

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 29 March 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

Prosecution's notice of completion of its presentation 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

Ms Nazhat 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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Submissions

1. As ordered¹ by Trial Chamber III,² the Office of the Prosecutor³ files herewith the notice of completion of its presentation of evidence, subject to the reservations detailed below.
2. Contrary to the Chamber's assumption,⁴ the Prosecution does intend to file a further request to submit evidence from the Bar Table.⁵ However, this can only be done once the Chamber has issued all pending decisions on the requests to submit evidence via the Prosecution witnesses. Only then will the Prosecution be in a position to review all remaining material on its List of Evidence and determine which items still need to be submitted into evidence via a Bar Table Motion.
3. Provided all pending decisions on the requests to submit evidence via the Prosecution witnesses have been issued, the Prosecution undertakes to file the anticipated Bar Table Motion by no later than 8 April 2022. If not, then the Prosecution undertakes to file within three working days of the last decision.
4. The Prosecution submits that this is a reasonable period to complete its review and file the anticipated motion. Given that the Defence has been afforded an extension of time, until 25 April 2022, to notify the Chamber whether it will present a Defence case, no prejudice will be occasioned to the Defence, nor will this delay the proceedings.

II. Conclusion and Relief Requested

5. Subject to the reservation above, the Prosecution hereby provides notice of the completion of its presentation of evidence.

¹ Order on the Completion of Presentation of Evidence by the Prosecution, ICC-01/09-01/20-313 ("Order").

² "Chamber".

³ "Prosecution" or "OTP".

⁴ Order, para. 2.

⁵ "Bar Table Motion".

6. The Prosecution requests leave to file the anticipated Bar Table Motion and any ancillary requests by 8 April 2022, or within three working days of the last decision on requests to submit evidence via Prosecution witnesses, should any still be outstanding by this date.



Ms Nazhat Khan, Deputy Prosecutor

Dated this 29th day of March 2022
At The Hague, The Netherlands