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

Date: 13 January 2014

**THE APPEALS CHAMBER**

**Before:** Judge Akua Kuenyehia, Presiding Judge  
Judge Sang-Hyun Song  
Judge Sanji Mmasenono Monageng  
Judge Erkki Kourula  
Judge Anita Usaka

**SITUATION IN LIBYA  
IN THE CASE OF**

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

***Public***

**Libyan Government's Response to the OPCV's "Observations on the 'Document in support of Appeal on behalf of Abdullah Al-Senussi against the Pre-Trial Chamber I's 'Decision on the admissibility of the case against Abdullah Al-Senussi'"**

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## I. INTRODUCTION

1. The Libyan Government hereby files its Response to the OPCV's "Observations on the 'Document in support of Appeal on behalf of Abdullah Al-Senussi against the Pre-Trial Chamber I's 'Decision on the admissibility of the case against Abdullah Al-Senussi'" ("OPCV Observations").<sup>1</sup>
2. In its Observations, the OPCV supports grounds one and three of Mr Al-Senussi's Document in Support of the Appeal<sup>2</sup> and opposes ground two of that document. For the reasons set out in its Response to Mr Al-Senussi's Document in Support of the Appeal<sup>3</sup> ("Libyan Response to the Al-Senussi Appeal"), the Libyan Government agrees with the OPCV that ground two of the appeal should be rejected. However, the Libyan Government disagrees with the OPCV Observations as to ground one and three of the appeal for the reasons set out below. In Libya's view, the Pre-Trial Chamber's decision on admissibility in Mr Al-Senussi's case<sup>4</sup> ("Impugned Decision") was entirely correct and free of legal, factual and procedural error and ought to be upheld by the Appeals Chamber.

## II. SUBMISSIONS REGARDING THE OPCV'S OBSERVATIONS ON GROUND ONE OF MR AL-SENUSSI'S DOCUMENT IN SUPPORT OF THE APPEAL

*a. The Pre-Trial Chamber correctly identified and considered which principles of due process under article 17(2) of the Rome Statute are applicable to the case*

3. The OPCV's arguments ignore the Chamber's actual approach to the issues, are contradictory, and patently wrong in law. First, the OPCV's claim that the Chamber "failed to enunciate a clear test for assessing the requirements described in article 17(2)(c)"<sup>5</sup> appears to be based on the view that the Chamber allegedly

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<sup>1</sup> ICC-01/11-01/11-494.

<sup>2</sup> ICC-01/11-01/11-474.

<sup>3</sup> ICC-01/11-01/11-482.

<sup>4</sup> ICC-01/11-01/11-466.

<sup>5</sup> *Ibid.*

failed to define what could, in its view, be considered as inconsistent with an intent to bring the person concerned to justice.<sup>6</sup> It also allegedly considered only whether particular breaches of the suspect's procedural rights impacted upon the question of the "independence and impartiality" of the national proceedings and not the conjunctive requirement, namely "whether these violations impacted on Libya's intent to bring the person concerned to justice".<sup>7</sup> Notwithstanding this argument, the OPCV also advances the view that there was no need for the Chamber to find a link between an "alleged violation" and the "scenarios provided for in article 17(2) or (3)" because "such link is obvious and virtually axiomatic".<sup>8</sup>

4. Accordingly, the OPCV appears to advance a contradiction: on the one hand, claiming that the Chamber erred by failing to set out *in abstracto* the precise factual findings that would be inconsistent with an intent to bring the person concerned to justice; and on the other claiming that the Chamber erred by not taking the view that proof of a violation of due process automatically fulfilled the requirements under Article 17(2)(a) to (c). Of course, neither proposition could conceivably reflect the law as correctly understood.
  
5. The Chamber properly identified the applicable legal standards, consistent with Article 17(2) and Rule 51, and thereafter comprehensively assessed the alleged violations against that standard.<sup>9</sup> As argued in Libya's Response to the Al-Senussi Appeal, the Appellant's claim that the Chamber ought to have automatically concluded that procedural breaches were dispositive of the question of an intent to bring to justice ignores the cumulative assessment envisaged pursuant to article 17(2)(c).<sup>10</sup> Article 17(2)(c) requires a lack of independence and impartiality '*...to be*

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<sup>6</sup> OPCV Observations, para 9, citing Impugned Decision, para. 235.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, para. 10.

