

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/09-01/15

Date: 4 November 2020

PRE-TRIAL CHAMBER A (ARTICLE 70)

Before: Judge Reine Adélaïde Sophie Alapini-Gansou

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF

THE PROSECUTOR v. PAUL GICHERU AND PHILIP KIPKOECH BETT

**Urgent
Public**

Order Setting the Date for the Initial Appearance of Mr Gicheru

Order to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

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

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

PRE-TRIAL CHAMBER A (ARTICLE 70) of the International Criminal Court issues this order setting the date for the initial appearance of Mr Gicheru.

1. On 10 March 2015, Pre-Trial Chamber II, in its then composition, issued warrants of arrest against Mr Gicheru and Mr Bett for their alleged responsibility for offences against the administration of justice under article 70(1)(c) of the Rome Statute (the ‘Statute’).¹
2. On 2 November 2020, Mr Gicheru surrendered himself to the authorities of the Kingdom of the Netherlands.
3. On 2 November 2020, Pre-Trial Chamber II requested the President of the Pre-Trial Division to constitute a chamber composed of one judge to exercise the functions and powers of the Pre-Trial Chamber in the present case in accordance with rule 165(2) of the Rules of Procedure and Evidence (the ‘Rules’), as drawn up by the judges of the Court acting under article 51(3) of the Statute on 10 February 2016, and regulation 66*bis*(1) of the Regulations of the Court (the ‘Regulations’), which was adopted and entered into force on the same day.²
4. On 2 November 2020, the President of the Pre-Trial Division constituted the present Chamber pursuant to the aforementioned provisions.³
5. On 3 November 2020, following the completion of domestic proceedings in the Kingdom of the Netherlands, Mr Gicheru was surrendered to the Court and arrived at the Court’s Detention Centre.
6. The Chamber notes that, according to article 60(1) of the Statute and rules 121(1) and 163(1) of the Rules, a person subject to a warrant of arrest under article 58 of the Statute ‘shall appear before the Pre-Trial Chamber, in the presence of the Prosecutor, promptly upon arriving at the Court’ so as to be informed of the crimes he or she is alleged to have committed, his or her rights under the Statute, and the procedure to be followed regarding the confirmation of charges.

¹ Decision on the “Prosecution’s Application under Article 58(1) of the Rome Statute”, ICC-01/09-01/15-1-Conf-Exp; a public redacted version was notified on the same day, *see* [ICC-01/09-01/15-1-Red](#).

² Request to the President of the Pre-Trial Division to constitute a Chamber for the purposes of conducting proceedings under article 70 of the Rome Statute, ICC-01/09-01/15-31-US-Exp.

³ Decision Constituting a Chamber Composed of one Judge from the Pre-Trial Division to Exercise the Powers and Functions of the Pre-Trial Chamber in the Present Case, ICC-01/09-01/15-32.

7. Accordingly, the Chamber orders a hearing for the initial appearance of Mr Gicheru to be convened on Friday, 6 November 2020, at 16:00 hours, in Courtroom 1. The Chamber considers that, due to the COVID-19 restrictions, this hearing shall be held on a partially virtual basis. Mr Gicheru shall appear by video-link technology from the Court's Detention Centre. The Chamber, thus, also orders the Registry to make the necessary arrangements to organise the hearing accordingly.

8. The Chamber further notes that regulations 20(1) and 21(1) of the Regulations provide that '[a]ll hearings shall be held in public' and that '[t]he publicity of hearings may extend beyond the courtroom', respectively.

9. For this reason, the Chamber authorises the ICC photographer to take photographs in the courtroom at the start of the initial appearance hearing after all persons present have taken their seats for no longer than one minute and a half.

FOR THESE REASONS, THE CHAMBER HEREBY

- a) **ORDERS** a hearing for the initial appearance of Mr Gicheru to be convened on Friday, 6 November 2020, at 16:00 hours, in Courtroom 1, at which Mr Gicheru shall appear by video-link technology from the Court's Detention Centre;
- b) **ORDERS** the Registry to make the necessary arrangements to organise the hearing accordingly; and
- c) **AUTHORISES** the ICC photographer to take photographs in the courtroom at the start of the initial appearance hearing after all persons present have taken their seats for no longer than one minute and a half.

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



Judge Reine Adélaïde Sophie Alapini-Gansou

Dated this Wednesday, 4 November 2020

At The Hague, The Netherlands