



Original : English

N°: ICC-01/09-01/20
Date: 18 November 2022

TRIAL CHAMBER III

Before: Judge Miatta Maria Samba

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. PAUL GICHERU***

**Public
With Confidential Annex 1 and its Public Redacted Version
Registry's Report on Evidence Recognised as Formally Submitted by the
Chamber for Witness KEN-OTP-P-0739**

Source : Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Nazhat Shameem Khan

Mr Anton Steynberg

Counsel for the Defence

Mr Michael G. Karnavas

Ms Suzana Tomanović

Legal Representatives of the Victims

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

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry hereby submits the present report (“Registry Report”) and its two annexes consisting of a confidential version of items recognised as evidence formally submitted and its public redacted version, pursuant to the “Directions on the Conduct of the Proceedings” (“Directions”),¹ issued on 7 October 2021 by Trial Chamber III (“Chamber”).

II. Procedural History

2. On 7 October 2021, the Chamber issued its Directions, in which it directed the Registry to: “ “[...] reflect all formally submitted items in the eCourt metadata [...]”, and to “[...] submit reports for each witness who testifies, indicating which items of evidence have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate.”²
3. From 22 to 24 March 2022, the Office of the Prosecutor (“Prosecution”) called its eighth witness. After the conclusion of the examination of witness P-0739, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 1 April 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0739 via email.³ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails enclosed in Annex 1 to the filing.

¹ Trial Chamber III, Directions on the conduct of proceedings, ICC-01/09-01/20-189, 7 October 2021.

² *Ibid.*, para 17 (iv).

³ Email sent by Trial Chamber III Communications on 01 April 2022 at 09:22.

III. Applicable Law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submission

6. The Registry hereby submits the following list of ERNs recognised as formally submitted pursuant to the Chamber's Decision by e-mail of 01 April 2022:

Items submitted by the Prosecution:

KEN-OTP-0113-0053	KEN-OTP-0116-0254	KEN-D09-0045-0017
KEN-OTP-0134-0187	KEN-OTP-0116-0232	KEN-D09-0045-0309
KEN-OTP-0134-0189	KEN-OTP-0116-0187-R01	KEN-OTP-0160-1745-R01
KEN-OTP-0103-3297	KEN-OTP-0135-0466	
KEN-OTP-0116-0242	KEN-OTP-0135-0467	

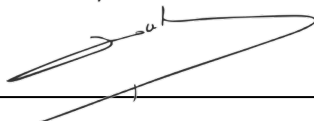
Items submitted by the Defence for Mr. Gicheru:

KEN-OTP-0103-3297	KEN-OTP-0139-0050-R01	KEN-OTP-0116-0187-R01
KEN-OTP-0149-0036	KEN-OTP-0133-0586-R01	KEN-OTP-0116-0232-R01
KEN-OTP-0149-0029	KEN-OTP-0139-0048-R01	KEN-OTP-0116-0243
KEN-OTP-0105-0138-R01	KEN-OTP-0106-0427	KEN-OTP-0116-0254
KEN-OTP-0149-0033	KEN-OTP-0116-0257	KEN-OTP-0135-0467
KEN-OTP-0103-3312	KEN-OTP-0160-1465	KEN-OTP-0148-0121
KEN-OTP-0160-1468-R01	KEN-OTP-0139-0039-R01	KEN-OTP-0148-0986
KEN-OTP-0088-0464	KEN-OTP-0116-0258	KEN-OTP-0160-1474
KEN-OTP-0139-0052	KEN-OTP-0139-0036-R01	KEN-OTP-0029-0158
KEN-OTP-0139-0051	KEN-D09-0045-0017	
KEN-OTP-0087-1126	KEN-D09-0045-0309	

7. The Registry hereby attaches confidential Annex 1:

- **Annex 1:** "Decision on Submitted Materials for P-0739"

8. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised by email with the Prosecution and the Defence.⁴ Further redactions were proposed by the parties.⁵
9. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Decision on Submitted Materials for P-0739", dated 01 April 2022 at 09:22.



Marc Dubuisson
Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 18 November 2022

At The Hague, The Netherlands

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 24 October 2022 at 17:33 attaching Annex 1.

⁵ Subsequent to *inter partes* consultation, the Prosecution sent the Annex with the agreed upon redactions to the Chamber, the Registry and the parties and participants on 07 November 2022 at 12:01.