<sup>9</sup> Impugned Decision, para. 235 et *seq.*

<sup>10</sup> Libyan Response to the Al-Senussi Appeal, para. 75.

*inconsistent with an intent to bring the person concerned to justice’.*<sup>11</sup> Plainly therefore, the OPCV’s claim that the Chamber erred by not considering the Defence’s broad, unsubstantiated assertions such as “many of the arguments raised in the context of ‘inability’ also support a finding of ‘unwillingness’”<sup>12</sup> is without merit. The Chamber’s approach, as exemplified in paragraph 235 of the impugned Decision, was undoubtedly the correct approach.<sup>13</sup>

***b. The Pre-Trial Chamber took into account relevant facts and applied the burden of proof correctly***

***i. The Pre-Trial Chamber gave proper consideration to the defendant’s rights in Libya when assessing ability and willingness***

6. As a preliminary matter, it should be noted that the OPCV’s approach to this issue contradicts its own assertion (that it is “obvious and virtually axiomatic” that breaches of procedural rights are inconsistent with the intent to “bring the person concerned to justice”<sup>14</sup>), as well as substantially diverging from the Appellant’s view that the lack of contact between Mr. Al-Senussi and his ICC counsel is “reason alone to find that Libya is unwilling and unable to try Mr Al-Senussi”.<sup>15</sup> Instead, the OPCV advances the more modest view with regard to this issue; that the “fact that the suspect has no legal representation “constitutes a relevant indication that Libya lacks the requisite willingness to bring the person concerned to justice”.<sup>16</sup> Nonetheless, in paragraphs 12 – 13, the OPCV adopts the Appellant’s arguments in totality concerning the Chamber’s alleged failure to take into account the defendant’s lack of legal representation in the context of the ongoing proceedings in

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<sup>11</sup> See also: Jann K. Kleffner, *Complementarity in the Rome Statute and National Criminal Jurisdictions* (OUP 2008) p 160.

<sup>12</sup> Al-Senussi Document in Support of Appeal, para. 9.

<sup>13</sup> Rule 51 Rules of Procedure and evidence and Kevin Jon Heller, *The Shadow Side of Complementarity: The Effect of Article 17 of the Rome statute on National Due Process* (Springer 2006) p 8 and 9.

<sup>14</sup> OPCV Observations, para. 10.

<sup>15</sup> Al-Senussi Document in Support of Appeal, para. 50. The same argument applies to the Appellant’s claims concerning treatment in the domestic legal system. See *infra*, ‘Other issues concerning due process in Libya’.

<sup>16</sup> *Ibid*, para. 13.

Libya.<sup>17</sup> The Libyan government opposed these arguments at paragraph 46 – 48, 108 – 110 of the Libyan Government’s Appeal Response and incorporates them herein.<sup>18</sup>

7. Moreover, it is plain that the OPCV’s additional claim – that the Chamber “failed to take this fact into account”<sup>19</sup> – is based on a misreading of the impugned Decision. At paragraph 233, the Chamber expressly noted that it would be taken into account, “...together with all the other relevant circumstances”. At paragraphs 307 – 309, the Chamber expressly concluded that the lack of legal representation was explainable due to security concerns (“primarily prejudiced so far by the security situation in the country”).<sup>20</sup> Therefore, the OPCV’s support for the Appellant’s submissions lacks a proper basis and should be disregarded.

- ii. The Pre-Trial Chamber considered Mr Al-Senussi’s contact with his defence team when assessing the evidence

8. The OPCV adopts the assertion of the Al-Senussi Defence that the Pre-Trial Chamber failed to take into account the fact that the “Defence had been unable to obtain Mr. Al-Senussi’s instructions and place all relevant information on his circumstances before the Chamber”.<sup>21</sup> The OPCV contends that although the Pre-Trial Chamber *recognised* this matter, it failed to *take it into account*.<sup>22</sup> This is, self-evidently, a distinction without a difference. This contortion of language is an attempt to obscure the fact that the OPCV’s argument (like the equivalent argument from the Al-Senussi Defence) is essentially an expression of mere disagreement with a conclusion based upon the Pre-Trial Chamber’s legitimate exercise of discretion. The argument identifies no error of law, fact, or procedure, which could properly be subject to appellate review.

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<sup>17</sup> OPCV Observations para. 13.

<sup>18</sup> Libyan Response to the Al-Senussi Appeal, para. 46.

<sup>19</sup> OPCV Observations, para. 13.

