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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-0738**

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. On 3 March 2022, the Office of the Prosecutor (“Prosecution”) called its fifth witness. After the conclusion of the examination of witness P-0738, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 28 March 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0738 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 28 March 2022 at 15:06.

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.

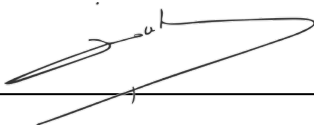
IV. Submission

6. The Registry hereby submits the following list of ERNs recognised as formally submitted pursuant to the Chamber's Decision by e-mail of 28 March 2022:

Items submitted by the Prosecution:

KEN-OTP-0160-1617	KEN-OTP-0118-0053	KEN-OTP-0114-0400
KEN-OTP-0103-2693-R01	KEN-OTP-0118-0054	KEN-OTP-0118-0102
KEN-OTP-0103-2699	KEN-OTP-0118-0055	KEN-OTP-0114-0403
KEN-OTP-0111-0188-R01	KEN-OTP-0118-0056	KEN-OTP-0118-0105
KEN-OTP-0111-0196	KEN-OTP-0111-0554	KEN-OTP-0114-0413
KEN-OTP-0111-0197	KEN-OTP-0116-0268	KEN-OTP-0118-0109
KEN-OTP-0111-0198	KEN-OTP-0115-0002	KEN-OTP-0114-0419
KEN-OTP-0111-0199	KEN-OTP-0118-0135	KEN-OTP-0160-0940
KEN-OTP-0111-0201-R01	KEN-OTP-0160-0905	KEN-OTP-0160-1008
KEN-OTP-0111-0210-R01	KEN-OTP-0160-0964	KEN-OTP-0118-0118
KEN-OTP-0111-0211-R01	KEN-OTP-0160-0908	KEN-OTP-0114-0429
KEN-OTP-0111-0212-R01	KEN-OTP-0160-0969	KEN-OTP-0160-0944
KEN-OTP-0118-0011-R01	KEN-OTP-0160-0913	KEN-OTP-0160-1013
KEN-OTP-0118-0037	KEN-OTP-0160-0975	KEN-OTP-0160-0947
KEN-OTP-0118-0038	KEN-OTP-0160-0915	KEN-OTP-0160-1017
KEN-OTP-0118-0039	KEN-OTP-0160-0978	KEN-OTP-0160-0950
KEN-OTP-0118-0040	KEN-OTP-0160-0918	KEN-OTP-0160-1021
KEN-OTP-0118-0041	KEN-OTP-0160-0983	KEN-OTP-0160-0959
KEN-OTP-0118-0042	KEN-OTP-0114-0258	KEN-OTP-0160-1025
KEN-OTP-0118-0043	KEN-OTP-0114-0282	KEN-OTP-0160-0789
KEN-OTP-0118-0044	KEN-OTP-0160-0927	KEN-OTP-0160-0857
KEN-OTP-0118-0045	KEN-OTP-0160-0993	KEN-OTP-0118-0057
KEN-OTP-0118-0046	KEN-OTP-0160-0934	KEN-OTP-0118-0075
KEN-OTP-0118-0047	KEN-OTP-0160-1002	KEN-OTP-0118-0080
KEN-OTP-0118-0048	KEN-OTP-0160-0930	KEN-OTP-0118-0084
KEN-OTP-0118-0049	KEN-OTP-0160-0997	KEN-OTP-0118-0087
KEN-OTP-0118-0050	KEN-OTP-0118-0092	KEN-OTP-0118-0113
KEN-OTP-0118-0051	KEN-OTP-0114-0296	KEN-OTP-0118-0123
KEN-OTP-0118-0052	KEN-OTP-0118-0099	KEN-OTP-0118-0127

7. The Registry hereby attaches confidential Annex 1:
 - **Annex 1:** “Decision on Submitted Materials for P-0738”
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-0738”, dated 28 March 2022 at 15:06.



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 17:33 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 12:01.