

Situation in Kenya

***The Prosecutor v. Paul Gicheru***

ICC-01/09-01/20

ICC-PIDS-CIS-KEN-005-003/22\_Eng

Updated: June 2022

## Paul Gicheru

Suspected of offences against the administration of justice. Surrendered to the ICC in November 2020. Initial appearance on 6 November 2020. Conditional release on 1 February 2021. Charges confirmed on 15 July 2021. Trial opened on 15 February 2022. Prosecution completed its presentation of evidence and Defence will not present any evidence. Closing statements scheduled on 27 June 2022.



**Date of birth:** 28 November 1972

**Place of birth:** Nandi district, Kenya

**Nationality:** Kenyan

**Arrest warrant:** [issued under seal](#) on 10 March 2015; [unsealed](#) on 10 September 2015

**Surrender to ICC Custody:** 3 November 2020

**Initial appearance:** 6 November 2020

**Conditional release:** 1 February 2021

**Confirmation of charges:** 15 July 2021

**Opening of the trial:** 15 February 2022

**Closing statements:** scheduled on 27 June 2022

## Charges

Paul Gicheru, a lawyer formerly based in Kenya, is suspected of offences against the administration of justice committed in or around 2013 in Kenya consisting in corruptly influencing witnesses of the ICC Prosecution.

## Key judicial developments

### OPENING OF THE INVESTIGATION

On 31 March 2010, Pre-Trial Chamber II authorised the Prosecutor to open an investigation in the situation in the Republic of Kenya, in relation to the 2007-2008 post-election violence in that country

### WARRANT OF ARREST

The warrant of arrest was [issued under seal](#) against Paul Gicheru and Philip Kipkoech Bett on 10 March 2015 and [unsealed](#) on 10 September 2015.

### SURRENDER

On 2 November 2020, Paul Gicheru surrendered to the authorities of The Netherlands pursuant to this arrest warrant for offences against the administration of justice consisting in corruptly influencing witnesses of the Court. On 3 November 2020, Paul Gicheru was surrendered to the ICC custody after the completion of the necessary national proceedings. Philip Kipkoech Bett is not in ICC custody.

On 2 November 2020, the President of the ICC Pre-Trial Division constituted Pre-Trial Chamber A (Article 70), composed of Judge Reine Adélaïde Sophie Alapini-Gansou, to exercise the powers and functions of the Pre-Trial Chamber in this case.

### INITIAL APPEARANCE

The first appearance of Paul Gicheru before the Court [took place](#) on 6 November 2020 before Pre-Trial Chamber A. The hearing was held in the presence of the Office of the Prosecutor. Mr Gicheru, who represented himself at this hearing, appeared via video-link from the ICC Detention Centre.

The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the offences against the administration of justice he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks. The judge also announced the next steps in the proceedings.

## APPOINTMENT OF COUNSEL

On 18 November 2020, the Registry informed Pre-Trial Chamber A that Mr Paul Gicheru appointed Mr Michael G. Karnavas as Counsel to represent him in the proceedings before the Court.

## SEVERING OF THE CASES

On 11 December 2020, Pre-Trial Chamber A severed the cases against Paul Gicheru and Philip Kipkoech Bett. Pre-Trial Chamber A is in charge of the Gicheru case and Pre-Trial Chamber II will remain seized of the Bett case.

## CONDITIONAL RELEASE

On 1 February 2021, [Paul Gicheru was released to Kenya with specific conditions](#) restricting liberty.

## CONFIRMATION OF CHARGES

The confirmation of charges procedure was conducted in writing. On 15 July 2021, ICC Pre-Trial Chamber A [confirmed the charges](#) of offences against the administration of justice brought by the Prosecutor against Mr Gicheru and committed him to trial. In its decision, the Chamber found that there are substantial grounds to believe that Mr Gicheru committed, as a co-perpetrator, or under alternative modes of liability, offences against the administration of justice (article 70(1)(c) of the Rome Statute) between April 2013 and the closure of the Ruto and Sang case on 10 September 2015, in Kenya. The offences were allegedly committed in the furtherance of a common plan implemented by a group of persons including Mr Gicheru, with the ultimate goal of undermining the Prosecution's case in the *Ruto and Sang* case.

## TRIAL

On 22 July 2021, the Presidency constituted Trial Chamber III to be in charge of this case.

On 15 February 2022, the trial in the case opened before Judge Miatta Maria Samba of ICC Trial Chamber III. The trial started with the reading of the charges against Mr Gicheru. The Chamber was satisfied that the accused understood the nature of the charges. The accused plead not-guilty to the all charges. The Court's Deputy Prosecutor James Stewart, Senior Trial Lawyer Anton Steynberg and trial lawyer Alice Zago took the floor for opening statements.

8 witnesses have testified for the prosecution, the last one finished testifying on 24 March 2022. The Office of the Prosecutor completed its presentation of evidence on 29 March 2022. The Defence announced on 25 April 2022 that it will not present any evidence.

The closing statements in this case are scheduled to take place on 27 June 2022.

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### Composition of Trial Chamber III

Judge Miatta Maria Samba

### Representation of the Office of the Prosecutor

James Stewart, Deputy Prosecutor

### Defence Counsel

Michael G. Karnavas

### Legal Representatives of the Victims

N/A