<sup>20</sup> *Ibid*, para. 292 and 307 - 309.

<sup>21</sup> OPCV Observations, para. 14, referring to Al-Senussi Document in Support of Appeal, para, 34.

<sup>22</sup> OPCV Observations, para. 14.

9. Underlying the above-mentioned false distinction between ‘recognising’ and ‘taking into account’ is an objection to the Pre-Trial Chamber’s reference to the fact that the Al-Senussi Defence “has not argued that a legal visit to Mr. Al-Senussi was a necessary pre-condition for the Defence to make its submissions on the Admissibility Challenge”.<sup>23</sup> The OPCV’s submissions, in this regard, fail entirely to appreciate that the absence of this argument in the Al-Senussi Defence’s submissions demonstrates that it did not, in fact, lack sufficient instructions on behalf of Mr. Al-Senussi to fully advance its arguments on admissibility. The Libyan Government notes and repeats its submissions concerning the profound difference between the nature of admissibility proceedings and those of criminal proceedings.<sup>24</sup> Moreover, for the Pre-Trial Chamber to have taken the approach suggested in the OPCV’s submissions, it would – in effect – have had to make submissions for the Al-Senussi Defence, which would be both improper, and contrary to the actual position adopted throughout the proceedings by the Al-Senussi Defence.

10. The OPCV argues, further, that the Chamber “should have considered whether alternative measures were warranted to alleviate this unfairness”.<sup>25</sup> Not only must this argument be rejected for vagueness, it is also rendered irrelevant by the errors in the arguments alleging such unfairness, as outlined above.

iii. The Pre-Trial Chamber considered and assessed other evidence in reaching its decision on ability and willingness

11. The OPCV broadly and generically asserts that the “Chamber failed to properly assess the significant body of evidence which clearly showed that Libya is unwilling and unable to investigate and prosecute the same case”.<sup>26</sup> This adds nothing to the

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<sup>23</sup> OPCV Observations, para. 14, referring to Impugned Decision, para. 29.

<sup>24</sup> Libyan Response to the Al-Senussi Appeal, paras. 9-27.

<sup>25</sup> OPCV Observations, para. 15.

<sup>26</sup> OPCV Observations, para. 16.

arguments of the Al-Senussi Defence, to which the Libyan Government has already responded.<sup>27</sup>

iv. The Pre-Trial Chamber properly applied the burden of proof

12. The OPCV concurs with the Appellant's submission that the Chamber improperly reversed the burden of proof in admissibility proceedings and "considered that Libya had 'no duty to disproof [sic] or even clarify uncertainties regarding the circumstances of Mr Al-Senussi's detention and trial.'"<sup>28</sup> It is submitted that this claim is based on a misreading of the Impugned Decision.
  
13. The Chamber did not state that Libya was relieved of a duty to disprove or clarify uncertainties regarding the circumstances of Mr Al-Senussi's detention and trial nor did the Chamber "conflate[...] the relevance of these [the Defence's] factual allegations with the reliability of the evidentiary material produced by the Defence".<sup>29</sup> Equally, the OPCV's claim that it was "entirely unreasonable for the Chamber to expect and require the Defence to provide specific and conclusive evidence regarding Libya's willingness to genuinely prosecute the person concerned"<sup>30</sup> and that "the Chamber's refusal to entertain the Defence submissions ... appeared to embrace an improper approach to burden allocation"<sup>31</sup> is based on a misreading of the Impugned Decision.
  
14. As argued at paragraph 60 of the Libyan Response to the Al-Senussi Appeal, the Chamber required the Defence only to satisfy an evidential burden with regard to its serious allegations of misconduct. The Chamber correctly required an answer to those issues deemed sufficiently (not conclusively) raised.<sup>32</sup>

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<sup>27</sup> Libyan Response to the Al-Senussi Appeal, paras. 29-110.

<sup>28</sup> *Ibid*, para 17; referring to Impugned Decision para 66.

<sup>29</sup> *Ibid*, paras. 17, 18.

<sup>30</sup> *Ibid*, para. 18.

<sup>31</sup> *Ibid*, para. 18.

<sup>32</sup> Impugned Decision paras. 208, 221.



