



Original: **English**

No.: **ICC-01/11-01/11 OA 8**

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

Public

**Prosecution's Response to Mr Saif Al-Islam Gaddafi's "Application for extension
of time to file the Appeal Brief" (ICC-01/11-01/11-663)**

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, Deputy Prosecutor

Ms Helen Brady

Counsel for Mr Saif Al Islam Gaddafi

Mr Essa Faal

Ms Rohini Alagendra

The Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Peter Lewis

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Submissions

1. On 11 April 2019, the Defence of Mr Saif Al-Islam Gaddafi appealed Pre-Trial Chamber's I "Decision on the 'Admissibility Challenge by Dr. Saif Al-Islam Gadafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute'".¹
2. The Defence additionally requested, pursuant to regulation 35 of the Regulations of the Court ("RoC"), an extension of ten days for filing the Defence appeal brief. In particular, the Defence requested that the brief be filed within 31 days of the notification of the Decision (by 9 May 2019) if the Minority Opinion is notified on or prior to the 21-day deadline established under regulation 64(2), and within ten days of notification of the Minority Opinion if the Minority Opinion is notified after the 21-day deadline.² The Defence argues that good cause exists to grant the requested extension on account of the pending Minority Opinion.³ It further notes that the Decision addresses "issues of some complexity that have not previously been the primary or fully considered subjects of determinations by Chambers of the Court",⁴ and advises that members of the Defence team will not be available to work on the appeal brief for a period of a few days during the judicial recess.⁵
3. On 12 April 2019, the Appeals Chamber ordered any responses to the mentioned application for extension of time to be filed by 16 April 2019.⁶
4. The Prosecution does not oppose the ten-day extension requested by the Defence. Should the Appeals Chamber grant this extension, the Prosecution respectfully requests the same extension to file its response due to the novel and complex issues raised in the Decision, and likely to be addressed in the Defence appeal brief.

¹ ICC-01/11-01/11-663 OA08 ("Appeal"), paras. 1-2, 4-10. ICC-01/11-01/11-662 ("Decision").

² Appeal, paras. 3, 11.

³ Appeal, paras. 14-16.

⁴ Appeal, para. 17.

⁵ Appeal, para. 18.

⁶ ICC-01/11-01/11-664 ("Order").

Relief Requested

5. For the reasons set out above, the Prosecution:

- does not oppose the ten-day extension requested by the Defence; and
- if the request is granted, the Prosecution requests a similar extension to file its response to the Defence appeal brief.



Fatou Bensouda, Prosecutor

Dated this 16th day of April 2019

At The Hague, Netherlands