

Annex 29

Public

[REDACTED]

From: Trial Chamber III Communications
Sent: 14 March 2022 16:31
To: OTP KEN art70 [REDACTED]; D32 Gicheru Defence team; [REDACTED]
Cc: Trial Chamber III Communications; Associate Legal Officer-Court Officer
Subject: RE: update on upcoming witnesses in the Prosecution case - P-0743

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Prosecution,
Dear parties,
Dear colleagues in the Registry,

The Chamber notes that [REDACTED] of the Court takes effect irrespective of a request by one of the parties. Accordingly, the Chamber notes that [REDACTED]. No formal request for this purpose is necessary.

As to the issue of the pending cooperation request concerning the summons of P-0743, the Chamber is of the view that it is preferable to formally withdraw it in order to avoid that the request is executed by the national authorities, even after the purpose for which it was granted is moot.

Since the Prosecution sought the request for cooperation, is the calling party of the witness in question, and has currently all the necessary information to determine whether a summons is still necessary or not, the Chamber hereby instructs the Prosecution to make such request to the Chamber whenever it considers it necessary.

Kind regards,
Trial Chamber III

From: Steynberg, Anton [REDACTED]
Sent: 07 March 2022 19:41
To: Trial Chamber III Communications <TrialChamberIIICommunications@icc-01/09-01/20-346-Anx29-Red>
Cc: D32 Gicheru Defence team <D32GicheruDefenceteam@icc-01/09-01/20-346-Anx29-Red>; Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-01/09-01/20-346-Anx29-Red>; OTP KEN art70 [REDACTED]
Subject: RE: update on upcoming witnesses in the Prosecution case - P-0743
Importance: High

Dear Trial Chamber III,
Your Honour,

I can now confirm that P-0743 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The witness also stated that [REDACTED] and the Prosecution intends to file a request that the Chamber order that [REDACTED]

One matter which still needs to be addressed is the execution of the Chamber's order to summons this witness (ICC-01/09-01/20-272-Conf).

In light of [REDACTED], it appears that summons is now moot and that the Chamber should accordingly vacate its order to the Registry to transmit this to the [REDACTED]. The Prosecution defers to the Chamber's discretion as to whether it is necessary to formally withdraw the RFC. However, should the Chamber instruct the Registry to do so, the Prosecution requests [REDACTED]

Yours sincerely,
Anton Steynberg

From: Steynberg, Anton [REDACTED]
Sent: 01 March 2022 17:49
To: Trial Chamber III Communications <[TrialChamberIIICommunications](#)[REDACTED]>; OTP KEN art70 [REDACTED]
 <[REDACTED]>
Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)[REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)[REDACTED]>
Subject: RE: update on upcoming witnesses in the Prosecution case - reminder

Dear Trial Chamber III,
Your Honour,

Yes, I meant apart from the testimony of P-0730 and the first appearance referred to below. I apologise if I was unclear.

The Prosecution will update the Chamber regarding P-0743 as directed.

Kind regards,
Anton Steynberg

From: Trial Chamber III Communications <[TrialChamberIIICommunications](#)[REDACTED]>
Sent: 01 March 2022 17:45
To: Steynberg, Anton [REDACTED] OTP KEN art70 [REDACTED]
Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)[REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)[REDACTED]>; Trial Chamber III Communications <[TrialChamberIIICommunications](#)[REDACTED]>
Subject: RE: update on upcoming witnesses in the Prosecution case - reminder

Dear Prosecution,

Many thanks for the information provided below.

The Chamber takes note of the dates proposed for [REDACTED] and requests the Prosecution to continue to make all necessary arrangements for the appearance of the witness on the indicated dates.

For clarification: when the Prosecution says that it does not foresee 'any need for the use of the courtroom next week after the conclusion of P-0730's testimony', the Chamber takes this to mean 'no use of the courtroom' besides the initial appearance of [REDACTED] on [REDACTED] 2022.

With regard to P-0743 the Chamber requests the Prosecution to provide an update on the situation by next Tuesday, 8 March 2022.

Further, the Prosecution is to equally to take into consideration that the witness might [REDACTED] and prepare accordingly.

