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

Date: 10 June 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**

**Prosecution's response to the Defence Request for Leave for Mr. Gicheru to  
Appear Remotely during the Closing Statements**

**Source: Office of the Prosecutor**

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

**The Office of the Prosecutor**

Ms Nazhat Shameen Khan

Mr Anton Steynberg

**Counsel for the Defence**

Mr Michael G. Karnavas

Ms Suzana Tomanović

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. As ordered<sup>1</sup> by Trial Chamber III,<sup>2</sup> the Office of the Prosecutor<sup>3</sup> files herewith its response to the Defence Request for Leave for Mr. Gicheru to Appear Remotely during the Closing Statements.<sup>4</sup>
2. Given the nature and duration of the hearing, the Prosecution does not oppose the Request for the Accused to appear via video link for the closing arguments on 27 June 2022.
3. However, the Prosecution requests the Chamber to order the Accused to be present for the delivery of the Chamber's judgment under article 74 of the Statute, on a date to be determined by the Chamber, as provided in the "Decision on Mr Gicheru's Request for Interim Release".<sup>5</sup>




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**Ms Nazhat Shameen Khan, Deputy Prosecutor**

Dated this 10<sup>th</sup> day of June 2022  
At The Hague, The Netherlands

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<sup>1</sup> Email decision of 08 June 2022 at 09:27.

<sup>2</sup> "Chamber".

<sup>3</sup> "Prosecution" or "OTP".

<sup>4</sup> "Request", ICC-01/09-01/20-330.

<sup>5</sup> ICC-01/09-01/20-90-Conf, para. 47, third bullet ("Mr Gicheru [...] shall appear before the Chamber at the date, time, place, and in the manner ordered by the Chamber and shall remain in attendance until excused") and para. 49 ("Should the Chamber determine that there is a particular reason necessitating Mr Gicheru to appear before it, an order to this effect will be issued and Mr Gicheru and Kenya are bound to abide by such an order").