

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11

Date: 4 June 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN LIBYA

**IN THE CASE OF
THE PROSECUTOR *v.*
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI**

Public Document

**Decision on the “Application on behalf of Mishana Hosseinioun for Leave
to Submit Observations to the Pre-Trial Chamber in the Admissibility
Proceedings”**

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

The Office of the Prosecutor

Luis Moreno-Ocampo

Fatou Bensouda

Counsel for the Defence

Xavier-Jean Keïta

Melinda Taylor

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Philippe Sands

Payam Akhavan

Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Geoffrey Nice

Rodney Dixon

Pre-Trial Chamber I (“Chamber”) of the International Criminal Court issues the following decision on the “Application on behalf of Mishana Hosseinioun for Leave to Submit Observations to the Pre-Trial Chamber in the Admissibility Proceedings” (“Application”).¹

1. On 1 May 2012, the Chamber received the “Application on behalf of the Government of Libya pursuant to Article 19 of the ICC Statute”, challenging the admissibility of the case against Saif Al-Islam Gaddafi (“Admissibility Challenge” and “Mr Gaddafi”, respectively).²

2. On 24 May 2012, the Chamber received the Application, in which Mishana Hosseinioun (“Applicant”) requests leave to submit *amicus curiae* observations. The Applicant, who alleges to be a “very close friend and confidant of Mr. Gaddafi” as well as a “prominent human rights scholar”, alleges that she “has been trying since January 2012 to obtain access to Mr. Gaddafi so that he could communicate with a close and trusted friend and be assisted in acquiring legal representation if he so chooses. She has not been able to see Mr. Gaddafi or even to make a single phone call to him for over four months.” The Applicant avers that the Libyan authorities have “frustrated her efforts” and that information of her experience “could assist the Chamber in determining whether the Libyan authorities are conducting themselves in a manner that would permit the Chamber to rule that the case is inadmissible”. In addition, the Applicant alleges to be able to provide “material to assess the credibility and reliability of the assertions made in the Admissibility Application”, in relation to the detention situation of Mr Gaddafi.³

¹ ICC-01/11-01/11-156.

² ICC-01/11-01/11-130-Conf and annexes. A public redacted version is also available (ICC-01/11-01/11-130-Red).

³ ICC-01/11-01/11-156, paras. 5-22.

3. The Chamber notes rule 103 of the Rules of Procedure and Evidence (“Rules”), which provides that the Chamber, if it considers it desirable for the proper determination of the case, may invite or grant leave to a State, organization or person to submit observations on any issue that it deems appropriate.

4. Having reviewed the Application, and in particular the issues on which the Applicant wishes to present observations, the Chamber is of the view that such observations would be of no assistance for the resolution of the Admissibility Challenge. Therefore, the proposed observations are not “desirable” within the meaning of rule 103 of the Rules.

FOR THESE REASONS, THE CHAMBER

REJECTS the Application.

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

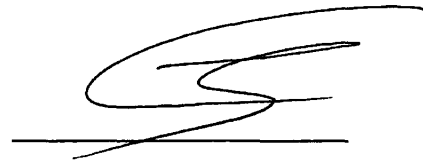


Judge Silvia Fernández de Gurmendi

Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this 4 June 2012

At The Hague, The Netherlands