

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 August 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

**Response to the Libyan Government Request for a Status Conference and
Extension of Time to file Reply to the Responses to its Article 19
Admissibility Challenge**

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**

Ms. Paolina Massidda

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

Mr. Xavier-Jean Keïta

Ms. Melinda Taylor

State's Representatives

Professor Philippe Sands QC

Professor Payam Akhavan

Ms. Michelle Butler

Amicus Curiae

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

Introduction

1. On 30 July 2012, the Government of Libya ("Libyan Government") filed a request with the Chamber to convene a status conference and to grant an extension of time to file a reply to the responses to its Article 19 admissibility challenge ("Libyan Government Request"). The Libyan Government argues that it cannot reply to the OPCD response ("OPCD Response") until the status of the ICC investigation into the conduct of the OPCD in these proceedings and the OPCD's ability to continue to represent Saif Al-Islam Gaddafi ("Saif Al-Islam") have been clarified. The Libyan Government also seeks an extension of time to reply to the Prosecution, OPCD, and OPCV Responses to the admissibility challenge until 18 days after the appointment of the new Libyan Minister of Justice.¹

2. The Prosecution agrees that a status conference could be useful to clarify certain matters. The Prosecution does not oppose, in principle, an extension of time for the Libyan Government to file its reply, though it takes no position on the duration of the extension. If the Chamber schedules a status conference the Prosecution would not oppose including as an agenda item the timing of the Libyan Government's reply.

Procedural Background

3. On 1 May 2012, the Libyan Government submitted an Application ("Application") challenging the admissibility of the case against Saif Al-Islam before the Court pursuant to Article 19(2)(b) of the Rome Statute.²

4. On 4 June 2012, the Prosecution filed its response to the Application.³

¹ ICC-01/11-01/11-192.

² ICC-01/11-01/11-130-Conf.

5. On 7 June 2012, counsel from the OPCD along with three others were detained in Zintan, Libya. They were released on 2 July 2012.⁴
6. On 24 July 2012, the OPCD filed its confidential response to the Application.⁵
7. On 26 July 2012, the Chamber granted the Libyan government's application for leave to reply to any response to the Article 19 admissibility challenge by no later than 13 August 2012.⁶
8. On 30 July 2012, the Libyan Government requested the convening of a status conference and an extension of time.⁷
9. On 1 August, the Registrar filed its confidential observations with respect to the Libyan Government's request.⁸ On the same date, the Chamber ordered the Prosecutor, OPCD, and the OPCV to submit their responses to the Libyan Government's request, if any, by 7 August 2012.⁹

Submissions

10. The Prosecution joins the Libyan Government's request for a status conference in order to address the identified procedural matters and resolve these issues.
11. At this time, the Prosecution does not oppose a reasonable extension of time for the Libyan Government to file its reply, but it takes no position on Libya's specific request that its reply not be filed until 18 days after the

³ ICC-01/11-01/11-167- Red.

⁴ ICC-01/11-01/11-184, para.5.

⁵ ICC-01/11-01/11-190-Conf.

⁶ ICC-01/11-01/11-150.

⁷ ICC-01/11-01/11-192.

⁸ ICC-01/11-01/11-194-Conf.

⁹ ICC-01/11-01/11-193.

appointment of a new Minister of Justice. If the Chamber decides to schedule a status conference, it can also address whether, and how long, an extension should be granted.



Fatou Bensouda,
Prosecutor

Dated this 7th Day of August 2012

At The Hague, The Netherlands