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

Date: 7 August 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernandez 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

**Response to the “Libyan Government Request for Status Conference and
Extension of Time to file a Reply to the Responses to its Article 19 Admissibility
Challenge”**

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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U. N. Security Council

I. PROCEDURAL HISTORY

1. On 1 May 2012, the Government of Libya filed 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 (the "Admissibility Challenge").¹

3. On 4 May 2012, the Pre-Trial Chamber I (the "Chamber") issued the "Decision on the Conduct of the Proceedings Following the 'Application on behalf of the Government of Libya pursuant to Article 19 of the Statute'" wherein it, *inter alia*, invited the Prosecutor, the Office of Public Counsel for Defence (the "OPCD"), the Security Council and the Office of Public Counsel for Victims (the "OPCV") to submit their responses to the Admissibility Challenge, no later than 4 June 2012.² The time limit for the OPCD was subsequently extended to 24 July 2012.³

4. On 26 July 2012, the Chamber authorised the Government of Libya to file, no later than 13 August 2012, a reply to the responses to the Admissibility Challenge.⁴

5. On 30 July 2012, the Government of Libya filed a Request for a status conference and extension of time limit (the "Request"), wherein it requested the Chamber to: (i) convene as a matter of urgency a status conference to clarify certain issues arising out of the admissibility proceedings; and (ii) grant an extension of time until 18 days after the appointment of the new Libyan Ministry of Justice team

¹ See the "Application on behalf of the Government of Libya pursuant to Article 19 of the Statute", No. ICC-01/11-01/11-130-Red, 1st May 2012.

² See the "Decision on the Conduct of the Proceedings Following the 'Application on behalf of the Government of Libya pursuant to Article 19 of the Statute'", No. ICC-01/11-01/11-134, 4 May 2012.

³ See the "Decision on the OPCD 'Request Pursuant to Regulation 23bis of the Regulations of the Court'", No. ICC-01/11-01/11-187-Red, 18 July 2012.

⁴ See the "Decision on the 'Libyan Government Application for leave to reply to any Response/s to article 19 admissibility challenge'", No. ICC-01/11-01/11-191, 26 July 2012.

to file its reply to the responses to the Admissibility Challenge filed by the Prosecution, the OPCV and the OPCD.⁵

6. On 1st August 2012, the Chamber issued its “Decision shortening the time limit for responses to the ‘Libyan Government Request for Status Conference and Extension of Time to file a Reply to the Responses to its Article 19 Admissibility Challenge’”,⁶ in which it instructed the Prosecutor, the OPCD and the OPCV to files their responses to the Request, if any, by 7 August 2012.

7. The Principal Counsel of the OPCV hereby files her submissions on behalf of victim-applicants in this case and generally on behalf of victims who have communicated with the Court in relation to the case in accordance with the decision of the Pre-Trial Chamber I dated 4 May 2012.⁷

II. SUBMISSIONS

8. The Principal Counsel does not oppose the Government of Libya’s request to convene a status conference to discuss the future conduct of the proceedings in light of the recent developments arising from the Admissibility Challenge. Should the Request be granted, the Principal Counsel reserves her right to submit observations on the issues to be discussed during the said status conference on behalf of the victims she represents.

9. On the request for extension of the deadline to submit the reply, the Principal Counsel – while not taking any position on the matter – wishes to note

⁵ See the “Libyan Government Request for Status Conference and Extension of Time to file a Reply to the Responses to its Article 19 Admissibility Challenge”, No. ICC-01/11-01/11-192, 30 July 2012.

⁶ See the “Decision shortening the time limit for responses to the ‘Libyan Government Request for Status Conference and Extension of Time to file a Reply to the Responses to its Article 19 Admissibility Challenge’”, No. ICC-01/11-01/11-193, 1st August 2012.

⁷ See the “Decision on the Conduct of the Proceedings Following the ‘Application on behalf of the Government of Libya pursuant to Article 19 of the Statute’”, *supra* note 2.

that in the interest of justice for the victims, the imperative must be to avoid undue delays in the resolution of the question of admissibility in the present case.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 7th day of August 2012

At The Hague, The Netherlands