



Original: English

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

Date: 10 February 2012

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN LIBYA

IN THE CASE OF

**THE PROSECUTOR v.
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI**

Public Document

**Addendum to Application For Leave to Appeal Against Decision on Application
Under Rule 103**

Source: Applicant Mishana Hosseinioun, represented by Sir Geoffrey Nice
QC and Rodney Dixon

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of the Applicant

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

Mr Xavier-Jean Keïta, Principal Counsel
Ms Melinda Taylor, Counsel

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Addendum submission

1. The Applicant, Ms. Mishana Hosseinioun, requests that she be permitted to file this Addendum to the “Application For Leave to Appeal Against Decision on Application Under Rule 103” of 7 February 2012 to correct the Applicant’s submissions therein as follows:

2. Since filing her Application of 7 February 2012 the Applicant and her lawyers have reviewed the observations of the OPCD of 3 February 2012, which were only received after filing her Application when a redacted version was made public, and have reviewed again her own observations in her Application of 7 February 2012. The OPCD’s observations, *inter alia*, underscore the Applicant’s concern for Mr. Gaddafi’s fundamental right to legal representation. Your Applicant’s lawyers should have ensured that in the Application of 7 February 2012, and in particular at paras. 8, 10, and 14, it was recorded that the Chamber’s Order of 6 December 2011 sought, amongst others, the observations of the OPCD.¹ The Applicant’s lawyers and the Applicant accept that the Chamber’s consideration of Mr. Gaddafi’s human rights, although otherwise nowhere expressed in the documentation available to the Applicant, are no doubt reflected in the Chamber’s Order and its requests made to the OPCD and to the Libyan authorities.

3. Your Applicant’s lawyers regret any misunderstanding that may have arisen. As should be clear from the Applicant’s filings, her primary concern is for the safety of Mr. Gaddafi, who has been in detention in Libya for some time, and that all immediate and pro-active steps should be taken to guarantee his human rights, including such steps as could be taken by the Pre-Trial Chamber. Your Applicant hopes that her genuine concern is accepted by the Chamber as being at the forefront of her Application for Leave to Appeal so that she may be permitted to submit observations about Mr. Gaddafi’s rights to access to a lawyer of *his* choosing and to his family and friends.

¹ Public Redacted Version of Decision Requesting Libya to file Observations Regarding the Arrest of Saif Al-Islam Gaddafi, ICC-01/11-01/11-39-Red, 6 December 2011.



Sir Geoffrey Nice QC
Rodney Dixon
Counsel on behalf of Mishana Hosseinioun

Dated 10th February 2012
London, United Kingdom