

Annex 7

Public

From: Trial Chamber III Communications
Sent: 05 November 2021 12:36
To: OTP KEN art70 [REDACTED]; D32 Gicheru Defence team
Cc: Trial Chamber III Communications; Associate Legal Officer-Court Officer
Subject: request for additional information with regard to filing ICC-01/09-01/20-207-Conf and shortening of response deadline

Follow Up Flag: Follow up
Flag Status: Flagged

Dear parties,

Yesterday, the Prosecution filed Request ICC-01/09-01/20-207-Conf (Prosecution fifth request for the urgent transfer of part of the record of the case into another case record).

First, the Chamber notes that the annex of the request (ICC-01/09-01/20-207-Conf-Exp-AnxA) is classified confidential *ex parte* - not available to the Defence.

After having reviewed the content of the annex, the Chamber requests the Prosecution to explain why the filing cannot be made available to the Defence by the end of today (5 November 2021).

Also, should the Prosecution – after having reviewed the filing – decide to request reclassification as ‘confidential’ it is to provide the Defence with a courtesy copy of the document by the end of today (5 November 2021), in order to enable the Defence to fully respond to the request.

Second, in ICC-01/09-01/20-207-Conf-Exp-AnxA, on page 5, with regard to filing ICC-01/09-01/11-588-Conf-AnxA, the Prosecution submits contradiction information as to the requested level of classification (‘Confidential, Prosecution only’). The Prosecution is ordered to explain which level of classification it requests.

The Chamber hereby shortens the response deadline, pursuant to Regulation 34 of the Regulations of the Court, for filing ICC-01/09-01/20-207-Conf to Tuesday, 9 November 2021.

Should the Defence not oppose the request or should it intend to not file a response, this can be communicated via email.

Kind regards,
Trial Chamber III