

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/20
Date: 25 February 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

Addendum to Prosecution's First Bar Table Motion

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

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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

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. SUBMISSION

1. The Office of the Prosecutor¹ files this Addendum to its First Bar Table Motion² seeking to formally submit into the record of the case the portions of the audio-visual files and associated transcripts of the Accused's statement³ that were originally excluded from the Motion as they concerned audio-recordings the status of which the Trial Chamber⁴ had not yet adjudicated.⁵
2. In the Motion, the Prosecution indicated that it might file an addendum once the status of the audio-recordings was adjudicated by the Chamber.⁶
3. The Chamber has now ruled these audio-audio recordings admissible⁷ and granted the Motion to formally submit the Accused's statement.⁸
4. There is accordingly no longer any legal impediment to the submission of the Excluded Portions.

II. RELIEF SOUGHT

1. The Prosecution therefore requests the Chamber to recognize as formally submitted into the record of the case the Excluded Portions of the Accused's statement.



James Stewart, Deputy Prosecutor

Dated this 25th day of February 2022
At The Hague, The Netherlands

¹ "Prosecution" or "OTP".

² ICC-01/09-01/20-261-Red, hereinafter "Motion".

³ Hereinafter "Excluded Portions": KEN-OTP-0159-0582 (Track03) at 00:46:12 to 00:46:20, at 00:46:47 to 00:46:55, 00:47:50 to 00:47:58; 00:52:53 to 00:53:06; 00:54:29 to 00:54:43; and KEN-OTP-0159-0766, from p. 0788, ln.722, to p. 0792, ln. 886; KEN-OTP-0159-0795, from p. 0796, ln. 20, to p. 0802, ln. 216; from p. 0803, lns. 253-262; from p. 0807, lns. 386-433. *See* ICC-01/09-01/20-261-Red, para. 21, footnotes 65-66.

⁴ "Chamber".

⁵ ICC-01/09-01/20-261-Red, para. 21.

⁶ ICC-01/09-01/20-261-Red, para. 22.

⁷ ICC-01/09-01/20-284-Conf-Red, para. 103.

⁸ ICC-01/09-01/20-282-Red (disposition).