

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 October 2021

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 A

Prosecution's Communication of the Re-disclosure of Evidence

Source: Office of the Prosecutor

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

The Office of the 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

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In keeping with its practice to keep the Trial Chamber informed of the execution of its disclosure obligations,¹ the Prosecution files in the record herewith its communication to the Defence of the re-classification of certain items of evidence into incriminating material.
2. On 1 October 2021, the Prosecution disclosed the Pre-Trial Reclassification to INCRIM package 01 which contains four (4) items originally disclosed as Rule 77 that are now re-classified as incriminating, as detailed in Confidential Annex A.²



James Stewart, Deputy Prosecutor

Dated this 4th day of October 2021
At The Hague, The Netherlands

¹ In accordance with the Pre-Trial Chamber A “Decision Setting the Regime for Evidence Disclosure and Other Related Matters” (ICC-01/09-01/20-67).

² Annex A is classified as Confidential as it contains information which could identify witnesses if disclosed to the public.