

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/09-01/20  
Date: 15 February 2021

**PRE-TRIAL CHAMBER A (ARTICLE 70)**

**Before: Judge Reine Adélaïde Sophie Alapini-Gansou**

**SITUATION IN THE REPUBLIC OF KENYA**

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

**Public**

**With Confidential Annex A**

**Prosecution's Fifth Communication of the Disclosure of Evidence**

**Source: Office of the Prosecutor**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart  
Mr Anton Steynberg

**Counsel for the Defence**

Mr Michael G. Karnavas

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. In keeping with prior practice to keep the Chamber informed of the execution of its disclosure obligations, and in accordance with the Chamber's "Decision Setting the Regime for Evidence Disclosure and Other Related Matters",<sup>1</sup> the Office of the Prosecutor ("Prosecution") files in the record herewith its communication to the Defence of incriminating materials and Rule 77 materials.
2. On 12 February 2021, the Prosecution disclosed 138 items, as detailed in Confidential Annex A.<sup>2</sup>



**Fatou Bensouda, Prosecutor**

Dated this 15<sup>th</sup> day of February 2021  
At The Hague, The Netherlands

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<sup>1</sup> ICC-01/09-01/20-67.

<sup>2</sup> Annex A is classified as Confidential as it contains information which could identify witnesses if disclosed to the public.