

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/09 OA 2

Date: 5 June 2012

THE APPEALS CHAMBER

Before:

**Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka**

SITUATION IN THE REPUBLIC OF KENYA

**Confidential document, *ex parte*, only available to the Prosecutor and
Mr Nyekorach-Matsanga**

Decision

**on the Presiding Judge of the Appeals Chamber for the proceedings with respect
to the "CONFIDENTIAL APPLICATION WITH CONFIDENTIAL ANNEXES
OF DR. DAVID NYEKORACH- MATSANGA FOR THE
DISQUALIFICATION OF THE PROSECUTOR PURSUANT TO ARTICLE 42
(8) OF THE STATUTE" and order on re-numbering of documents**

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for Mr Nyekorach-Matsanga

Mr Charles A. Taku
Ms Beth S. Lyons

REGISTRY

Registrar

Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

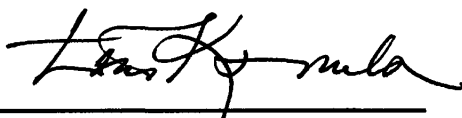
Having before it the "CONFIDENTIAL APPLICATION WITH CONFIDENTIAL ANNEXES OF DR. DAVID NYEKORACH- MATSANGA FOR THE DISQUALIFICATION OF THE PROSECUTOR PURSUANT TO ARTICLE 42 (8) OF THE STATUTE" dated 28 May 2012 (ICC-STA42-01/12-1-Conf-Exp-Anx1),

Renders unanimously the following

DECISION AND ORDER

- 1) The Presiding Judge in the above-mentioned appeal is Judge Sang-Hyun Song.
- 2) The Registrar is ordered to assign to the "CONFIDENTIAL APPLICATION WITH CONFIDENTIAL ANNEXES OF DR. DAVID NYEKORACH- MATSANGA FOR THE DISQUALIFICATION OF THE PROSECUTOR PURSUANT TO ARTICLE 42 (8) OF THE STATUTE" dated 28 May 2012 (ICC-STA42-01/12-1-Conf-Exp-Anx1) and to the "Registry's transmission of a submission received on 30 May 2012" of 1 June 2012 (ICC-STA42-01/12-1-Conf-Exp) a document number under regulation 26 of the Regulations of the Registry in the record pertaining to the situation in the Republic of Kenya, including letters and a consecutive number under sub-regulation 4 (d), maintaining the current classification of those documents as confidential and *ex parte*.

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



Judge Erkki Kourula
President of the Appeals Division

Dated this 5th day of June 2012

At The Hague, The Netherlands