

**Cour  
Pénale  
Internationale**  

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**International  
Criminal  
Court**



Original: English

No.: ICC-STA 42-01/12

Date: 1 June 2012

**APPEALS CHAMBER**

**Before:** Judge Erkki Kourula, Presiding Judge  
Judge Sang-Hyun Song  
Judge Akua Kuenyehia  
Judge Anita Usacka  
Judge Sanji Mmasenono Monageng

**SITUATION IN THE REPUBLIC OF KENYA**

**Confidential**

*Ex parte* only available to the Registry and the Office of the Prosecutor, Mr.  
Charles A Taku and Mr. Beth Lyons

With confidential *ex parte* annex 1 only available to the Registry,  
the Office of the Prosecutor and to Mr. Charles A Taku and Mr. Beth Lyons

Registry's transmission of a submission received on 30 May 2012

**Source:** The Registry

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

**The Office of the Prosecutor**  
Mr. Luis Moreno-Ocampo  
Ms. Fatou Bensouda

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**  
Ms. Silvana Arbia

**Counsel Support Section**

**Deputy Registrar**  
Mr. Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**  
Mr. Charles A Taku  
Mr. Beth Lyons

**The Registry of the International Criminal Court (the "Court");**

**NOTING** rule 13(1) of the Rules of Procedure and Evidence ("RPE"), regulations 22, 23 *bis* and 24 *bis* of the Regulations of the Court and Article 42 of the Statute;

**CONSIDERING** that on 30 May 2012, Mr. Charles A Taku and Mr. Beth Lyons sent by DHL to the Court Management Section, on behalf of Mr. Nyekorah-Matsanga, a document to be filed before the Appeals Chamber and referred as follows:  
*"Confidential application with confidential annexes of Dr. David Nyekorah-Matsanga for the disqualification of the Prosecutor pursuant to Article 42 of the Statute"*

**CONSIDERING** the role of the Registry as the Court's channel of communication under rule 13(1) of the RPE;

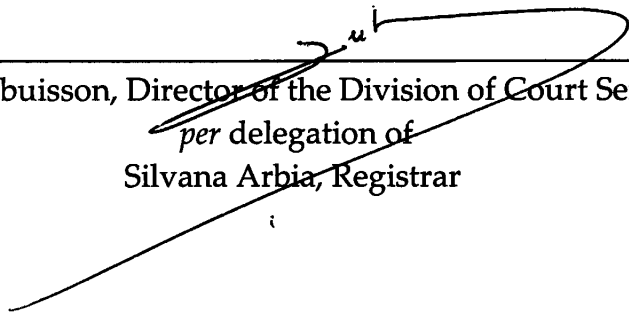
**CONSIDERING** that by transmitting the above mentioned document, the Registry does not express any views regarding the status of the applicant which remains to be decided by the Appeals Chamber;

**CONSIDERING** that the Office of the Prosecutor, the Office of Public Counsel for Victims, the Office of Public Counsel for the Defence and the Victims Participation and Reparations Section appear on the notification page of the document received;

**CONSIDERING** that the above mentioned document may contain sensitive and confidential information, it is therefore submitted as confidential *ex parte* only available to the Registry, the Office of the Prosecutor and to Mr. Charles A Taku and Mr. Beth Lyons;

**CONSIDERING** that the above mentioned document may be notified to the Office of the Prosecutor, the Office of Public Counsel for Victims, the Office of Public Counsel for the Defence and the Victims Participation and Reparations Section should the Appeals Chamber deem it necessary;

**TRANSMITS** respectfully to the Appeals Chamber, the abovementioned document as confidential *ex parte* annex.



Marc Dubuisson, Director of the Division of Court Services  
*per* delegation of  
Silvana Arbia, Registrar

Dated this 1 June 2012

At The Hague in The Netherlands