

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/09-01/20**
Date: **17 August 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

Order Scheduling the First Status Conference

Document 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
Mr Nigel Verrill

Detention Section

**Victims Participation and
Reparations Section**

Other

TRIAL CHAMBER III of the International Criminal Court, in the case of *The Prosecutor v. Paul Gicheru*, having regard to Article 64(2) and (3) of the Rome Statute (the ‘Statute’), Rule 132(1) of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 54 of the Regulations of the Court (the ‘Regulations’), issues this ‘Order Scheduling the First Status Conference’.

1. To facilitate the preparation of the status conference, and to enable the Chamber to set the trial date, the Chamber seeks submissions from the parties on the following items:

- A. The commencement date of the trial.
- B. Anticipated evidence. This point is primarily addressed to the Office of the Prosecutor (the ‘Prosecution’). The Defence is not required to provide information on this matter unless it wishes to do so.
 - (1) Estimated number of witnesses to be called and number of hours of in-court testimony;
 - (2) Use of expert witnesses;
 - (3) Use of Rule 68 of the Rules;
 - (4) Testimony provided by audio or video links; and
 - (5) Estimated volume of documentary or other non-testimonial evidence to be relied upon at trial.
- C. Agreed facts under Rule 69 of the Rules.
- D. Translation at trial: language to be used during the trial, including languages expected to be used by the witnesses the parties intend to call.
- E. Disclosure of outstanding material in the Prosecution’s possession and related issues:
 - (1) Whether the Prosecution’s investigations are still ongoing;
 - (2) Timing and volume of outstanding disclosure pursuant to Article 67(2) of the Statute and Rules 76 and 77 of the Rules;
 - (3) Transcription and translation issues;

- (4) Protective measures of witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme);
 - (5) Disclosure of witness identities which have not been disclosed to the Defence yet;
 - (6) Disclosure of material obtained pursuant to Article 54(3)(e) of the Statute, if any.
- F. Disclosure by the Defence, including whether the Defence intends to advance a defence in accordance with Rules 79 and 80 of the Rules.
- G. Provision of a trial brief by the Prosecutor.
- H. Estimated length of opening statements.
2. The Registry is ordered to make submissions on points D and E.4.
 3. The parties may express their wish to add further agenda items to the list.

FOR THESE REASONS, THE CHAMBER HEREBY

CONVENES a status conference on 17 September 2021; and

ORDERS the parties and the Registry to provide submissions as set out above by 10 September 2021.

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



Judge Miatta Maria Samba

Dated 17 August 2021

At The Hague, The Netherlands