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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-0613**

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 23 to 28 February 2022, the Office of the Prosecutor (“Prosecution”) called its third witness. After the conclusion of the examination of witness P-0613, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 25 March 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0613 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 25 March 2022 at 11:17.

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 25 March 2022:

Items submitted by the Prosecution:

KEN-OTP-0102-0178	KEN-OTP-0111-0577	KEN-OTP-0153-0513
KEN-OTP-0140-0392	KEN-OTP-0111-0578	KEN-OTP-0160-1194
KEN-OTP-0140-0393	KEN-OTP-0111-0579	KEN-OTP-0160-1321
KEN-OTP-0106-0910	KEN-OTP-0111-0580	KEN-OTP-0160-1197
KEN-OTP-0106-0919	KEN-OTP-0111-0581	KEN-OTP-0160-1325
KEN-OTP-0106-0920	KEN-OTP-0115-0216-R01	KEN-OTP-0160-1204
KEN-OTP-0106-0921	KEN-OTP-0115-0234	KEN-OTP-0160-1334
KEN-OTP-0106-0922	KEN-OTP-0115-0235	KEN-OTP-0160-1209
KEN-OTP-0106-0931	KEN-OTP-0115-0236	KEN-OTP-0160-1341
KEN-OTP-0106-0932	KEN-OTP-0115-0237	KEN-OTP-0160-1215
KEN-OTP-0106-0933	KEN-OTP-0115-0238	KEN-OTP-0160-1349
KEN-OTP-0106-0934	KEN-OTP-0115-0239	KEN-OTP-0160-1223
KEN-OTP-0111-0162	KEN-OTP-0115-0240	KEN-OTP-0160-1359
KEN-OTP-0111-0175	KEN-OTP-0118-0137	KEN-OTP-0160-1225
KEN-OTP-0111-0176	KEN-OTP-0124-0007-R01	KEN-OTP-0160-1362
KEN-OTP-0111-0177	KEN-OTP-0124-0394-R01	KEN-OTP-0160-1229
KEN-OTP-0111-0178	KEN-OTP-0160-0609-R01	KEN-OTP-0160-1367
KEN-OTP-0111-0179	KEN-OTP-0160-0625	KEN-OTP-0160-1232
KEN-OTP-0111-0180	KEN-OTP-0106-0908-01	KEN-OTP-0160-1371
KEN-OTP-0111-0181	KEN-OTP-0111-0556	KEN-OTP-0160-1289
KEN-OTP-0111-0182	KEN-OTP-0116-0112	KEN-OTP-0160-1149
KEN-OTP-0111-0183	KEN-OTP-0111-0556	KEN-OTP-0160-1292
KEN-OTP-0111-0184	KEN-OTP-0115-0241	KEN-OTP-0160-1153
KEN-OTP-0111-0185	KEN-OTP-0115-0242	KEN-OTP-0160-1294
KEN-OTP-0111-0186	KEN-OTP-0115-0243	KEN-OTP-0160-1156
KEN-OTP-0111-0557	KEN-OTP-0115-0248	KEN-OTP-0160-1297
KEN-OTP-0111-0574	KEN-OTP-0115-0246	KEN-OTP-0160-1160
KEN-OTP-0111-0575	KEN-OTP-0115-0247	KEN-OTP-0160-1299
KEN-OTP-0111-0576	KEN-OTP-0153-0526	KEN-OTP-0160-1163

KEN-OTP-0160-1303	KEN-OTP-0160-1256	KEN-OTP-0119-0465
KEN-OTP-0160-1170	KEN-OTP-0160-1401	KEN-OTP-0118-1988
KEN-OTP-0160-1306	KEN-OTP-0160-1190	KEN-OTP-0160-1044
KEN-OTP-0160-1175	KEN-OTP-0160-1316	KEN-OTP-0160-1050
KEN-OTP-0160-1237	KEN-OTP-0160-1185	KEN-OTP-0160-1046
KEN-OTP-0160-1377	KEN-OTP-0160-1310	KEN-OTP-0160-1053
KEN-OTP-0160-1242	KEN-OTP-0160-1263	KEN-OTP-0138-0649
KEN-OTP-0160-1383	KEN-OTP-0160-1115	KEN-OTP-0138-0652
KEN-OTP-0160-1244	KEN-OTP-0119-0457	KEN-OTP-0138-0663
KEN-OTP-0160-1386	KEN-OTP-0118-1976	KEN-OTP-0160-1587
KEN-OTP-0160-1247	KEN-OTP-0160-1266	KEN-OTP-0160-1594
KEN-OTP-0160-1390	KEN-OTP-0160-1120	KEN-OTP-0160-1579
KEN-OTP-0160-1252	KEN-OTP-0160-1270	KEN-OTP-0160-1608
KEN-OTP-0160-1396	KEN-OTP-0160-1126	

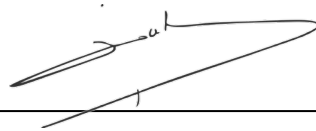
Items submitted by the Defence for Mr. Gicheru:

KEN-OTP-0157-2975-R01	KEN-OTP-0117-0897	KEN-OTP-0117-0898
KEN-OTP-0157-4181-R01	KEN-OTP-0102-0178	KEN-OTP-0117-0901
KEN-OTP-0157-3948-R01	KEN-OTP-0106-0910	KEN-OTP-0129-0297-R01
KEN-OTP-0148-0929-R02	KEN-OTP-0138-0537	KEN-OTP-0106-0248-R01
KEN-OTP-0155-5292-R01	KEN-OTP-0111-0162	KEN-OTP-0160-1362
KEN-OTP-0157-2659-R01	KEN-OTP-0153-0041	KEN-OTP-0117-1055-R02
KEN-OTP-0159-0098-R01	KEN-OTP-0117-0930	KEN-OTP-0117-0915-R01
KEN-OTP-0157-4087-R01	KEN-OTP-0140-0117	KEN-OTP-0097-0068
KEN-OTP-0157-2925-R01	KEN-OTP-0115-0216-R01	KEN-OTP-0107-0288
KEN-OTP-0157-3006-R01	KEN-OTP-0117-0931-R01	KEN-OTP-0087-0315-R01
KEN-OTP-0157-2552-R02	KEN-OTP-0129-0298-R01	KEN-OTP-0109-0360
KEN-OTP-0157-4119-R01	KEN-OTP-0149-0308-R01	KEN-OTP-0129-0546
KEN-OTP-0157-3032-R01	KEN-OTP-0157-3278-R01	KEN-OTP-0132-0002
KEN-OTP-0157-3244-R01	KEN-OTP-0157-3584-R01	KEN-OTP-0157-4005
KEN-OTP-0111-0557	KEN-OTP-0160-0609-R01	KEN-OTP-0150-0615
KEN-OTP-0118-0137	KEN-OTP-0153-0048	

7. The Registry hereby attaches confidential Annex 1:

- **Annex 1:** “Decision on Submitted Materials for P-0613”

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
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-0613", dated 25 March 2022 at 11:17.



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

Dated this 18 November 2022

At The Hague, The Netherlands

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.