

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/15

Date: 10 September 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF *THE PROSECUTOR V. PAUL GICHERU AND PHILIP
KIPKOECH BETT***

Public

Order unsealing the warrant of arrest and other documents

To be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Jean-Jacques Badibanga

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber II, following a request of the Prosecutor filed on 28 August 2015 (ICC-01/09-01/15-10-US-Exp), issues the present order reclassifying the warrant of arrest and other documents in the record of the case.

The Chamber notes, on the basis of the information provided by the Prosecutor, that Paul Gicheru and Philip Kipkoech Bett were arrested on 30 July 2015 by the Kenyan police in Nairobi, Kenya, in execution of the Court's request for arrest and surrender, and were presented before a Judge of the High Court of Kenya in accordance with Kenyan law. Since the arrest has taken place and since Paul Gicheru and Philip Kipkoech Bett were made aware of the Court's warrant of arrest, the restrictive level of classification of that and other documents in the record of the case is no longer justified. In accordance with regulation 23 *bis* (3) of the Regulations of the Court, bearing in mind the need to protect the confidentiality of certain information under articles 57(3)(c) and 68(1) of the Statute, documents in the record of the case shall be reclassified as specified. A public redacted version of the warrant of arrest is filed simultaneously.

FOR THESE REASONS, THE CHAMBER

ORDERS the Registrar to reclassify as "public" the following documents:

- ICC-01/09-01/15-2-US-Exp;
- ICC-01/09-01/15-3-US-Exp;
- ICC-01/09-01/15-6-US-Exp;

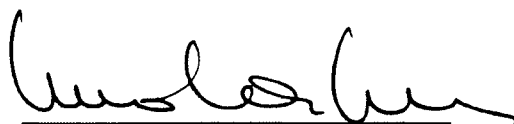
ORDERS the Registrar to reclassify as "confidential, *ex parte*, only available to the Prosecutor" the following documents:

- ICC-01/09-01/15-1-US-Exp;
- ICC-01/09-01/15-4-US-Exp;

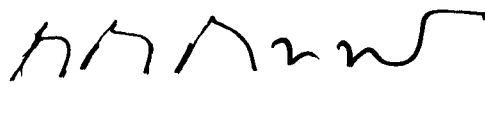
- ICC-01/09-01/15-5-US-Exp;
- ICC-01/09-01/15-7-US-Exp and annexes;
- ICC-01/09-01/15-8-US-Exp and annexes;
- ICC-01/09-01/15-9-US-Exp and annexes;
- ICC-01/09-01/15-10-US-Exp and annexes; and

ORDERS the Registrar to file in the record of the case public redacted versions of documents ICC-01/09-01/15-4-US-Exp and ICC-01/09-01/15-5-US-Exp, wherein the address and contact details of Paul Gicheru and Philip Kipkoech Bett are expunged.

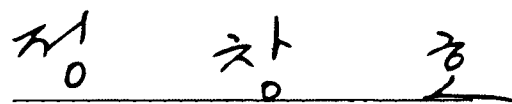
Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser
Presiding Judge



Judge Marc Perrin de Brichambaut



Judge Chang-ho Chung

Dated this 10 September 2015
At The Hague, The Netherlands