15. Moreover, as set out previously in the Libyan Response to the Al-Senussi Appeal, this burden is not inconsistent with a legal burden of proof and does not otherwise undermine due process.<sup>33</sup> On the contrary, such an approach is designed to prevent parties from overburdening the adjudicative process or the opposing parties with speculative or baseless allegations and is therefore a necessary part of an efficient and fair process. Accordingly, the OPCV's associated claim that the Chamber had an obligation to "take further steps to investigate" all matters, irrespective of the frailty of the allegation or the evidence in support is plainly without merit and must be rejected.<sup>34</sup>

16. Finally, the OPCV fails to address the totality of the Chamber's approach. Notwithstanding its reasonable conclusion that the allegations were not substantiated, the Chamber *did* assess the evidence provided by Libya in response and found it adequately "addressed" the issues. It concluded that "the information available to it does not indicate that the domestic proceedings against Mr Al-Senussi are tainted by departures from, or violations of, the Libyan national law" such that they support a finding of unwillingness or inability.<sup>35</sup> The OPCV's submissions therefore fail to address the totality of the Chamber's approach and its arguments ought to be summarily dismissed.

*c. The Defendant's legal representation in the context of the admissibility proceedings*

17. The OPCV adopts the Al-Senussi Defence's assertions as to a lack of contact between Mr. Al-Senussi and his counsel in the ICC proceedings (as distinct from the issue of legal representation in Libyan criminal proceedings).<sup>36</sup> Its submissions simply reassert the reference to Articles 55(2) and 67(1) of the ICC Statute - an argument that has already been addressed by the Libyan Government in its

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<sup>33</sup> Libyan Response to the Al-Senussi Appeal, para. 41.

<sup>34</sup> OPCV Observations, para. 20.

<sup>35</sup> *Ibid*, paras. 240-243.

<sup>36</sup> OPCV Observations, para. 22, referring to Al-Senussi Document in Support of Appeal, para. 34.

Response to the Al-Senussi Appeal.<sup>37</sup> The OPCV adds the vague assertion that there is a “wider impact on the manner in which the representation of Mr. Al-Senussi has been carried out”, by which it appears to mean the impact upon compliance by the Al-Senussi Defence with Articles 14(2) and 15 of the Code of Conduct – i.e. the importance of interaction and communication.<sup>38</sup> This adds nothing to the arguments in respect of Articles 55(2) and 67(1) of the ICC Statute, and the Libyan Government simply repeats its submissions in this regard.

18. The OPCV asserts that, by recognising that “the Defence ability [*sic.*] to properly raise certain issues of fact may have been prejudiced by this absence of direct contacts with Mr. Al-Senussi”,<sup>39</sup> the Chamber failed to remedy “the prejudice caused”.<sup>40</sup> The OPCV’s argument is nonsensical and reveals a failure to comprehend the material aspect of the Pre-Trial Chamber’s Decision. In the absence of any finding of actual prejudice there was no need to attempt to provide any such “remedy”.

*d. The absence of a legal visit by the Defence did not reveal gross procedural errors*

19. The OPCV asserts that the Chambers’ findings regarding the lack of contact of the ICC Defence team with Mr Al-Senussi constitutes a “procedural error, since they reveal an abuse of discretion by the Chamber, which inevitably affected the outcome of the Impugned Decision.”<sup>41</sup>
20. The OPCV falls into error in two ways. First, the OPCV observations regarding the absence of a legal visit by the ICC legal team is based on an erroneous understanding of the bases for appellate review and should, accordingly, be disregarded entirely by the Appeals Chamber. The OPCV is mistaken by asserting

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<sup>37</sup> See *infra*, and Libyan Response to the Al-Senussi Appeal, paras. 13-20.

<sup>38</sup> OPCV Observations, paras. 22-25.

<sup>39</sup> OPCV Observations, para. 26, referring to Impugned Decision, para. 29.

<sup>40</sup> OPCV Observations, para. 26.

<sup>41</sup> OPCV Observations, para. 30.

that a purported abuse of discretion amounts to a gross procedural error. This conflates two possible bases for appellate review and reflects a fundamental misunderstanding of the appellate process. As set out in the Libyan Response to the Al-Senussi Appeal, the Appeals Chamber has identified the criteria “justifying appellate interference” with the Pre-Trial Chamber’s discretion to be: (i) “where the exercise of discretion is based on an erroneous interpretation of the law; (ii) where it is exercised on a patently incorrect conclusion of fact; or (iii) where the decision is so unfair and unreasonable as to constitute an abuse of discretion”.<sup>42</sup>

