

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/09 OA 2
Date: 16 October 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

Public document

Order on the reclassification of certain documents

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

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,

In the matter of 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-01/09-89-Conf-Exp-Anx1 (OA 2), pp. 2-16), in respect of which a public redacted version was registered on 13 September 2012 (ICC-01/09-89-Anx1-Red (OA 2), pp. 2-16),

Following the rendering by the Appeals Chamber of the public redacted version of the “Decision on the Request for Disqualification of the Prosecutor in the Investigation against Mr David Nyekorach-Matsanga” dated 6 September 2012 (ICC-01/09-96-Red),


Renders unanimously the following

ORDER

The Registrar is ordered to reclassify as public the following documents:

- (i) “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”, 5 June 2012, ICC-01/09-87-Conf-Exp (OA 2);
- (ii) “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’”, 5 June 2012, ICC-01/09-88-Conf-Exp (OA 2); and
- (iii) “Registry’s transmission of a submission received on 30 May 2012” dated 1 June 2012 and registered on 5 June 2012, ICC-01/09-89-Conf-Exp (OA 2).

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



Judge Sanji Mmasenono Monageng
For the Presiding Judge

Dated this 16th day of October 2012

At The Hague, The Netherlands