

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

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

**Date: 5 August 2011**

**THE APPEALS CHAMBER**

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

**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**

**Order**

**on the filing of a response to the Republic of Kenya's "Request for an Oral  
Hearing Pursuant to Rule 156 (3)"**

**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

**The Office of Public Counsel for Victims**  
Paolina Massida

**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),

Having before it the “Request for an Oral Hearing Pursuant to Rule 156 (3)”, filed by the Republic of Kenya on 3 August 2011 and registered on 4 August 2011 (ICC-01/09-02/11-210),

Pursuant to regulation 34 of the Regulations of the Court,


Unanimously,

*Issues* the following

## ORDER

The Prosecutor, Mr Muthaura, Mr Kenyatta, Mr Ali and the victims participating in the appeal proceedings may file a response to the “Request for an Oral Hearing Pursuant to Rule 156 (3)” by 16h00 on Thursday, 11 August 2011.

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



**Judge Daniel David Ntanda Nsereko**

**Presiding Judge**

Dated this 5<sup>th</sup> day of August 2011

At The Hague, The Netherlands