



Original: English

**No. ICC-01/09-02/11 OA 5
Date: 30 April 2015**

THE APPEALS CHAMBER

Before:
Judge Silvia Fernández de Gurmendi
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Piotr Hofmański
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF KENYA

IN THE CASE OF THE PROSECUTOR v. UHURU MUIGAI KENYATTA

Public document

Order in relation to the Africa Centre for Open Governance's "Request for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence"

Order 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 James Stewart
Ms Helen Brady

Counsel for the Defence
Mr Steven Kay
Ms Gillian Higgins

Legal Representative of Victims
Mr Fergal Gaynor

States Representatives
Mr Githu Muigai, SC, Attorney General
of the Republic of Kenya

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber V(B) entitled “Decision on Prosecution’s application for a finding of non-compliance under Article 87(7) of the Statute”, of 3 December 2014 (ICC-01/09-02/11-982),

Having before it the “Request for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence”, filed by the Africa Centre for Open Governance on 29 April 2015 (ICC-01/09-02/11-1017), in which leave is requested to submit observations regarding: 1) the context in which the alleged non-cooperation by the Kenyan Government has occurred; and 2) the relevant statutory provisions under Kenyan law relating to cooperation with the Court,

Issues, pursuant to rule 103 of the Rules of Procedure and Evidence, the following

ORDER

1. The Africa Centre for Open Governance may file observations on the topics listed in the above-mentioned request of no more than 15 pages, in accordance with regulation 36 of the Regulations of the Court, by 16h00 on 8 May 2015.
2. The Prosecutor, Mr Uhuru Muigai Kenyatta, the Government of Kenya, and the legal representative of victims may file responses, of no more than 15 pages, to the above-mentioned observations by 16h00 on 15 May 2015.

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



Judge Silvia Fernández de Gurmendi

Presiding Judge

Dated this 30th day of April 2015

At The Hague, The Netherlands