



Original: English

No. ICC-01/09-02/11 OA 5

Date: 20 May 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

Decision on the Pan African Forum LTD's request for leave to submit *amicus curiae* observations

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
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

Requesting *Amicus Curiae* Organisation
Mr David Nyekorach-Matsanga

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 “A MOTION IN PURSUANT TO RULE 103 OF RULES AND EVIDENCE SEEKING LEAVE TO BE GRANTED *AMICUS CURIAE* STATUS IN APPEAL CHAMBER 5 THE CASE OF OTP VS REPUBLIC OF KENYA IN.”, filed by the Pan African Forum LTD on 11 May 2015 and registered on 15 May 2015 (ICC-01/09-02/11-1025-Conf-Anx1), in which leave is requested to submit *amicus curiae* observations,

Noting that in its “Order on the conduct of the appeal proceedings” of 27 March 2015 (ICC-01/09-02/11-1010), the Appeals Chamber set 29 April 2015 as the deadline for the filing of any *amicus curiae* requests pursuant to rule 103 of the Rules of Procedure and Evidence in the present appeal proceedings,

Noting that the present request was filed outside of this deadline,

Considering that the Pan African Forum LTD neither requested an extension of the time limit, nor advanced any arguments in that respect,

Finding that the Pan African Forum LTD’s request does not satisfy the requirements of regulation 35 of the Regulations of the Court for a variance of the time limit,

Renders the following

DECISION

The above-mentioned request is rejected.

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



Judge Silvia Fernández de Gurmendi

Presiding Judge

Dated this 20th day of May 2015

At The Hague, The Netherlands