

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **12 May 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

**Declaration on the Closure of the Submission of Evidence and order on Closing
Briefs and Closing Statements**

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

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 Rules 140 and 141 (1) of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Declaration of the Closure of the Submission of Evidence and order on Closing Briefs and Closing Statements’.

1. On 15 February 2022, the trial in this case commenced.¹
2. On 29 March 2022, the Office of the Prosecutor (the ‘Prosecution’) filed a formal notice on the completion of its presentation of evidence.²
3. On 25 April 2022, the Defence announced that it will not present any evidence.³ That notwithstanding, on the same day the Defence filed a motion to introduce evidence other than through a witness (the ‘Defence Bar Table Motion’).⁴
4. On 4 May 2022, the Defence informed the Chamber via email that it does not intend to file any further motions at this stage of the proceedings.⁵
5. On 12 May 2022, the Chamber issued a decision on the Defence Bar Table Motion.⁶
6. Accordingly, pursuant to Rule 141(1) of the Rules, the Chamber hereby declares the submission of evidence in this case closed.
7. Further, the Chamber considers it appropriate to set the date for the filing of the closing briefs of the parties for 10 June 2022.
8. Pursuant to Rule 141(2) of the Rules, the Chamber sets the date for the closing statements for 27 June 2022. The Chamber is of the view that closing statements should largely address the closing brief of the other party and stresses should not be a repetition of the content of their own closing brief.

¹ Transcript of hearing, [ICC-01/09-01/20-T-050-Red-ENG](#).

² [Prosecution’s notice of completion of its presentation of evidence](#), ICC-01/09-01/20-314.

³ [Defence’s Notice of Intent Not To Present A Case](#), ICC-01/09-01/20-323.

⁴ Defence Bar Table Motion, ICC-01/09-01/20-325-Conf with Confidential Annex A. A public redacted version was filed on 28 April 2022 ([ICC-01/09-01/20-325-Red](#)).

⁵ Email from the Defence to the Chamber dated 4 May 2022 at 10:54.

⁶ Decision on the Defence Request to Introduce Evidence Other than through a Witness, 12 May 2022, ICC-01/09-01/20-328.

9. Each party will be accorded one hour for their statement. The Prosecution will present its statement first, followed by the Defence. Furthermore, the Chamber notes for the parties that the directions in paragraphs 6 and 7 of the Directions on the Conduct of the Proceedings⁷ shall apply to the closing statements respectively.

FOR THESE REASONS, THE CHAMBER HEREBY

DECLARES the submission of evidence closed;

ORDERS the parties to file their closing briefs by 10 June 2022; and

ORDERS that the closing statements will be held on 27 June 2022, during the morning sessions, as specified in paragraph 8 above.

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



Judge Miatta Maria Samba

Dated 12 May 2022

At The Hague, The Netherlands

⁷ [Directions on the Conduct of the Proceedings](#), 7 October 2021, ICC-01/09-01/20-189.