

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/09-01/20
Date: 6 December 2021

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 A

Prosecution's 20th 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

Mr James Stewart

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

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In keeping with prior practice to keep the Trial Chamber III¹ informed of the execution of its disclosure obligations,² the Prosecution files in the record herewith its communication to the Defence of incriminating material.
2. On 3 December 2021, the Prosecution disclosed three items as incriminating material, as detailed in Confidential Annex A.³ The Prosecution will not rely upon items disclosed as INCRIM subsequent to 15 November 2021 at trial, unless leave is granted to add them to the Prosecution's List of Evidence (per ICC-01/09-01/20-185, para. 19). The Prosecution clarifies that it does not intend to seek such leave with respect of the three items listed in Annex A.



James Stewart, Deputy Prosecutor

Dated this 6th day of December 2021
At The Hague, The Netherlands

¹ "Chamber."

² ICC-01/09-01/20-T-048-CONF-ENG, p.4, ln. 12-14.

³ Annex A is classified as Confidential as it contains information which could identify witnesses if disclosed to the public.