

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 July 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández 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

Decision on the OPCD “Demande urgente en extension de delai”

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Fatou Bensouda

Counsel for the Defence
Xavier-Jean Keïta
Melinda Taylor

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**
Paolina Massidda

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

States Representatives
Philippe Sands
Payam Akhavan
Michelle Butler

Amicus Curiae

REGISTRY

Registrar
Silvana Arbia

Deputy Registrar
Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Pre-Trial Chamber I ("Chamber") of the International Criminal Court issues the following decision on the "Demande urgente en extension de delai" ("Request"),¹ submitted by the Office of Public Counsel for defence ("OPCD").

1. On 27 April 2012, the Chamber issued the "Decision on OPCD Requests", wherein it, *inter alia*, ordered the Registrar to make the necessary arrangements for a visit to Saif Al-Islam Gaddafi ("Mr Gaddafi") by representatives of the Registry and by the appointed counsel from the OPCD.²

2. On 1 May 2012, the Chamber received the "Application on behalf of the Government of Libya pursuant to Article 19 of the ICC Statute", challenging the admissibility of the case against Mr Gaddafi ("Admissibility Challenge").³

3. On 4 May 2012, the Chamber issued the "Decision on the Conduct of the Proceedings Following the 'Application on behalf of the Government of Libya pursuant to Article 19 of the Statute'",⁴ wherein it, *inter alia*, invited the Prosecutor, the OPCD, the Security Council and the Office of Public Counsel for victims to submit their observations on the Admissibility Challenge, no later than 4 June 2012.⁵

4. On 1 June 2012, the Chamber, pursuant to a request to this effect,⁶ granted the OPCD "until two working days after its return from the privileged visit to Mr Gaddafi to file its observations on the Admissibility Challenge".⁷

¹ ICC-01/11-01/11-183-Conf-Exp.

² ICC-01/11-01/11-129, p. 7.

³ ICC-01/11-01/11-130-Red.

⁴ ICC-01/11-01/11-134.

⁵ *Ibid.*, p. 7.

⁶ ICC-01/11-01/11-162-Red.

⁷ ICC-01/11-01/11-165.

5. On 6 June 2012, a delegation of four staff members of the Court, including Melinda Taylor, counsel for Mr Gaddafi from the OPCD, travelled to Libya, in order to meet with Mr Gaddafi in Zintan. On 7 June 2012, as previously agreed with the national authorities of Libya, the delegation travelled to Zintan and met with Mr Gaddafi. From that day until 2 July 2012, the members of the delegation were kept in detention in Zintan. They returned to The Hague on 3 July 2012.

6. On 3 July 2012, the Chamber received the Request, in which the OPCD seeks an extension of time until Wednesday, 11 July 2012 for the filing of its observations on the Admissibility Challenge.

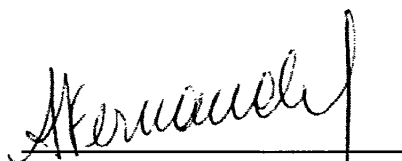
7. The Chamber notes regulation 35(2) of the Regulations of the Court ("Regulations"), which provides that the Chamber may extend a time limit if good cause is shown.

8. The Chamber considers that in the present circumstances, as referred to in the Request, the OPCD may legitimately need additional time to prepare its observations on the Admissibility Challenge and that this constitutes "good cause" within the meaning of Regulation 35(2) of the Regulations. Moreover, also considering the limited extension sought by the OPCD, the Chamber is satisfied that the requested extension would not prejudice the other participants in the proceedings following the Admissibility Challenge.

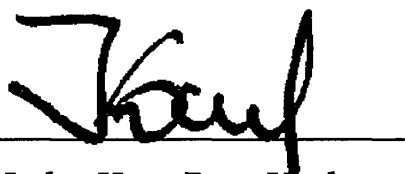
FOR THESE REASONS, THE CHAMBER

GRANTS the OPCD until 11 July 2012 to file its observations on the Admissibility Challenge.

Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi
Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this 4 July 2012

At The Hague, The Netherlands