin.
4.	RUTO attended secondary schools in the Uasin Gishu and Nandi Districts.
5.	RUTO is a Kalenjin and speaks English, Swahili and Nandi.
6.	In 2006 and 2007, RUTO owned a house in Sugoi, Turbo division, Uasin Gishu District.
7.	In 1992, RUTO began his political career, joining the KANU party presidential election campaign.
8.	RUTO was organizing secretary for the Youth for KANU'92 movement.
9.	In 1997, 2002 and 2007, RUTO was elected member of Parliament, representing the Eldoret North Constituency located in Uasin Gishu District.
10.	From 1999 to November 2002, RUTO held the post of Assistant minister in the Office of the President.
11.	From November 2002 and for about two months, RUTO held the post of Minister of Home Affairs.
12.	In 2005 and 2006 RUTO was KANU's secretary general.
13.	By 2007, RUTO and ODINGA, along with others, established the Orange Democratic Movement (ODM).
14.	From April 2008 to 21 April 2010, RUTO held the post of Minister of Agriculture.
15.	From 21 April 2010 to 19 October 2010, RUTO held the post of Minister of Higher Education.
16.	In October 2010, RUTO was suspended from his position of Minister of Higher Education but continued to hold the status of Minister.
17.	RUTO organized and held public meetings in his house at Sugoi in 2007.
18.	Ordinarily local leaders attended the meetings held by RUTO in his house.
19.	Among those who attended some of the meetings were Daniel TAI, Nelson SEREM, Joel TARUS, MUTAI, William BOIT, William METTO and Jeremiah SANG.
20.	David KOROS and Joseph LAGAT, whose constituencies were next to RUTO's, attended some of the meetings.
21.	Joshua Arap SANG was born on 9 September 1975 in Seum village, Cherangani Division, Trans-Nzoia District, Rift Valley.
22.	SANG is a Kalenjin of Nandi tribe.
23.	SANG speaks Nandi, Swahili and English.
24.	Since 2005, SANG has been a radio broadcaster on Kass FM.
25.	As of 7 April 2011, SANG was still employed by Kass FM as a presenter and was head of operations.
26.	In 2007 and 2008, Kass FM was broadcasting in all Kalenjin languages to audiences nationally and internationally.
27.	Since 2005, SANG has hosted a program on Kass FM called "Lene Emet", among other programmes.

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28.	Lene Emet is a Kalenjin phrase/expression.
29.	Lene Emet means “ <i>What is the opinion of the country?</i> ”
30.	In 2007 and 2008, the “Lene Emet” program was broadcasted in Kalenjin languages, Swahili and sometimes a bit in English.
31.	In 2007 and 2008, during the “Lene Emet” program, SANG was hosting an interactive and consultative programme which featured various topics, including politics.
32.	On 27 December 2007, Presidential and parliamentary elections were held in Kenya.
33.	ODM’s presidential candidate was Raila ODINGA.
34.	The candidate for the Party of National Unity (PNU) was Mwai KIBAKI.
35.	On 30 December 2007, at around 17:30, the Electoral Commission of Kenya declared Mwai KIBAKI winner of the presidential elections and this announcement was broadcast live by the official national broadcaster, Kenya Broadcasting Corporation (KBC).
36.	Mwai KIBAKI was sworn in as President on 30 December 2007 at the State House, Nairobi, shortly after the results of the election were announced.
37.	President KIBAKI’s victory was contested as being fraudulent, including by the ODM leadership.
38.	In 2007 Parliamentary Elections, ODM candidate Margaret Jepkoech KAMAR was elected MP for Eldoret East constituency.
39.	In 2007 Parliamentary Elections, ODM candidate Peris CHEPCHUMBA was elected MP for Eldoret South constituency.
40.	In 2007 Parliamentary Elections, ODM candidate Sally Jemnetich KOSGEI was elected MP for Aldai constituency.
41.	In 2007 Parliamentary Elections, ODM candidate Henry Kiprono KOSGEY was elected MP for Tinderet constituency.
42.	In 2007 Parliamentary Elections, ODM candidate Elijah Kiptarbei LAGAT was elected MP for Emgwen constituency.
43.	In 2007 Parliamentary Elections, ODM candidate David KOECH was elected MP for Mosop constituency.
44.	During 2007 General Elections, Eldoret North constituency consisted of Soy, Ziwa, Kiplombe, Moi’s Bridge North, Moi’s Bridge South, Koisagat, Kipsomba, Ngenyilel, Tapsagoi, Sugoi, Kamagut, Kamukunji, Kapyemit, Stadium/Industrial, Kidiwa/Kapsuswa, Market, Eldoret North, and Shauri Yako wards.
