

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **15 June 2012**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernandez de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN LIBYA

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

Public Document

**Prosecution's Response to Mishana Hosseinioun's Application for Leave to Appeal
the Decision refusing her Application under Rule 103 dated 11 June 2012**

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

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

Mr Xavier-Jean Keïta

Ms Melinda Taylor

States' Representatives

Amicus Curiae

Sir Geoffrey Nice QC

Mr Rodney Dixon

REGISTRY

Registrar

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. The Prosecution asks this Chamber to dismiss the “Application on behalf of Mishana Hosseinioun for Leave to Appeal the Decision refusing her Application under Rule 103” dated 11 June 2012 (the “Application”).
2. The Chamber previously rejected a similar Application for leave to appeal sought by the same Applicant on the basis that the Applicant was not a “party” within the meaning of Article 82(1) of the Statute and had no standing to request leave to appeal a decision.¹ In addition, the Applicant failed to identify any appealable issue satisfying the requirements of Article 82(1)(d).
3. The Applicant is still not a “party” within the meaning of Article 82(1) and therefore still lacks standing to request leave to appeal. Accordingly, the Application should be dismissed without entering into the merits of the Application.



Fatou Bensouda,
Prosecutor

Dated this 15th Day of June 2012

At The Hague, The Netherlands

¹ ICC-01/11-01/11-170