

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/20

Date: 14 April 2021

PRE-TRIAL CHAMBER A (ARTICLE 70)

Before: Judge Reine Adélaïde Sophie Alapini-Gansou

SITUATION IN THE REPUBLIC OF KENYA

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

Public *with* Confidential Annex A

Defence List of Evidence

Source: Counsel for Mr. Paul Gicheru

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

The Office of the Prosecutor

Ms. Fatou Bensouda, Prosecutor

Mr. James Stewart

Mr. Anton Steynberg

Counsel for the Defence

Mr. Michael G. Karnavas

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

Other

REGISTRY

Registrar

Mr. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr. Paul Gicheru, through his Counsel (“the Defence”), hereby files the Defence List of Evidence. Incorporating its assertions made in the Notification, the Defence reiterates that it will not be presenting any evidence.¹ All evidence cited in the Defence Written Submissions is known to and within the possession of the Prosecution. Nonetheless, as ordered,² Annex A is submitted. Considering that the drafting process of any submission prior to its finalization is an ongoing work-in-progress – particularly when required to respond to large quantities of evidence within constrained page limitations – and that outstanding requests for further discovery have yet to be resolved *inter partes*,³ Annex A *may* need supplementing, which the Defence, in good faith, will diligently do, lest the Prosecution be unduly taxed or claims breach. Since confidential material is listed in Annex A, it is classified accordingly *per* Regulation 23bis(1) of the Regulations of the Court.

Respectfully submitted, 14 April 2021,

In The Hague, the Netherlands.



Michael G. Karnavas
Counsel for Mr. Paul Gicheru

¹ *Prosecutor v. Gicheru*, [ICC-01/09-01/20-130](#), Notification concerning the Defence List of Evidence, 8 April 2021.

² *Prosecutor v. Gicheru*, [ICC-01/09-01/20-133](#), Decision on the Prosecutor Request concerning the Defence List of Evidence, 12 April 2021.

³ The Defence has several outstanding requests which, in the most cooperative manner, the Prosecution has indicated that it be reverted as expeditiously as possible.