

Annex 37

Public

From: Trial Chamber III Communications
Sent: 08 June 2022 09:27
To: D32 Gicheru Defence team; Mascetti, Daria
Cc: OTP KEN art70 [REDACTED]; [REDACTED]; Trial Chamber III Communications
Subject: RE: Request for Leave for Mr. Gicheru to Appear Remotely during the Closing Statements

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Defence,

Please submit a request via formal filing, including the applicable legal base, the submissions and any considerations on the matter.

The Defence is hereby instructed to file its **request** by **Thursday, 9 June 2022, COB**.

The Prosecution is hereby instructed to file its **response**, if any, by **Friday, 10 June 2022, COB**.

Kind regards,
 Trial Chamber III

From: Mascetti, Daria [REDACTED]
Sent: 07 June 2022 16:58
To: Trial Chamber III Communications <TrialChamberIIICommunications@icc-01-09-01-20-346-01-2023-01-01>
Cc: OTP KEN art70 [REDACTED]; [REDACTED] D32 Gicheru Defence team <D32GicheruDefenceteam@icc-01-09-01-20-346-01-2023-01-01>
Subject: Request for Leave for Mr. Gicheru to Appear Remotely during the Closing Statements

Please find below an email from Counsel representing Mr. Gicheru

Dear Honorable Single Judge of Trial Chamber III,

Dear Prosecution,

The Defence for Mr. Paul Gicheru, taking into account the fairness and expeditiousness of the proceedings, respectfully requests leave for Mr. Gicheru to appear remotely during the Closing Statements scheduled on 27 June 2022.

The Registry bears the responsibility of dealing with the Dutch Government in order to issue Mr. Gicheru's VISA and organize his transport to and from the airport, while Mr. Gicheru bears the costs for his flight to and living expenses in The Netherlands. Considering that the hearing is only to last two hours, it is not unreasonable to conclude that the costs associated in having Mr. Gicheru to attend in-person are disproportionate and, with respect, wasteful. Mr. Gicheru has been granted leave to

appear remotely during the First Status Conference (ICC-01/09-01/20-169). Should the Trial Chamber wish the Defence to file a formal written submission, the Defence stands ready to do so.

Sincerely yours,

Michael G. Karnavas

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