

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/09-01/20

Date: 29 June 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

Order on the Recusal of the Prosecutor from the Current Case

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

The Office of the Prosecutor
Mr James Stewart

Counsel for the Defence
Mr Michael G. Karnavas

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**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

PRE-TRIAL CHAMBER A (ARTICLE 70) of the International Criminal Court issues this Order on the Recusal of the Prosecutor from the Current Case.

1. On 28 June 2021, the Office of the Prosecutor advised the Chamber that the current Prosecutor has recused himself from the proceedings in this case, pursuant to article 42(7) of the Statute. It further explained that the Deputy Prosecutor will perform all the acts that the Prosecutor would have to carry out in the present case, pursuant to article 42(2) of the Statute.¹
2. Noting the importance of transparency and to ensure the proper conduct of the proceedings, the Chamber considers it necessary to put the matter on the public record of the case and explain what effects it attaches to the recusal.
3. The Chamber understands that, as a consequence of his recusal, the Prosecutor will (i) not have access to any non-public filings in the record of the case; (ii) not have access to any non-public evidence submitted in the record of the case; and (iii) not be involved in any discussion or decision on a substantial or administrative level related to the case. Further, the Chamber considers that the Deputy Prosecutor will replace the Prosecutor and perform any of his functions for the purposes of this case.

FOR THESE REASONS, THE CHAMBER HEREBY

TAKES NOTE of the Prosecutor's recusal in the current case and attaches the consequences to this recusal as described above.

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



Judge Reine Adélaïde Sophie Alapini-Gansou

Dated 29 June 2021

At The Hague, The Netherlands

¹ Prosecution's Response to the Request to Reclassify Paul Gicheru's Written Submissions on the Confirmation of Charges as "Secret", 4 May 2021, ICC-01/09-01/20-144-Conf, para. 5 and Prosecution e-mail to the Chamber on 28 June 2021.