45.	In 2007 General Elections, ODM candidate Rende Benjamin KEMEI was elected councillor for Soy ward.
46.	In 2007 General Elections, ODM candidate Rodah Jepkemboi LAGAT was elected councillor for Ziwa ward.
47.	In 2007 General Elections, ODM candidate Nahashon Kimutai LIMO was elected councillor for Kiplombe ward.
48.	In 2007 General Elections, ODM candidate Joseph Kipruto KORIR was elected councillor for Koisagat ward.
49.	In 2007 General Elections, ODM candidate Kipketer Joseph KOECH was elected councillor for Kipsomba ward.
50.	In 2007 General Elections, ODM candidate Rajab Kipkoskei MAGUT was elected councillor for Ngenyilel ward.
51.	In 2007 General Elections, ODM candidate Wilson A MUTAI was elected councillor for Tapsagoi ward.
52.	In 2007 General Elections, ODM candidate Kipkering Patrick KOSGEI was elected councillor for Sugoi ward.
53.	In 2007 General Elections, ODM candidate Samwel Kiptum KOGO was elected councillor for Kamagut ward.

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54.	In 2007 General Elections, ODM candidate Charles OMONDI was elected councillor for Stadium/Industrial ward.
55.	In 2007 General Elections, ODM candidate William Chemng'ok KIPTUM was elected councillor for Market ward.
56.	In 2007 General Elections, ODM candidate Chepchirchir Rebecca SUGUT was elected councillor for Eldoret North ward.
57.	In 2007 General Elections, ODM candidate Paul Kipkorir KARONEI was elected councillor for Moi's Bridge South ward.
58.	It is reported that in 2007 General Elections, PNU candidate Jane Muriithi WANGUI was defeated in Market ward with 38,78% of the votes.
59.	During 2007 General Elections, Eldoret East constituency consisted of Chemng'oror, Karuna, Moiben, Tembelio, Kaptagat, Kapsoya, Ainabkoi, Kipkabus, Hospital, Kimumu/Sergoit, Sergoit, Olare, and Moibeki wards.
60.	In 2007 General Elections, PNU candidate George Mbugua KAGIRI was elected councillor for Kapsoya ward.
61.	It is reported that in 2007 General Elections, PNU candidate Charles Nyagoto MOCHOGE was defeated in Kimumu/Sergoit ward with 37,13% of the votes.
62.	In 2007 General Elections, ODM candidate Jepkosgei Eusilah NGENY was elected councillor for Hospital ward.
63.	In 2007 General Elections, ODM candidate Daniel Kosgey CHEMEY was elected councillor for Cheming'oror ward.
64.	In 2007 General Elections, ODM candidate Kipngetch Julius KOECH was elected councillor for Karuna ward.
65.	In 2007 General Elections, ODM candidate Samson Cheruiyot ROTICH was elected councillor for Moiben ward.
66.	In 2007 General Elections, ODM candidate Keitany Barnaba CEMASE was elected councillor for Tembelio ward.
67.	In 2007 General Elections, ODM candidate Paul Kiprof KERING was elected councillor for Kaptagat ward.
68.	In 2007 General Elections, ODM candidate Samuel Kipkorir BARMASAI was elected councillor for Ainabkoi ward.
69.	In 2007 General Elections, ODM candidate Ruto Michael SOO was elected councillor for Kipkabus ward.
70.	In 2007 General Elections, ODM candidate Samuel Kiptanui RUTO was elected councillor for Kimumu/Sergoit ward.
71.	In 2007 General Elections, ODM candidate Kiptanui Peter KEMEI was elected councillor for Sergoit ward.
72.	In 2007 General Elections, ODM candidate Daniel Kipchumba KOSGEI was elected councillor for Moibeki ward.
73.	During 2007 Elections, Eldoret South constituency consisted of Simat/Kapsaret, Ngeria, Megun/Kesses, Chepterit, Tulwet/Chuiyat, Oleinguse, Timboroa, Pioneer/Elgon View, Race Course, Langas, Kipkenyo, Tarakwa, Simotwa, and Kipchamo wards.
