

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/09-02/11 OA 4

Date: 2 February 2012

THE APPEALS CHAMBER

Before:

Judge Akua Kuenyehia, Presiding Judge

Judge Sang-Hyun Song

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

Order on the filing of a response to request for suspensive effect

Order 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 Khan
Mr Essa Faal

Legal Representative of Victims
Mr Morris Azuma Anyah

Counsel for Uhuru Muigai Kenyatta
Mr Steven Kay
Ms Gillian Higgins

REGISTRY

Registrar
Ms Silvana Arbia

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Uhuru Muigai Kenyatta and Mr Francis Kirimi Muthaura, under article 82 (1) (a) of the Statute, against the decision of Pre-Trial Chamber II entitled “Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute” of 23 January 2012 (ICC-01/09-02/11-382-Conf),

Having before it the “Appeal on behalf of Uhuru Muigai Kenyatta and Francis Kirimi Muthaura pursuant to Article 82(1)(a) against Jurisdiction in the ‘Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute’” of 30 January 2012 (ICC-01/09-02/11-383), in which a request for suspensive effect is made,

Issues the following

ORDER

The Prosecutor may respond to the above-mentioned request for suspensive effect by noon on Thursday, 9 February 2012.

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



Judge Akua Kuenyehia
Presiding Judge

Dated this 2nd day of February 2012

At The Hague, The Netherlands