

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **26 April 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

Order Setting Deadline for Defence Requests

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

The Office of the Prosecutor

Ms Nazhat Shameem Khan
Mr Anton Steynberg

Counsel for the Defence

Mr Michael G. Karnavas
Ms Suzana Tomanović

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 the following ‘Order Setting Deadline for Defence Requests’.

1. On 18 March 2022, the Chamber issued an order, instructing the Defence to inform the Chamber and the Office of the Prosecutor of its intent ‘to present evidence or not’ by 25 April 2022.¹
2. On 25 April 2022, the Defence filed a ‘Notice of Intent Not to Present A Case’ (the ‘Notice’).² On the same day, following the notification of its Notice, the Defence also filed an application to introduce evidence other than through a witness (the ‘Bar Table Motion’).³
3. The Chamber understands the Notice not to present ‘a case’ as the Defence’s notification that it will not be presenting a case through the calling of witnesses. However, the Chamber interprets the Defence’s Bar Table Motion as that it still intends to tender evidence into the record.
4. In the interests of ensuring the expeditiousness of the proceedings, the Chamber hereby instructs the Defence to file any further motions upon which it wishes the Chamber to rule, by no later than 4 May 2022.

¹ Order in respect of the Defence’s Notice of its Inability to Declare its Intent to Present a Case, ICC-01/09-01/20-306-Conf. A public-redacted version was filed on the same day, [ICC-01/09-01/20-306-Red](#).

² Defence’s Notice of Intent Not To Present A Case, [ICC-01/09-01/20-323](#).

³ Defence Bar Table Motion, ICC-01/09-01/20-325-Conf with confidential annex A, ICC-01/09-01/20-325-Conf-AnxA.

FOR THESE REASONS, THE PRESIDING JUDGE HEREBY

ORDERS the Defence to file any motion upon which it wishes the Chamber to rule, by no later than 4 May 2022.

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

A handwritten signature in blue ink, appearing to read 'Msamba', is written above a horizontal line.

Judge Miatta Maria Samba, Presiding Judge

Dated 26 April 2022

At The Hague, The Netherlands