74.	In 2007 General Elections, PNU candidate Francis Muya MWANGI was elected councillor for Langas ward.
75.	In 2007 General Elections, ODM candidate David Kirwa SATO was elected councillor for Simat/Kapsaret ward.
76.	In 2007 General Elections, ODM candidate James Kipchirchir MIBEY was elected councillor for Ngeria ward.
77.	In 2007 General Elections, ODM candidate Julius Kibet SANG was elected councillor for Megun/Kesses ward.
78.	In 2007 General Elections, ODM candidate Hosea Kipkemboi MORONG was elected councillor for Tulwet/Chuiyat ward.
79.	In 2007 General Elections, ODM candidate Jonah KUTO was elected councillor for Oleinguse ward.
80.	In 2007 General Elections, ODM candidate Christopher Kipketer SUMBAEI was elected councillor for Pioneer/Elgon View ward.

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81.	In 2007 General Elections, ODM candidate Jennifer Cherotich KOSKE was elected councillor for Race Course ward.
82.	In 2007 General Elections, ODM candidate Elijah Lagat BUSIENEI was elected councillor for Tarakwa ward.
83.	In 2007 General Elections, ODM candidate Benjamin Kipkeres KEMBOI was elected councillor for Simotwa ward.
84.	In 2007 General Elections, ODM candidate Elizabeth Chepchirchir SANG was elected councillor for Kipchamo ward.
85.	During 2007 General Elections, Tinderet constituency consisted of O'llessos, Sochoi, Meteitei, Kapchorwa, Chemelil, Songhor, Kapkoros, Tinderet, Soba, Kosoiywo, Kanpg'etuny, Kapsimotwo, Siret, Chebarus, and Mogobich wards.
86.	In 2007 General Elections, ODM candidate Philip Kipyego KEINO was elected councillor for O'llessos ward.
87.	In 2007 General Elections, ODM candidate James K Tanui KITPOO was elected councillor for Sochoi ward.
88.	In 2007 General Elections, ODM candidate Ibrahim Kipkosgei SANG was elected councillor for Kapchorwa ward.
89.	In 2007 General Elections, ODM candidate John KIPCHIRCHIR was elected councillor for Chemelil ward.
90.	In 2007 General Elections, ODM candidate William Kipsoi CHUMBA was elected councillor for Songhor ward.
91.	In 2007 General Elections, ODM candidate James Kipkurgat NGOSOSEI was elected councillor for Kapkoros ward.
92.	In 2007 General Elections, ODM candidate Michael Kiprotich NG'OK was elected councillor for Tinderet ward.
93.	In 2007 General Elections, ODM candidate Joel Kimiteii KITUR was elected councillor for Soba ward.
94.	In 2007 General Elections, ODM candidate Wesley Kirwa MOSBEI was elected councillor for Kosoiywo ward.
95.	In 2007 General Elections, ODM candidate Mugun Paul NGETICH was elected councillor for Kanpg'etuny ward.
96.	In 2007 General Elections, ODM candidate Julius Kiprono RUTTOH was elected councillor for Kapsimotwo ward.
97.	In 2007 General Elections, ODM candidate James Kiplimo LAGAT was elected councillor for Siret ward.
98.	In 2007 General Elections, ODM candidate Agui Paul KIPTOO was elected councillor for Chebarus ward.
99.	After the results of the 2007 Presidential elections were announced on 30 December 2007, violence broke out in Kenya and lasted at least until end of January 2008. This period is referred to as the Post-Election Violence (PEV).
100.	Houses and businesses were burnt in Turbo town during the PEV.
101.	Civilians were killed in Turbo town during the PEV.
102.	Because of the PEV people took refuge in the Turbo police station.
103.	Houses were burnt in Kimumu during the PEV
104.	Houses were burnt in Langas during the PEV.
105.	Houses were burnt in Yamumbi during the PEV.
106.	People were killed in Huruma during the PEV.
107.	Houses and businesses were burnt in Huruma during the PEV.
108.	People were killed in Kiambaa during the PEV.

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109.	Houses were looted in Kiambaa during the PEV.
