

**Annex**

**Public**

**Transmission of further Observations Submitted by the Host State with respect to  
the stay of Mr Gicheru in the Netherlands**

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

Extract of an email sent by the Host State to the Registry on 23 September 2021 at 16.08

“Thank you for the fruitful discussion on 22 September and additional clarification concerning the Kenyan authorities’ position that Mr Gicheru is free to travel back and forth from Kenya during the period of the proceedings. In order to facilitate implementation of the Court’s order (No. ICC-01/09-01/20 of 29 January 2021), and in accordance with article 47 paragraph 2 of the Host State Agreement, the host State will facilitate the re-entry into the host State of Mr Gicheru and his short-term stay for the purpose related to proceedings before the Court in which his presence is required.

For the record, the host State wishes to point out that in the Court’s decision under G, the Netherlands was invited to *‘provide observations as to the possibility of Mr Gicheru temporarily residing in the Netherlands for the purposes of the proceedings in the present case as specified in the present decision by no later than 26 February 2021’*. The host State is of the opinion that a request for temporary residence is not consistent with the host State’s obligations concerning interim-release under article 47.

Since Mr Gicheru will travel from Kenya where he is staying during his interim-release, he will be granted, upon request, a single-entry visa, territorially limited to the Municipality of The Hague, for the duration of a block of hearings. It is the understanding of the host State that during his short-term stay, Mr Gicheru remains at all times under the jurisdiction of the Court and will not leave the Municipality of The Hague for reasons other than his departure from the Netherlands. In this regard, the host State would like to request the Court’s assistance in facilitating his travels to and from the airport accompanied by an official of the Court.

Finally, the host State would appreciate more information on the scheduling of the hearings as soon as this is available and recalls that sufficient time is required for security assessment and the visa application process of Mr Gicheru.”