

Pursuant to the Presidency order, dated 18 October 2022, this document has been reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/09-01/20**
Date: **22 September 2021**

THE PRESIDENCY

Before: Judge Piotr Hofmański, President
Judge Luz del Carmen Ibáñez Carranza, First Vice-President
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
*THE PROSECUTOR v. PAUL GICHERU***

Confidential

**Order concerning the 'Request for the Disqualification of Judge Miatta Maria Samba'
dated 17 September 2021 (ICC-01/09-01/20-173-Conf)**

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Order 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 the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

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
All Judges**

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The Presidency of the International Criminal Court (the 'Court')

In the case of *The Prosecutor v. Paul Gicheru*,

NOTING the 'Request for the Disqualification of Judge Miatta Maria Samba' dated 17 September 2021 filed by the Defence of Mr Gicheru pursuant to article 41(2)(b) of the Rome Statute (the 'Application') seeking that Judge Samba be disqualified from Trial Chamber III in the case;¹

RECALLING that pursuant to article 41(2)(c) of the Rome Statute and rule 34(2) of the Rules of Procedure and Evidence, Judge Samba may present written observations on the Application;

HEREBY ORDERS the Office of the Prosecutor to file any response to the Application by 16:00 on 29 September 2021;

REQUESTS that Judge Samba present any written observations by 16:00 on 6 October 2021;

NOTIFIES that a plenary session will thereafter be convened to address the Application; and

ORDERS the Registry to notify all judges of the Application.

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



Judge Piotr Hofmański
President

¹ Defence for Mr Paul Gicheru, *The Prosecutor v. Paul Gicheru*, Request for the Disqualification of Judge Miatta Maria Samba, 17 September 2021, ICC-01/09-01/20-173-Conf, pp. 3, 22.

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Judge Luz del Carmen Ibáñez Carranza
First Vice-President



Judge Antoine Kesia-Mbe Mindua
Second Vice-President

Dated this 22 September 2021

At The Hague, The Netherlands