

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No. ICC-01/09-02/11 OA**

**Date: 7 June 2011**

**THE APPEALS CHAMBER**

**Before:**

**Judge Sang-Hyun Song  
Judge Akua Kuenyehia  
Judge Erkki Kourula  
Judge Anita Ušacka  
Judge Daniel David Ntanda Nsereko**

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA,  
UHURU MUIGAI KENYATTA AND MOHAMMED HUSSEIN ALI**

**Public document**

**Decision on the Presiding Judge of the Appeals Chamber in the appeal of the  
Republic of Kenya against the decision of Pre-Trial Chamber II entitled  
“Decision on the Application by the Government of Kenya Challenging the  
Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute”**



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

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

**Counsel for Francis Kirimi Muthaura**  
Mr Karim A. A. Khan  
Mr Kennedy Ogeto

**Counsel for Uhuru Muigai Kenyatta**  
Mr Steven Kay  
Ms Gillian Higgins

**Counsel for Mohammed Hussein Ali**  
Mr Gregory Kehoe  
Mr Evans Monari

**States Representatives**  
Mr Geoffrey Nice  
Mr Rodney Dixon

**REGISTRY**

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**Registrar**  
Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II entitled “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute” of 30 May 2011 (ICC-01/09-02/11-96),

Pursuant to regulation 13 (1) of the Regulations of the Court,

*Renders unanimously* the following

## DECISION

The Presiding Judge in the above-mentioned appeal is Judge Daniel David Ntanda Nsereko.

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



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**Judge Anita Ušacka**  
**President of the Appeals Division**

Dated this 7th day of June 2011

At The Hague, The Netherlands