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N°: ICC-01/09-01/20
Date: 18 November 2022

TRIAL CHAMBER III

Before: Judge Miatta Maria Samba

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. PAUL GICHERU***

Public

With Confidential Annex 1 and its Public Redacted Version

**Registry's Report on Evidence Recognised as Formally Submitted by the
Chamber for Witness KEN-OTP-P-0800**

Source : Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Nazhat Shameem Khan

Mr Anton Steynberg

Counsel for the Defence

Mr Michael G. Karnavas

Ms Suzana Tomanović

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry hereby submits the present report (“Registry Report”) and its two annexes consisting of a confidential version of items recognised as evidence formally submitted and its public redacted version, pursuant to the “Directions on the Conduct of the Proceedings” (“Directions”),¹ issued on 7 October 2021 by Trial Chamber III (“Chamber”).

II. Procedural History

2. On 7 October 2021, the Chamber issued its Directions, in which it directed the Registry to: “ “[...] reflect all formally submitted items in the eCourt metadata [...], and to “[...] submit reports for each witness who testifies, indicating which items of evidence have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate.”²
3. From 15 to 17 February 2022, the Office of the Prosecutor (“Prosecution”) called its first witness. After the conclusion of the examination of witness P-0800, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 08 March 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0800 via email.³ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails enclosed in Annex 1 to the filing.

¹ Trial Chamber III, Directions on the conduct of proceedings, ICC-01/09-01/20-189, 7 October 2021.

² *Ibid.*, para 17 (iv).

³ Email sent by Trial Chamber III Communications on 08 March 2022 at 15:20.

III. Applicable Law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submission

6. The Registry hereby submits the following list of ERNs recognised as formally submitted pursuant to the Chamber's Decision by e-mail of 08 March 2022:

Items submitted by the Prosecution:

KEN-OTP-0102-0205	KEN-OTP-0111-0159	KEN-OTP-0160-0280
KEN-OTP-0102-0217	KEN-OTP-0145-0560	KEN-OTP-0160-0290
KEN-OTP-0102-0219	KEN-OTP-0145-0562	KEN-OTP-0160-0308
KEN-OTP-0102-0221	KEN-OTP-0138-0092	KEN-OTP-0160-0332
KEN-OTP-0102-0223	KEN-OTP-0135-0041-R02	KEN-OTP-0160-0338
KEN-OTP-0103-2473	KEN-OTP-0135-0054-R01	KEN-OTP-0160-0354
KEN-OTP-0103-2483	KEN-OTP-0135-0074-R01	KEN-OTP-0160-0374
KEN-OTP-0103-2484	KEN-OTP-0135-0094	KEN-OTP-0160-0382
KEN-OTP-0106-0388	KEN-OTP-0135-0096	KEN-OTP-0160-0400-R02
KEN-OTP-0106-0395	KEN-OTP-0135-0099	KEN-OTP-0160-0423
KEN-OTP-0106-0396	KEN-OTP-0135-0103-R01	KEN-OTP-0160-0432
KEN-OTP-0106-0397	KEN-OTP-0135-0113	KEN-OTP-0160-0448
KEN-OTP-0109-0002	KEN-OTP-0135-0139-R01	KEN-OTP-0160-0468
KEN-OTP-0109-0012	KEN-OTP-0135-0155-R01	KEN-OTP-0160-0489
KEN-OTP-0109-0017	KEN-OTP-0135-0179-R01	KEN-OTP-0160-0506
KEN-OTP-0109-0013	KEN-OTP-0135-0200	KEN-OTP-0160-0529
KEN-OTP-0110-0367	KEN-OTP-0135-0213	KEN-OTP-0160-0555
KEN-OTP-0107-0717	KEN-OTP-0135-0220	KEN-OTP-0160-0582
KEN-OTP-0109-0015	KEN-OTP-0130-0087	KEN-OTP-0104-0917
KEN-OTP-0135-0430	KEN-OTP-0145-0554	KEN-OTP-0103-2701
KEN-OTP-0108-0158	KEN-OTP-0135-0509-R01	KEN-OTP-0104-0920
KEN-OTP-0111-0140	KEN-OTP-0135-0560	KEN-OTP-0106-0365
KEN-OTP-0111-0152	KEN-OTP-0144-0260-R01	KEN-OTP-0111-0555
KEN-OTP-0111-0153	KEN-OTP-0144-0272-R02	KEN-OTP-0106-0371
KEN-OTP-0111-0154	KEN-OTP-0144-0297-R01	KEN-OTP-0134-0308
KEN-OTP-0111-0155	KEN-OTP-0144-0307-R01	KEN-OTP-0131-0463
KEN-OTP-0111-0156	KEN-OTP-0144-0322-R02	KEN-OTP-0153-0553
KEN-OTP-0111-0157	KEN-OTP-0144-0333	KEN-OTP-0153-0506
KEN-OTP-0111-0158	KEN-OTP-0144-0349	KEN-OTP-0153-0556

