

# Annex 6

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[REDACTED]

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**From:** Trial Chamber III Communications  
**Sent:** 03 November 2021 12:15  
**To:** OTP KEN art70 [REDACTED]; D32 Gicheru Defence team  
**Cc:** Associate Legal Officer-Court Officer; Trial Chamber III Communications  
**Subject:** update of the metadata with regard to the Rule 68 requests and inconsistencies regarding items linked in the requests

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Prosecution,

The Chamber notices that with regard to request ICC-01/09-01/20-193-Conf and more specifically the items listed in ICC-01/09-01/20-193-Conf-AnxA as the prior recorded testimony of P-0397, the items in question are not connected to P-0397 in e-Court (except for KEN-OTP-0074-0264-R01). The Prosecution is hereby instructed to update the metadata of the items accordingly.

The Chamber also notes that this is not the first time that this has occurred (see email from the Chamber to the parties on 22 October 2021, at 17:50 and 18:18). The Prosecution is therefore additionally instructed to review all items contained in the annexes to its Rule 68 requests (ICC-01/09-01/20-193-Conf, ICC-01/09-01/20-194-Conf, ICC-01/09-01/20-196-Conf, ICC-01/09-01/20-197-Conf and ICC-01/09-01/20-198-Conf) and ensure that they have the correct meta-data in e-Court. The Chamber expects that the Prosecution will fulfil these tasks with the necessary diligence in the future.

The Chamber further notes that there are issues with some of the links provided by the Prosecution in a number of its Rule 68 requests. For example in ICC-01/09-01/20-193-Conf, several links to e-Court do not work. For instance, in fn 6, the links to KEN-OTP-0149-0449, KEN-OTP-0135-0446, KEN-OTP-0141-0495 and KEN-OTP-0144-0168 are not functioning. Whilst the Chamber has been able to identify versions of these documents in e-Court, they are redacted versions. This aside, the fact that the Prosecution has linked to versions that the Chamber does not have access to inhibits its preliminary review of the material in the Prosecution's requests. As another example, KEN-OTP-0149-0144 in fn 12 is also not linked correctly and is probably supposed to be KEN-OTP-0149-0444.

The Chamber therefore orders the Prosecution to review all linked material in its Rule 68 requests, ensure that the ERNs are correct (fully spelt out, with the indication of it being a redacted version, if applicable) and that the links are functioning.

Kind regards,  
Trial Chamber III