

Annex 20

Public

From: Trial Chamber III Communications
Sent: 18 January 2022 13:08
To: OTP KEN art70 [REDACTED]; D32 Gicheru Defence team
Cc: Trial Chamber III Communications; Associate Legal Officer-Court Officer
Subject: instructions concerning Prosecution filing ICC-01/09-01/20-258-Conf-Red

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Prosecution,

In light of the information provided in response to filing ICC-01/09-01/249-Conf (Prosecution filing ICC-01/09-01/20-258-Conf-Red) the Chamber requires further information concerning factual details of the Prosecution's investigations.

It therefore requests the following information:

- [REDACTED]
[REDACTED] If available, please provide evidence of any time in which [REDACTED].
- In para. 40, the Prosecution refers to an [REDACTED]
[REDACTED]
[REDACTED] Please provide any evidence or information regarding this practice and, especially, the consent of these [REDACTED] to this practice – including any specific or additional agreements with regard to Article 70 investigations, if existing.
- Provide all Requests for Assistance ('RFA') the Prosecution has sent to [REDACTED]
[REDACTED] which form the basis of the investigations at issue and all ensuing communication with the national authorities on this matter (both to and from such authorities). Further, any evidence of any other consultations which may have taken place with the state authorities relevant to this case. This includes the communications and letters referenced by the Prosecution in Annex A of its response and any response to these documents, if available.
- Any communication (providing also the date on which such communication was sent) in which the Prosecution informed the authorities [REDACTED] of the fact that the Prosecution was conducting Article 70 investigations on their territories.

The Prosecution is to provide the above-referenced information to the Chamber in an unredacted format. Should the Prosecution consider that any of the required information cannot be shared with the Defence in its unredacted form, it is to provide a written justification. In such circumstances, the Prosecution is to provide the Defence with the relevant information in redacted form.

The Chamber orders the Prosecution to provide the above-referenced information to the Chamber and the Defence by no later than Monday, 24 January 2022.

Should the Defence consider it necessary to make further submissions in reaction to the material provided by the Prosecution, it is to file them by Thursday, 27 January 2022.

Kind regards,

Trial Chamber III