Kind regards,
Trial Chamber III

From: Steynberg, Anton [REDACTED]
Sent: 01 March 2022 15:33
To: Trial Chamber III Communications <[TrialChamberIIICommunications](#)[REDACTED]>
Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)[REDACTED]> Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)[REDACTED]>; OTP KEN art70 [REDACTED]
Subject: RE: update on upcoming witnesses in the Prosecution case - reminder

Dear Trial Chamber III,
Your Honour,

I can advise that both witnesses P-0738 and P-0730 are ready to testify on the dates mentioned below. I can also advise the Chamber that the direct examination of P-0738 will likely be completed in less than the 2 ½ hours originally estimated, possibly within one court session.

As regards the summonsed witnesses, I can advise that [REDACTED]. After consultation with the VWU and Registry external relation staff, the Prosecution considers that at this juncture it is best to [REDACTED]

[REDACTED] After consultation with the VWU, the Prosecution considers that an initial appearance is necessary to secure the presence of the witness at the AVL location in advance of his testimony to ensure that the necessary preparations can be completed and that his testimony can proceed promptly and without interruption on the appointed dates, including witness preparation and/or familiarisation and consultation with his Rule 74 counsel. [REDACTED]

As regards P-0743, the Prosecution expects to be in a position to advise the Chamber next week whether [REDACTED]. In consultation with the VWU, [REDACTED].

Accordingly, the Prosecution does not foresee any need for the use of the courtroom next week after the conclusion of P-0730's testimony.

Please advise if you require any further details.

Regards,
Anton Steynberg

From: Trial Chamber III Communications <[TrialChamberIIICommunications](#)[REDACTED]>
Sent: 01 March 2022 13:13
To: Zago, Alice [REDACTED] OTP KEN art70 [REDACTED]
Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)[REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)[REDACTED]>; Trial Chamber III Communications

<[TrialChamberIIICommunications](#)>

Subject: RE: update on upcoming witnesses in the Prosecution case - reminder

Dear Prosecution,

Many thanks for the information provided below. In line with the last point of your email, could you kindly provide an update on the summons by tomorrow, Wednesday, 2nd of March.

This is specifically with regard to the usage of the Courtroom (need for interpreters, etc.) for next week, since P-0730 is expected to finish his testimony in one or two days.

Kind regards,
Trial Chamber III

From: Zago, Alice

Sent: 25 February 2022 15:51

To: Trial Chamber III Communications <[TrialChamberIIICommunications](#)>

Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>; OTP KEN art70

Subject: RE: update on upcoming witnesses in the Prosecution case - reminder

Dear Trial Chamber III,
Dear Counsel,

With respect to the schedule of the upcoming witnesses, the Prosecution wishes to inform as follows:

- Witness P-0738 will be ready to testify on 3-4 March 2022, after Witness P-0274.
- Witness P-0730 is scheduled to appear on 7 March 2022.

As for the outstanding requests for summonses, the Prosecution is liaising with the Registry in order to ensure their prompt execution. The Prosecution takes this opportunity to inform the Chamber that in the meantime both Witnesses concerned -

The Prosecution may be in a position to provide a further update to the Chamber and the Defence concerning the anticipated dates of appearances of these two Witnesses at the earliest opportunity next week.

Kind regards,

Alice Zago
On behalf of the Prosecution

From: Trial Chamber III Communications <[TrialChamberIIICommunications](#)>

Sent: 24 February 2022 13:46

To: OTP KEN art70

Cc: D32 Gicheru Defence team <[D32GicheruDefenceteam](#)>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>

<[TrialChamberIIICommunications](#)>

Subject: update on upcoming witnesses in the Prosecution case

Dear Prosecution,

From the Chamber's current information, the 5th witness to be called (P-0730) is scheduled to appear on 7 March 2022.

Could the Prosecution kindly provide an update on the remaining witnesses to be called after P-0730.

Has P-0738 [REDACTED] and is (potentially) ready to testify afterwards as the 6th witness? If yes, does the Prosecution have any preliminary dates for the testimony in mind?

Also, if the Prosecution is able at this point in time to share information on the outstanding requests for summonses, please proceed.

Kind regards,
Trial Chamber III

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Dedication - Integrity - Respect