

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 June 2022

TRIAL CHAMBER III (ARTICLE 70)

Before: Judge Miatta Maria Samba

SITUATION IN THE REPUBLIC OF KENYA

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

Public

Request for Leave for Mr. Gicheru to Appear Remotely during the Closing Statements

Source: Counsel for Paul Gicheru

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 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

Other

REGISTRY

Registrar
 Mr. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

Mr. Paul Gicheru, through his Counsel, hereby requests leave to appear remotely during the Closing Statements scheduled for the morning sessions on 27 June 2022.¹ The Registry bears the responsibility of coordinating with the Dutch Government to secure Mr. Gicheru's visa and organize his transport to and from the airport,² while Mr. Gicheru bears the costs for his flight to and his living expenses in The Netherlands. Considering that the hearing will only last two hours,³ it is not reasonable to conclude that the efforts and costs associated with having Mr. Gicheru attend in person are disproportionate and, with respect, wasteful when considering the availability of remote participation at no prejudice to the parties or infringement to the quality of the proceedings. Mr. Gicheru was granted leave to appear remotely during the First Status Conference,⁴ and by all accounts, has abided by the conditions of his provisional release and properly conducted himself during the proceedings, resulting in no complaints from the Registry or the Dutch Government.⁵ Respectfully, the Trial Chamber should exercise its discretion under Article 64(2) of the Rome Statute⁶ to grant Mr. Gicheru leave to appear remotely during the Closing Statements.

Respectfully submitted, 9 June 2022,
In The Hague, the Netherlands.



Michael G. Karnavas
Counsel for Mr. Paul Gicheru

¹ [ICC-01/09-01/20-329](#), p. 4.

² Email from CSS dated 3 June 2022 at 13:44 entitled: "RE: R: Closing Statements – 27 June 2022 – Physical presence of Mr Gicheru?"; [ICC-01/09-01/20-315](#), para. 12.

³ [ICC-01/09-01/20-329](#), para. 9.

⁴ [ICC-01/09-01/20-169](#).

⁵ [ICC-01/09-01/20-315](#), para. 11.

⁶ Under Article 64(2) of the [Rome Statute](#), the Trial Chamber must ensure that the trial is fair and expeditious and conducted with full respect for the rights of the Accused.