



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-0341**

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 21 to 22 February 2022, the Office of the Prosecutor (“Prosecution”) called its second witness. After the conclusion of the examination of witness P-0341, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 25 March 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0341 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 25 March 2022 at 11:08.

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 25 March 2022:

Items submitted by the Prosecution:

KEN-OTP-0150-0285-R01	KEN-OTP-0150-0300	KEN-OTP-0152-0091
KEN-OTP-0150-0289-R01	KEN-OTP-0155-4982	KEN-OTP-0159-1985
KEN-OTP-0159-1386	KEN-OTP-0038-0207-R01	KEN-OTP-0159-1990

Items submitted by the Defence for Mr. Gicheru:

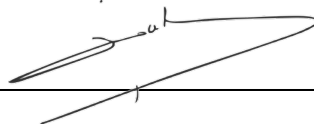
KEN-OTP-0150-0255-R01	KEN-OTP-0153-0031	KEN-D32-0001-0001
KEN-OTP-0150-1025	KEN-OTP-0159-1803-R01	KEN-OTP-0160-1571
KEN-OTP-0153-0027	KEN-OTP-0160-1436	

7. The Registry hereby attaches confidential Annex 1:
- **Annex 1:** "Decision on Submitted Materials for P-0341"
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

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 24 October 2022 at 17:32 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 12:00.

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-0341", dated 25 March 2022 at 11:08.



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

Dated this 18 November 2022

At The Hague, The Netherlands