

Annex 17

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From: Trial Chamber III Communications
Sent: 15 December 2021 12:14
To: OTP KEN art70 [REDACTED]; D32 Gicheru Defence team
Cc: Trial Chamber III Communications
Subject: Order in respect of P-0495 and any further requests for attendance of witnesses

Follow Up Flag: Follow up
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Dear Parties,

Yesterday, the Chamber issued its Decision on the Prosecution's Request to Admit Prior Recorded Testimony under Rule 68(2)(d) (ICC-01/09-01/20-247), whereby it rejected the Prosecution's request to admit the prior recorded testimony of P-0495 under Rule 68(2)(d).

In light of that ruling, if the Prosecution wishes to seek a summons for P-0495's attendance it is ordered to do so as soon as possible and no later than 4pm on 17 January 2022. If it chooses not to do so, the Prosecution must inform the Chamber and the Defence as soon as possible. In that case, the Chamber will consider that the Prosecution is no longer relying on P-0495 as a witness in this case.

Further, in connection with this, if the Prosecution wishes to make any further requests in respect of securing the attendance of any of its witnesses it must do so as soon as possible and no later than 4pm on 17 January 2022.

[REDACTED]

[REDACTED]

[REDACTED]

Kind Regards,
Trial Chamber III