21. Secondly, and leaving to one side the OPCV’s erroneous conflation of an abuse of discretion with an abuse of procedure, the OPCV has failed to provide any legal or factual support for its global assertion that the Pre-Trial Chamber’s treatment of the issue of a legal visit by the ICC Defence Team constituted a “gross procedural error”. Irrespective of how the purported error is categorised, the substance of the OPCV’s assertions is without foundation. The Pre-Trial Chamber’s treatment of the issue of Mr Al-Senussi’s contact with his ICC legal team was entirely correct and does not warrant appellate intervention.<sup>43</sup>

### III. SUBMISSIONS REGARDING THE OPCV’S OBSERVATIONS ON GROUND THREE OF MR AL-SENUSSI’S DOCUMENT IN SUPPORT OF THE APPEAL

*e. The Pre-Trial Chamber did not err in law and fact in concluding that Libya was investigating and prosecuting the same case as before the ICC*

22. The OPCV’s observations in respect of ground three of Mr Al-Senussi’s Document in support of the Appeal seek to argue an entirely different error of law purportedly arising in the Impugned Decision from that complained of by the Appellant in its Appeal.

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<sup>42</sup> *Prosecutor v. Joseph Kony et al.*, Judgment on the appeal of the Defence against the ‘Decision on the admissibility of the case under article 19 (1) of the Statute’ of 10 March 2009’, ICC-02/04-01/05-408, 16 September 2009, para. 80. See also, *Prosecutor v. Kenyatta*, Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled ‘Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute’, ICC-01/09-02/11-274, 30 August 2011, paras. 87, 88.

<sup>43</sup> See *infra*, sub-section entitled ‘The Pre-Trial Chamber considered the Mr Al-Senussi’s contact with his defence team when assessing the evidence’; Libya Appeal Response, paras. 9-27.

23. In the Al-Senussi Appeal, the Appellant criticised the Impugned Decision on the basis that the “case” before the ICC in both the Al-Senussi and Gaddafi proceedings involves conduct and incidents spread across Libya and thus the Libyan domestic proceedings in respect of Mr Al-Senussi cannot be said to cover the “same case” as in the ICC proceedings relating to Mr Al-Senussi if Libya’s evidence is limited to certain locations, mainly in Benghazi.<sup>44</sup> The crux of the Appellant’s complaint was that the Pre-Trial Chamber should have required the Libyan investigation of Mr Al-Senussi to cover the same conduct as that alleged in the Gaddafi ICC proceedings (i.e. crimes occurring across Libya) and not just the same conduct as that alleged in the Al-Senussi ICC proceedings (i.e. crimes taking place in Benghazi).<sup>45</sup>
24. Importantly, the Appellant does not seek to appeal the Pre-Trial Chamber’s finding that “the conduct that is alleged in the criminal proceedings against Al-Senussi is not shaped by the ‘incidents’ mentioned in the Article 58 Decision, [and] it is not required that domestic proceedings concern each of those ‘event’s at the national level”.<sup>46</sup> Likewise, the Appellant does not seek to appeal the Pre-Trial Chamber’s finding that the ‘incidents’ and ‘events’ in the Article 58 Decision would be used as “a relevant indicator that the case subject to said proceedings is indeed the same as the one before the Court”.<sup>47</sup> Indeed, the Appellant expressly recognises in its Document in Support of the Appeal that:

*“the Chamber did proceed to consider the incidents and events which Libya was investigating, and the Chamber concluded that Libya “is undertaking domestic proceedings covering the ‘same case’ as that before the Court within the meaning of article 17(1)(a) of the Statute” because “the domestic proceedings cover, at a minimum, those events that are described in the Article 58 Decision as particularly*

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<sup>44</sup> Al-Senussi Document in Support of Appeal, paras 171-176.

<sup>45</sup> This complaint was comprehensively addressed by Libya in its Response to the Al-Senussi Appeal at paras 138-142 and those submissions will not be repeated here.

<sup>46</sup> Impugned Decision, para. 79; Al-Senussi Document in Support of Appeal, paras 171.

<sup>47</sup> Impugned Decision, para. 79; Al-Senussi Document in Support of Appeal, paras 172.

