

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/13**
Date: **4 August 2015**

THE APPEALS CHAMBER

Before: Judge Christine Van Den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Silvia Fernández de Gurmendi
Judge Howard Morrison
Judge Piotr Hofmański

**SITUATION ON REGISTERED VESSELS OF THE UNION OF THE
COMOROS, THE HELLENIC REPUBLIC OF GREECE AND THE KINGDOM OF
CAMBODIA**

Public

**Prosecution's Urgent Response to the Government of the Union of the Comoros'
Application to Dismiss the Appeal *In Limine*, and Request for Extension of Pages
under Regulation 37 of the Regulations of the Court**

Source: Office of the Prosecutor

Document 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

Legal Representatives of Victims

Mr Geoffrey Nice

Mr Rodney Dixon

Ms Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

Ms Paolina Massidda

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**The Office of Public Counsel for the
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States Representatives

Mr Geoffrey Nice

Mr Rodney Dixon

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

1. The Office of the Prosecutor notes the Government of the Union of the Comoros' application to dismiss *in limine* the notice of appeal.¹ The Prosecution maintains that the appeal is admissible and that the Application should be rejected and refers to its previous submission in this respect.²

2. The Prosecution further notes the Comoros' request to suspend the briefing schedule of this appeal pending the Appeals Chamber's ruling on admissibility.³ The Prosecution takes no position on the merits of this request. However, mindful of the very short time before the document in support of the appeal is due (on Monday 10 August 2015), the Prosecution requests that the Appeals Chamber rule on the suspension request—or otherwise indicate its preferred course of action to the Parties—as a matter of urgency.

3. If the Appeals Chamber is minded to rule jointly on the admissibility of the appeal and on its merits, the Prosecution seeks leave of the Appeals Chamber to submit a document in support of the appeal no more than 40 pages in length under regulation 37(2) of the Regulations of the Court. This request is justified, exceptionally, by the number, novelty, and complexity of the issues raised in this appeal, as well as their general importance for the work of the Prosecution and the Court as a whole.⁴

4. The Prosecution has been required to estimate the page extension necessary. To the extent it can submit a brief of lesser length, it will do so.⁵ The Prosecution does not oppose the Comoros and any other participants filing responses or observations of equal length to the Prosecution's document in support of its appeal, as it is ultimately filed.

¹ ICC-01/13-39 ("Application"). *See also* ICC-01/13-35 ("Notice of Appeal").

² *See* Notice of Appeal, paras.1-14.

³ Application, para.8.

⁴ *See* Notice of Appeal, paras.1-5, 15-27.

⁵ The Prosecution is mindful of the need to present its submissions in a concise and focused manner, avoiding repetition.

5. Finally, the Prosecution respectfully draws to the Comoros' attention the Appeals Chamber's repeated direction that all parties appearing before it must certify in written submissions their compliance with regulation 36, and the number of words contained therein.⁶

Word count: 602⁷



Fatou Bensouda, Prosecutor

Dated this 4th day of August 2015

At The Hague, The Netherlands

⁶ See ICC-01/05-01/08-3243 OA11, para.14; ICC-01/09-01/11-1598 OA7 OA8, para.26; ICC-01/11-01/11-565 OA6, para.32. *Compare* Application; *see also* ICC-01/13-38.

⁷ The Prosecution hereby makes the required certification: ICC-01/11-01/11-565 OA6, para.32.