

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/09-01/20**
Date: **3 September 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

**Decision on Defence Request for Mr Gicheru to Attend the
First Status Conference via Video Technology**

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

The Office of the Prosecutor

Mr James Stewart
Mr Anton Steynberg

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

TRIAL CHAMBER III of the International Criminal Court, in the case of *The Prosecutor v. Paul Gicheru*, having regard to Article 64(2) of the Rome Statute (the ‘Statute’), issues this ‘Decision on the Defence Request for Mr Gicheru to attend the First Status Conference via Video Technology’.

1. On 17 August 2021, the Chamber issued an order, *inter alia*, scheduling the first status conference pursuant to 132(1) of the Rules of Procedure and Evidence (the ‘Status Conference’) on 17 September 2021.¹
2. On 25 August 2021, upon request by the Defence,² the Chamber rescheduled the Status Conference to 24 September 2021.³
3. On 1 September 2021, via email, the Defence requested that Mr Gicheru be allowed to attend the Status Conference ‘remotely from Kenya’ (the ‘Request’).⁴ The Defence submits that, in light of the purpose of the Status Conference and under consideration of the current health care situation in relation to the covid-19 pandemic, it is ‘neither necessary nor prudent’ that Mr Gicheru attends in-person.
4. On the same day, the Office of the Prosecutor (the ‘Prosecution’) responded, also via email, that it does not oppose the Request.⁵
5. As a preliminary matter, the Chamber interprets the Request to ‘participate remotely’ as a request that the accused be allowed to attend the Status Conference through the use of video technology.
6. The Chamber takes note of the submissions of the Defence. It also takes into consideration the fairness and expeditiousness of the proceedings, pursuant to Article 64(2) of the Statute. Lastly, it notes that the Prosecution does not oppose the Request. Accordingly, in light of the above, the Chamber grants the Request.

¹ [Order Scheduling the First Status Conference](#), ICC-01/09-01/20-162, p. 4.

² [Defence’s Request to Reschedule the First Status Conference](#), ICC-01/09-01/20-164.

³ [Decision on Request to Reschedule the First Status Conference](#), ICC-01/09-01/20-166.

⁴ Defence email to Trial Chamber III Communications on 1 September 2021, at 17:18.

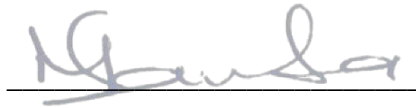
⁵ Prosecution email to Trial Chamber III Communications on 1 September 2021, at 18:49.

7. The Chamber reminds the Defence, that it is in responsibility of the Defence to liaise with the Registry and ensure the attendance of the accused via video technology so as to avoid any delay.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request.

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

A handwritten signature in grey ink, appearing to read 'M. Samba', is written over a horizontal line.

Judge Miatta Maria Samba

Dated 3 September 2021

At The Hague, The Netherlands