

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No: ICC-01/13
Date: 7 August 2015**

THE APPEALS CHAMBER

Before:
Judge Sanji Mmasenono Monageng
Judge Silvia Fernández de Gurmendi
Judge Christine Van Den Wyngaert
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

**Request for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103 of the
Rules of Procedure and Evidence**

Source: European Centre for Law & Justice (ECLJ)

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
 Mr Enrique Carnero Rojo

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

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**

Your Excellencies:

1. Pursuant to Rule 103 of the Rules of Procedure and Evidence (RPE), the European Centre for Law & Justice (ECLJ) hereby applies for leave to submit observations as *Amicus Curiae* in support of the Office of the Prosecutor's (OTP) intent to appeal the "Decision on the request of the Union of the Comoros to review the Prosecutor's decision not to initiate an investigation" (ICC-01/13-34).
2. The ECLJ submits to Your Excellencies that the observations contained in its Brief *Amicus Curiae* will assist Your Excellencies in making a just and proper determination of the matters submitted by the OTP.
3. To that end, by way of introduction, the ECLJ is an international not-for-profit law firm located in Strasbourg, France, dedicated, *inter alia*, to establishing and strengthening the rule of law in world affairs. The ECLJ is well-versed in matters of international law, including jurisdictional matters. The ECLJ also holds Special Consultative Status as an NGO before the United Nations Economic and Social Council (ECOSOC)¹.
4. The ECLJ has assisted the OTP in the past. The previous Prosecutor had invited the ECLJ to participate in a debate concerning the 2009 Palestinian attempt to accede to ICC jurisdiction via Article 12(3) of the Rome Statute. In addition to assisting the first Prosecutor at the debate, the ECLJ also submitted a series of legal memoranda to assist the OTP in making its determination about the Palestinian accession attempt.
5. Moreover, the ECLJ has been following this matter closely and would respectfully like to bring to Your Excellencies' attention issues pertinent to the OTP's Notice of Appeal, specifically with respect to jurisdiction and to the weighing and evaluation of evidence. The ECLJ can provide a more detailed exposition of its observations, should Your Excellencies so request.


¹NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007), <http://esango.un.org/civilsociety/> (accessed by advance searching "European Centre for Law and Justice" in the iCSO Database) (last visited 6 August 2015).


6. WHEREFORE, in light of the foregoing, the ECLJ respectfully requests the Appeals Chamber to grant the ECLJ leave to submit *Amicus Curiae* observations on these matters pursuant to Rule 103 of the RPE.

7. Hopeful that Your Excellencies will grant the ECLJ request, the ECLJ Brief *Amicus Curiae* is being filed simultaneously with this request.

Word count: 718²

Respectfully submitted this 7th day of August, 2015.


Jay Alan Sekulow
Chief Counsel


Robert W. Ash
Senior Counsel

²It is certified that this document contains the number of words specified and complies in all respects with the requirements of regulation 36 of the RoC. This statement (51 words), not itself included in the word count, follows the Appeals Chamber's direction to "all parties" appearing before it: ICC-01/11-01/11-565 OA6, para.32.