110.	Houses were burnt in Kiambaa during the PEV.
111.	Homes and businesses were burnt in Kapsabet during the PEV.
112.	Houses and businesses were looted in Kapsabet during the PEV.
113.	Houses and businesses were looted in Nandi Hills town during the PEV.
114.	Houses and businesses were burnt in Nandi Hills town during the PEV.
115.	People were killed in Nandi Hills town during the PEV.
116.	As a result of the PEV, people sought refuge at a Nandi Hills police station and in a nearby field.
117.	EMO Society held Tumdo Rite of Passage ceremony in Kitengela on or about 21 December 2008.
118.	Tumdo Rite of Passage is used by the Kalenjin community in the transient of the boys from childhood to manhood.
119.	Joshua Arap SANG attended EMO Society event in Kitengela on or about 21 December 2008.
120.	Joshua Arap SANG attended EMO Society event in Eldoret on or about 31 December 2008.
121.	The Rift Valley is one of Kenya's eight provinces.
122.	Uasin Gishu, Trans Nzoia and Nandi were districts of the Rift Valley Province in 2007.
123.	In 2007-2008, Kapsabet and Nandi Hills town were located in Nandi District.
124.	In 2007-2008, Eldoret, Kiambaa, Yamumbi, Kimumu, Huruma, Langas and Turbo were located in Uasin Gishu District.
125.	The map KEN-OTP-0031-0115 dated 28 November 2005 is a Google satellite image showing Turbo and its environs.
126.	The map KEN-OTP-0041-0423 from Google Maps is an undated satellite image of Nandi Hills and its environs.
127.	The map KEN-OTP-0041-0424 from Google maps is an undated satellite image of MPW Kapsabet, Kento, Jubilee Merchants, Cheruyiot Hardware and their environs.
128.	The map KEN-OTP-0041-0425 from Google maps is an undated satellite image of Kapsabet, Kabungwa, Kipkelbon primary School and their environs.
129.	The map KEN-OTP-0041-0426 from Google maps is an undated satellite image of Kapsabet, Kabungwa, Arwos and their environs.
130.	The map KEN-OTP0041-0427 from Google maps is an undated satellite image of Nandi Hills, Brooklands, Posta Nandi Hills, MPW Nandi Hills and their environs.
131.	The map KEN-OTP-0041-0428 from Google maps is an undated satellite image of Nandi Hills and its environs.
132.	The map KEN-OTP-0041-0429 from Google maps is an undated satellite image of Nandi Hills and its environs.
133.	The map KEN-OTP-0061-0305 titled 'Uasin Gishu District' shows classified road network, road class and surface type.

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134.	Photograph KEN-OTP-0052-2368 is a photograph of Turbo Police Station in Western Province taken on 19 October 2010.
135.	Photograph KEN-OTP-0052-2372 is a photograph of the Turbo Police Canteen of the Turbo police station in Western Province, taken on 19 October 2010.
136.	Photograph KEN-OTP-0052-2373 is a photograph of the Turbo Police Canteen of the Turbo police station in Western Province, taken on 19 October 2010.
137.	Photograph KEN-OTP-0052-2390 is a photograph of Sirikwa Hotel taken on 20 October 2010.
138.	Photograph KEN-OTP-0052-2223 is a photograph of the entrance of Nandi Hills District Hospital taken on 18 October 2010.
139.	Photograph KEN-OTP-0052-2224 is a photograph of a building and a sign with the inscription "Nandi Hills Hospital" taken on 18 October 2010.
140.	Photograph KEN-OTP-0052-2226 is a photograph of "Plaza" building in Nandi Hills taken on 18 October 2010.
141.	Photograph KEN-OTP-0052-2227 is a photograph of "Plaza" building in Nandi Hills taken on 18 October 2010.
142.	Photograph KEN-OTP-0052-2228 is a photograph of Nandi Hills Police Station taken on 18 October 2010.
143.	Photograph KEN-OTP-0052-2229 is a photograph of Nandi Hills Police Station taken on 18 October 2010.
144.	Photograph KEN-OTP-0052-2245 is a photograph of the entrance of Kapsabet District Hospital taken on 18 October 2010.
145.	Photograph KEN-OTP-0052-2246 is a photograph of the entrance of Kapsabet District Hospital taken on 18 October 2010.
146.	Photograph KEN-OTP-0052-2248 is a photograph of a petrol station in Kapsabet taken on 18 October 2010.
147.	Photograph KEN-OTP-0052-2282 is a photograph of Whispering Flames Hotel (Kapsabet) taken on 18 October 2010.
148.	Photograph KEN-OTP-0052-2283 is a photograph of Sacred Heart of Jesus Cathedral (Eldoret) taken on 19 October 2010.