

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: ICC-01/13  
Date: 18 March 2020

**PRE-TRIAL CHAMBER I**

**Before:** Judge Péter Kovács, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Reine Adélaïde Sophie Alapini-Gansou

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

**Public**

**Victims' Response to the "Prosecution's Urgent Request for Extension of Time"**

**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**

Ms Fatou Bensouda  
Mr James Stewart

**Counsel for Defence**

**Legal Representatives of the Victims**

Mr Rodney Dixon  
Ms Paolina Massidda

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda  
Ms Anne Grabowski

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

**States' Representatives**

Mr Rodney Dixon

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims, acting as legal representative of the unrepresented victims (the “Principal Counsel”)<sup>1</sup> submits her Response to the “Prosecution’s Urgent Request for Extension of Time”, filed on 17 March 2020 (the “Request” ).<sup>2</sup> The Prosecution moves for a variation of the time limits set for responses and replies<sup>3</sup> to the Comoros’ “Application for Judicial Review by the Government of the Comoros” of 2 March 2020 (the “Application”).<sup>4</sup>

2. The Principal Counsel supports the Request, given the extra-ordinary circumstances associated with the COVID-19 pandemic, and in particular, the measures taken by the Court in accordance with the guidelines of the Host State. An extension will also allow for meaningful consultations with the victims which are to some extent difficult in the current situation. In the Principal Counsel’s view, the requirements of regulation 35(2) of the Regulations of the Court (the “Regulations”) are met in the present case.

## II. PROCEDURAL HISTORY

3. On 2 December 2019, the Prosecutor submitted her “Notice of Prosecutor’s Final Decision under rule 108(3), as revised and refiled in accordance with the Pre-

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<sup>1</sup> See the “Decision on the Victims’ Participation in the Situation” (Pre-Trial Chamber I), [No. ICC-01/13-18](#), 24 April 2015, para. 17; and the “Decision on the Requests for Withdrawal of the Legal Representative of Victims pursuant to Regulation 82 of the Regulations of the Court” (Pre-Trial Chamber I), [No. ICC-01/13-54](#), 26 September 2016.

<sup>2</sup> See the “ Prosecution’s Urgent Request for Extension of Time”, No. ICC-01/13-102, 17 March 2020, (the “ Request”).

<sup>3</sup> See the deadlines set by virtue of the “Order on the filing of responses and replies” (Pre-Trial Chamber I), [No. ICC-01/13-101](#), 17 March 2020, para. 4.

<sup>4</sup> See the “ Application for Judicial Review by the Government of the Comoros”, [No. ICC-01/13-100](#), 2 March 2020 (the “Application”).

Trial Chamber's request of 15 November 2018 and the Appeals Chamber's Judgment of 2 September 2019".<sup>5</sup>

4. On 2 March 2020, the Government of the Comoros moved for judicial review before the Pre-Trial Chamber and further requested (i) sanctions to be imposed against the Prosecutor; and (ii) the appointment of an *amicus* prosecutor to reconsider the decision to end the stalemate situation in this matter.<sup>6</sup>

5. On 6 March 2020, the Pre-Trial Chamber issued an order, setting deadlines for the responses to the Application by the victims and the Prosecution for 3 and 10 April respectively, and for the victims and the Comoros to reply to the Prosecution by 24 April 2020.<sup>7</sup>

6. On 17 March 2020, the Prosecution filed its Request, seeking extensions of all deadlines by one calendar month, respectively.<sup>8</sup>

### III. SUBMISSIONS

7. Regulation 35(2) of the Regulation sets forth that a Chamber may extend or reduce time limits if 'good cause' is shown. The Principal Counsel concurs with the Prosecution in its description of the potentially grave operational impact the current and, regrettably, quickly evolving of COVID-19 pandemic has on the operations of the Court as a whole and on all participants involved in the current proceedings.

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<sup>5</sup> See the "Notice of Prosecutor's Final Decision under rule 108(3), as revised and refiled in accordance with the Pre-Trial Chamber's request of 15 November 2018 and the Appeals Chamber's Judgment of 2 September 2019" containing the "Final Decision of the Prosecutor concerning the 'Article 53(1) Report' (ICC-01/13-6-AnxA), dated 6 November 2014, as revised and refiled in accordance with the Pre-Trial Chamber's request of 15 November 2018 and the Appeals Chamber's judgment of 2 September 2019", [No. ICC-01/13-99-Anx1](#), 2 December 2019 (the "Prosecutor's December 2019 Decision").

<sup>6</sup> See the Request, *supra*, note 2, para. 123, 126-129.

<sup>7</sup> See the "Order on the filing of responses and replies" (Pre-Trial Chamber I), [No. ICC-01/13-101](#), 17 March 2020, para. 4.

<sup>8</sup> See the Request, *supra*, note 2, para. 3.

8. Despite the concerning lapse of several years in these proceedings, which has negatively impacted the victims in many forms, the Request is well-founded and meets the requirements of constituting 'good cause'. The reasons given, which are directly associated with the COVID-19 pandemic, the Court's, Host State's and other States' measures taken to meet the demands of this situation, are equally applicable to all participants in these proceedings and therefore impact all to the same degree. Moreover, the current situation is also impacting to some extent on the possibility to consult with the victims who are residing in several countries affected by the pandemic.

#### IV. CONCLUSION

9. For the foregoing reasons, the Principal Counsel respectfully requests the Chamber to grant the Request.



**Paolina Massidda**  
**Principal Counsel**

Dated this 18<sup>th</sup> Day of March 2020

At The Hague, The Netherlands