*violent or that appear to be significantly representative of the conduct attributed to Mr Al-Senussi”.*<sup>48</sup>

25. By contrast, the OPCV seeks to argue in its Observations on the Al-Senussi Appeal that the Impugned Decision fell into error by “failing to properly consider the OPCV’s argument” that “a strict approach should be applied for the same conduct / same person test” such that “conduct must always be understood as ‘incident-specific’ and be limited to the facts that are expressly mentioned in the request for arrest warrant or in the Article 58 Decision”.<sup>49</sup> The OPCV is thus seeking to argue that the Pre-Trial Chamber fell into legal error by holding that the “incidents” and “events” referred to in the Article 58 Decision merely “constitute a relevant indicator’ that the domestic case is the same as the one before the Court” rather than requiring an exact match of each of these incidents and events as a pre-requisite to a finding that the same case is under investigation.<sup>50</sup>

26. It is entirely inappropriate for the OPCV to attempt to either change the grounds of appeal relied upon by the Appellant or to initiate its own appeal of the Impugned Decision by way of submissions contained in its Observations on the Al-Senussi Document in Support of the Appeal. The OPCV’s purported error of law could have been pursued by way of appeal by the Defence or the Prosecution and has rightly and properly not been pursued in either the Gaddafi or the Al-Senussi appeal proceedings by any of the parties to the cases. In the absence of such a ground of appeal by any of the parties to the admissibility proceedings, the OPCV’s submissions in this regard are completely irrelevant to the issues under consideration by the Appeals Chamber and ought to be summarily dismissed.

27. Even if the Appeals Chamber were to find it appropriate to consider arguments pertaining to an alleged legal error not relied upon by the Appellant, there is simply no proper basis for upholding the OPCV’s complaint. The Pre-Trial Chamber’s interpretation of the same conduct test cannot properly be regarded as amounting

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<sup>48</sup> Impugned Decision, para. 79; Al-Senussi Document in Support of Appeal, paras 172.

<sup>49</sup> OPCV Observations, paras. 41-48.

<sup>50</sup> OPCV Observations, paras. 41-48.

to an error of law. To the contrary, its interpretation of the “sameness test” is entirely reasonable and compatible with the object, purpose and drafting history of the ICC Statute, “time, space and subject matter” as the relevant considerations for this test, the ordinary meaning of the word “case”; the need for consistency in the use of the term “case” across the work of the ICC and with the ICC’s previous case law on this issue. The Libyan Government has submitted detailed legal submissions on the proper interpretation of “sameness” in its pleadings before the Pre-Trial Chamber in the Al-Senussi admissibility proceedings that support the entirely correct legal analysis ultimately set out by the Pre-Trial Chamber in the Impugned Decision.<sup>51</sup> In light of the twenty page limit laid down by the Appeals Chamber for this Response to the OPCV’s Observations, those submissions will not be repeated at this juncture, but are incorporated by reference by the Government in this Appeal in the event that the Appeals Chamber sees fit to consider this extraneous and irregularly pled purported ground of appeal.

#### **IV. RELIEF REQUESTED**

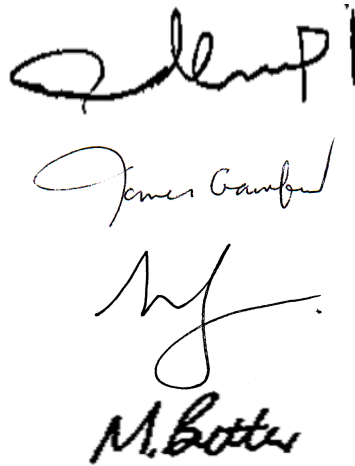
28. For the reasons set out above, the Libyan Government respectfully submits that the Appeals Chamber should:

- a. Reject the OPCV’s observations in respect of grounds one and three;
- b. Grant weight to the OPCV’s observations in respect of ground two;
- c. Refuse Mr Al-Senussi’s request for an oral hearing;
- d. Uphold the Impugned Decision and make no order for Mr Al-Senussi’s surrender to the Court.

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<sup>51</sup> Libya’s Challenge to the Admissibility in the Al-Senussi Case, 2 April 2013, ICC-01/11-01/11-307, paras. 61-89; Libya’s Consolidated Reply in the Al-Senussi Admissibility Proceedings, 14 August 2013, ICC-01/11-01/11-403, paras. 21-62.

Respectfully submitted:



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Professor Ahmed El-Ghani  
Professor James Crawford SC  
Mr Wayne Jordash  
Ms Michelle Butler

*Libyan ICC Coordinator and  
Counsel on behalf of the Government of Libya  
in the case of Abdullah Al-Senussi*

Dated this 13<sup>th</sup> day of January 2014  
At London, United Kingdom