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

Date: 16 April 2019

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN LIBYA

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

Public

**Response on Behalf of Victims to the Defence's Application for an Extension of
time to file the Appeal Brief**

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

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Legal Representatives of Victims

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Unrepresented Victims

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REGISTRY

Registrar

Mr Peter Lewis

Defence Support Section

Detention Section

Victims and Witnesses Unit

Victims Participation and Reparations Section

Mr Philipp Ambach

Other

I. INTRODUCTION

1. On behalf of the Victims participating in the admissibility proceedings,¹ the Principal Counsel of the Office of Public Counsel for Victims (the “Legal Representative”) hereby submits her response to the Defence’s Application for an extension of time to file its Appeal Brief (the “Application”) filed on 10 April 2019.² The Legal Representative does not oppose the Application, provided that, if granted, the Appeals Chamber similarly extends the time limit for her response to the Appeal Brief.

II. PROCEDURAL HISTORY

2. On 5 April 2019, Pre-Trial Chamber I, by majority, issued the “Decision on the ‘Admissibility Challenge by Dr. Saif Al-Islam Gaddafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute’”,³ indicating that the Minority Opinion of Judge Perrin de Brichambaut would be filed in due course.⁴

3. On 10 April 2019, the Defence for Mr Gaddafi filed the “Defence Appeal against Pre-Trial Chamber I’s ‘Decision on the ‘Admissibility Challenge by Dr. Saif Al-Islam Gaddafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute’” and Application for extension of time to file the Appeal Brief”.⁵

¹ See the “Decision of the Conduct of the Proceedings following the ‘Admissibility Challenge by Dr. Saif Al-Islam Gaddafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute’” (Pre-Trial Chamber I), [No. ICC-01/11-01/11-641](#), 14 June 2018, p. 6, appointing the Principal Counsel as legal representative of victims in the admissibility proceedings.

² See the “Defence Appeal against Pre-Trial Chamber I’s ‘Decision on the ‘Admissibility Challenge by Dr. Saif Al-Islam Gaddafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute’” and Application for extension of time to file the Appeal Brief”, [No. ICC-01/11-01/11-663](#), 10 April 2019 (the “Application”).

³ See the “Decision on the ‘Admissibility Challenge by Dr. Saif Al-Islam Gaddafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute’” (Pre-Trial Chamber I), [No. ICC-01/11-01/11-662](#), 5 April 2019.

⁴ *Idem*, p. 29.

⁵ See the Application, *supra* note 2.

4. On 12 April 2019, the Appeals Chamber issued the “Urgent Order on the filing of responses to Mr Saif Al-Islam Gaddafi’s ‘Application for extension of time to file the Appeal Brief’ (ICC-01/11-01/11-663)”,⁶ ordering that any response to the Application be filed by 16 April 2019.⁷

III. SUBMISSIONS

5. In the Application, the Defence requests an extension of time for the filing of its Appeal Brief pursuant to regulation 35 of the Regulations of the Court (the “Regulations”). In particular, the Defence asks that the deadline be calculated in relation to the filing of the Minority Opinion,⁸ arguing that ‘good cause’, within the meaning of regulation 35(2) of the Regulations, exists by virtue of the fact that *“there is a reasonable prospect that the Minority Opinion may influence the Defence’s consideration of its grounds of appeal as well as its substantive submissions on appeal”*.⁹

6. The Legal Representative also posits that the forthcoming Minority Opinion will have a bearing on the submissions of the participants in the present appeal. Therefore, the time for filing the Appeal Brief should be extended in order for all participants to fully appreciate the reasoning of all Judges of the Chamber. In these circumstances, the Legal Representative does not oppose the Application, provided that, if granted, the Appeals Chamber similarly extends the time limit for her response to the Appeal Brief.

⁶ See the “Urgent Order on the filing of responses to Mr Saif Al-Islam Gaddafi’s ‘Application for extension of time to file the Appeal Brief’ (ICC-01/11-01/11-663)” (Appeals Chamber), [No. ICC-01/11-01/11-665](#), 12 April 2019.

⁷ *Idem*, p. 3.

⁸ See the Application, *supra* note 2, para. 3.

⁹ *Idem*.

Respectfully submitted,

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a prominent initial 'P' and 'M'. The name is underlined with two horizontal lines.

Paolina Massidda
Principal Counsel

Dated this 16th day of April 2019

At The Hague, The Netherlands