

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/09-01/20**  
Date: **14 October 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**

**Decision on Outstanding Procedural Matters**

**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 Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
for Participation/Reparations**

**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**

**TRIAL CHAMBER III** of the International Criminal Court, in the case of *The Prosecutor v. Paul Gicheru*, having regard to Article 64(6)(f), (7) and (10) of the Rome Statute, issues this ‘Decision on Outstanding Procedural Matters’.

1. On 13 October 2022, the Registry filed a communication by the Republic of Kenya concerning the death of Mr Gicheru into the record of the case.<sup>1</sup> The Chamber hereby regulates outstanding matters requiring resolution before the termination of the proceedings.

2. The Chamber notes that, in conformity with the decision on the request for interim release, Mr Gicheru provided financial security to the Registrar in the value of 1.000.000 KSH.<sup>2</sup> The Chamber hereby instructs the Registry to return the financial security provided by Mr Gicheru to a competent member of the deceased’s family. In this regard, the Defence is ordered to liaise with the Registry, as required.

3. Furthermore, the Chamber orders the parties and the Registry to review their respective filings in light of the termination of the proceedings. Should they consider that information which had to remain confidential can be made public at this point in time, they are ordered to either file lesser redacted versions of these filings into the record of the case or to request reclassification.<sup>3</sup> The parties are further directed to continue their cooperation with the Registry on any outstanding matter related to the verification of information which might be made available in the public record of the case.

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<sup>1</sup> Transmission of a note verbale from the authorities of the Republic of Kenya, ICC-01/09-01/20-335-Conf, with two confidential annexes, Annex ICC-01/09-01/20-335-Conf-AnxI and Annex ICC-01/09-01/20-335-Conf-AnxII.

<sup>2</sup> Decision on Mr Gicheru’s Request for Interim Release, 29 January 2021, [ICC-01/09-01/20-90-Red2](#), para. 47.

<sup>3</sup> For this purpose only, the parties may continue to use the official email address of the Chamber.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**INSTRUCTS** the Registry and the parties to act in accordance with paragraphs 2 and 3 above.

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



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**Judge Miatta Maria Samba**

Dated 14 October 2022

At The Hague, The Netherlands