

Situation in Kenya

The Prosecutor v. Paul Gicheru

ICC-01/09-01/20

ICC-PIDS-CIS-KEN-005-002/22_Eng

Updated: January 2022

Paul Gicheru

Suspected of offences against the administration of justice. Surrendered to the ICC in November 2020. Initial appearance on 6 November 2020. Conditional release on 1 February 2021. Charges confirmed on 15 July 2021. Opening of the trial scheduled for 15 February 2022.



Date of birth: 28 November 1972

Place of birth: Nandi district, Kenya

Nationality: Kenyan

Arrest warrant: [issued under seal](#) on 10 March 2015; [unsealed](#) on 10 September 2015

Surrender to ICC Custody: 3 November 2020

Initial appearance: 6 November 2020

Conditional release: 1 February 2021

Confirmation of charges: 15 July 2021

Opening of the trial: scheduled for 15 February 2022

Charges

Paul Gicheru, a lawyer formerly based in Kenya, is suspected of offences against the administration of justice committed in or around 2013 in Kenya consisting in corruptly influencing witnesses of the ICC Prosecution.

Key judicial developments

OPENING OF THE INVESTIGATION

On 31 March 2010, Pre-Trial Chamber II authorised the Prosecutor to open an investigation in the situation in the Republic of Kenya, in relation to the 2007-2008 post-election violence in that country

WARRANT OF ARREST

The warrant of arrest was [issued under seal](#) against Paul Gicheru and Philip Kipkoech Bett on 10 March 2015 and [unsealed](#) on 10 September 2015.

SURRENDER

On 2 November 2020, Paul Gicheru surrendered to the authorities of The Netherlands pursuant to this arrest warrant for offences against the administration of justice consisting in corruptly influencing witnesses of the Court. On 3 November 2020, Paul Gicheru was surrendered to the ICC custody after the completion of the necessary national proceedings. Philip Kipkoech Bett is not in ICC custody.

On 2 November 2020, the President of the ICC Pre-Trial Division constituted Pre-Trial Chamber A (Article 70), composed of Judge Reine Adélaïde Sophie Alapini-Gansou, to exercise the powers and functions of the Pre-Trial Chamber in this case.

INITIAL APPEARANCE

The first appearance of Paul Gicheru before the Court [took place](#) 6 November 2020 before Pre-Trial Chamber A. The hearing was held in the presence of the Office of the Prosecutor. Mr Gicheru, who represented himself at this hearing, appeared via video-link from the ICC Detention Centre.

The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the offences against the administration of justice he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks. The judge also announced the next steps in the proceedings.

APPOINTMENT OF COUNSEL

On 18 November 2020, the Registry informed Pre-Trial Chamber A that Mr Paul Gicheru appointed Mr Michael G. Karnavas as Counsel to represent him in the proceedings before the Court.

SEVERING OF THE CASES

On 11 December 2020, Pre-Trial Chamber A severed sever the cases against Paul Gicheru and Philip Kipkoech Bett. Pre-Trial Chamber A is in charge of the Gicheru case and Pre-Trial Chamber II will remain seized of the Bett case.

CONDITIONAL RELEASE

On 1 February 2021, [Paul Gicheru was released to Kenya with specific conditions](#) restricting liberty, during the confirmation of charges proceedings.

CONFIRMATION OF CHARGES

The confirmation of charges procedure was conducted in writing.

On 15 July 2021, ICC Pre-Trial Chamber A [confirmed the charges](#) of offences against the administration of justice brought by the Prosecutor against Mr Gicheru and committed him to trial. In its decision, the Chamber found that there are substantial grounds to believe that Mr Gicheru committed, as a co-perpetrator, or under alternative modes of liability, offences against the administration of justice (article 70(1)(c) of the Rome Statute) between April 2013 and the closure of the Ruto and Sang case on 10 September 2015, in Kenya. The offences were allegedly committed in the furtherance of a common plan implemented by a group of persons including Mr Gicheru, with the ultimate goal of undermining the Prosecution's case in the *Ruto and Sang* case.

TRIAL

On 22 July 2021, the Presidency constituted Trial Chamber III to be in charge of this case. Trial Chamber III is composed of Judge Miatta Maria Samba. On 30 September 2021, Trial Chamber III scheduled the opening of the trial for 15 February 2022.

Composition of Trial Chamber III

Judge Miatta Maria Samba

Representation of the Office of the Prosecutor

James Stewart, Deputy Prosecutor

Defence Counsel

Michael G. Karnavas

Legal Representatives of the Victims

N/A