



Original: English

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

Date: 14 February 2012

APPEALS CHAMBER

Before: Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Usacka
Judge Daniel David Ntanda Nsereko

SITUATION IN LIBYA

IN THE CASE OF

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

Public Document

Addendum to Appeal Against Decision on Application Under Rule 103

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

2. Since filing her appeal on 7 February 2012 the Appellant and her lawyers have reviewed the observations of the OPCD of 3 February 2012 as submitted before the Pre-Trial Chamber (which were only received by the Appellant after filing her appeal when a redacted version was made public) and have reviewed again her own observations in her Appeal of 7 February 2012. The OPCD’s observations, *inter alia*, underscore the Appellant’s concern for Mr. Gaddafi’s fundamental right to legal representation. Your Appellant’s lawyers should have ensured that in the Appeal of 7 February 2012, and in particular at paras. 8, 13, and 15, it was recorded that the Chamber’s Order of 6 December 2011 sought, amongst others, the observations of the OPCD.¹ The Appellant’s lawyers and the Appellant accept that the Pre-Trial Chamber’s consideration of Mr. Gaddafi’s human rights, although otherwise nowhere expressed in the documentation available to the Appellant, are no doubt reflected in the Pre-Trial Chamber’s Order and its requests made to the OPCD and to the Libyan authorities.

3. Your Appellant’s lawyers regret any misunderstanding that may have arisen. As should be clear from the Appellant’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 Appellant hopes that her genuine concern is accepted by the Appeals Chamber and the Pre-Trial Chamber as being at the forefront of her appeal so that she may be permitted to submit observations before the Pre-Trial Chamber 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.

4. On 10 February 2012 the Appellant filed a similar Addendum to the “Application For Leave to Appeal Against Decision on Application Under Rule 103” before the Pre-Trial Chamber.



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

Dated 14th February 2012
London, United Kingdom