

**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, Presiding Judge
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**

Order

**on the submission of comments by the Prosecutor on 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”**

She

Order 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

Shs

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),

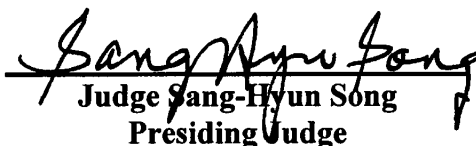
Pursuant to article 42 (8) (b) of the Statute and rule 34 (2) of the Rules of Procedure and Evidence,

Issues the following

ORDER

- 1) The Prosecutor may present his comments on the above-mentioned application by 16h00 on Tuesday, 12 June 2012.
- 2) In his comments, the Prosecutor shall address whether and to what extent the above-mentioned application should be kept confidential.

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


 Judge Sang-Hyun Song
 Presiding Judge

Dated this 5th day of June 2012

At The Hague, The Netherlands