

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/20

Date: 22 March 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

Public redacted version of "Prosecution's Request to Withdraw Witness Summons for P-0743 and Related Cooperation Request", 15 March 2022, ICC-01/09-01/20-301-Conf

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 Nazhat Khan

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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

I. Introduction

1. In line with Trial Chamber III's¹ instructions,² the Office of the Prosecutor³ formally withdraws its Request⁴ for a summons for Witness P-0743 and for cooperation of the [REDACTED]. The Prosecution accordingly requests the Chamber to vacate its order to the Registry to transmit the summons and to instruct the Registry to formally withdraw the cooperation request [REDACTED].

II. Confidentiality

2. Pursuant to Regulation 23*bis*(2) of the Regulations of the Court, this Request is filed as "Confidential" as it relates to previous filings with similar classification. A public redacted version will be filed within 5 days.

III. Submissions and Relief Requested

3. On 17 January 2022, the Prosecution filed the Request for a summons for Witness P-0743. Therein, it requested the Chamber to require (i) the attendance of P-0743 to testify before the Chamber via video-link from [REDACTED]; (ii) the assistance of the [REDACTED] in ensuring the appearance of Witness P-0743; and (iii) the Registry to prepare and transmit the necessary summons to Witness P-0743 as well as the necessary cooperation request to the relevant authorities of the [REDACTED].⁵
4. On 2 February 2022, the Chamber granted the Request.⁶
5. On 11 February 2022, the Registry issued a request for cooperation to the [REDACTED] in relation to the summons to appear for Witness P-0743.⁷

¹ "Chamber".

² Email from Trial Chamber III dated 14 March 2022 at 16:31.

³ "Prosecution" or "OTP".

⁴ ICC-01/09-01/20-260-Conf ("Request").

⁵ Request, para. 33.

⁶ ICC-01/09-01/20-272-Conf.

6. The Prosecution withdraws its Request [REDACTED].
7. For the aforementioned reasons, the Prosecution requests the Chamber to vacate its order to the Registry to transmit the summons and to instruct the Registry to formally withdraw the cooperation request.
8. [REDACTED].



Ms Nazhat Khan, Deputy Prosecutor

Dated this 22nd day of March 2022
At The Hague, The Netherlands

⁷ ICC-01/09-01/20-283-Conf.