KEN-OTP-0153-0510	KEN-OTP-0160-1413	KEN-OTP-0160-1556
KEN-OTP-0134-0278	KEN-OTP-0160-1415	KEN-OTP-0160-1564
KEN-OTP-0131-0431	KEN-OTP-0160-1417	KEN-OTP-0160-1781
KEN-OTP-0134-0213-R01	KEN-OTP-0114-0472	KEN-OTP-0160-1858
KEN-OTP-0109-0426	KEN-OTP-0145-0594	KEN-OTP-0160-1944
KEN-OTP-0132-0167-R01	KEN-OTP-0160-1423	KEN-OTP-0160-2109
KEN-OTP-0145-0576	KEN-OTP-0160-1426	KEN-OTP-0160-2137
KEN-OTP-0160-1029	KEN-OTP-0160-1429	KEN-OTP-0160-2228
KEN-OTP-0114-0471	KEN-OTP-0145-0604	KEN-OTP-0160-2316
KEN-OTP-0145-0587	KEN-OTP-0145-0566	KEN-OTP-0160-2411
KEN-OTP-0160-1035	KEN-OTP-0160-1549	
KEN-OTP-0145-0581	KEN-OTP-0160-1550	

Items submitted by the Defence for Mr. Gicheru:

KEN-OTP-0135-0103-R01	KEN-OTP-0145-0554	KEN-OTP-0153-0022
KEN-OTP-0135-0139-R01	KEN-OTP-0130-0087	KEN-OTP-0138-0626-R01
KEN-OTP-0135-0155-R01	KEN-OTP-0116-0261	KEN-OTP-0138-0015-R01
KEN-OTP-0135-0213	KEN-OTP-0116-0495-R01	KEN-OTP-0160-0280
KEN-OTP-0135-0220	KEN-OTP-0145-0439-R01	KEN-OTP-0145-0560
KEN-OTP-0145-0604	KEN-OTP-0135-0041-R02	KEN-OTP-0119-0141-R01
KEN-OTP-0160-0400-R02	KEN-OTP-0135-0054-R01	KEN-OTP-0145-0562
KEN-OTP-0160-0468	KEN-OTP-0111-0140	KEN-OTP-0138-0092
KEN-OTP-0160-0489	KEN-OTP-0107-0289-R01	KEN-OTP-0135-0074-R01
KEN-OTP-0144-0272-R02	KEN-OTP-0153-0021	

7. The Registry hereby attaches confidential Annex 1:

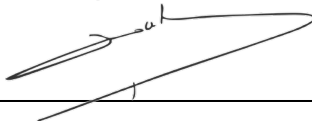
- **Annex 1:** "Decision on Submitted Materials for P-0800"

8. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised by email with the Prosecution and the Defence.⁴ Further redactions were proposed by the parties.⁵

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 24 October 2022 at 17:32 attaching Annex 1.

⁵ Subsequent to *inter partes* consultation, the Prosecution sent the Annex with the agreed upon redactions to the Chamber, the Registry and the parties and participants on 07 November 2022 at 12:00.

9. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Decision on Submitted Materials for P-0800", dated 08 March 2022 at 15:20.



Marc Dubuisson
Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 18 November 2022

At The Hague, The Netherlands