

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 10 May 2013

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

**Defence Response to the “Defence Request on behalf of Abdullah Al-Senussi
for Access to All Confidential Filings, Decisions and Documents in Case ICC-
01-11/01/11 prior to the Appointment of Counsel for Mr. Al-Senussi”**

Source: Defence for Mr. Saif Al-Islam Gaddafi

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Counsel for the Defence

Counsel for Saif Al-Islam Gaddafi:

Mr. John R.W.D Jones QC

Ms. Sarah Bafadhel

Counsel for Abdullah Al-Senussi:

Mr. Ben Emmerson QC

Mr. Rodney Dixon

Ms. Amal Alamuddin

Mr. Anthony Kelly

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

Ms. Sarah Pellet

Mr. Mohamed Abdou

The Office of Public Counsel for the Defence

States' Representatives

Mr. Phillipe Sands QC

Mr. Payam Akhavan

Ms. Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel, Registrar

Deputy Registrar

Mr. Didier Daniel Preira, Deputy Registrar

Victims and Witnesses Unit

Counsel Support Section

Detention Section

Victims Participation and

Other

Reparations Section

1. On 25 April 2013, the Defence for Mr. Abdullah Al-Senussi submitted a request for access to all confidential filings, decisions and documents, which had been submitted in the case file prior to 9 January 2013.¹
2. The Defence for Mr. Saif Al-Islam Gaddafi fully endorses this request.
3. The Defence for Mr. Gaddafi further notes that after 9 January 2013, the following filings were also submitted *ex parte* the Defence for Mr. Al-Senussi due to the fact that they referenced confidential filings, which had been submitted prior to 9 January 2013, and which had not at that stage been provided to the Defence of Mr. Al-Senussi:
 - i. Response to the “Libyan Government’s further submissions on issues related to admissibility of the case against Saif Al-Islam Gaddafi”; ICC-01/11-01/11-281-Conf-Exp; and annexes 6 and 11; and
 - ii. Response to the “Government of Libya’s Application for Leave to Appeal the “Decision on the Urgent Defence Request””; ICC-01/11-01/11-300-Conf-Exp.
4. In the event that the Pre-Trial Chamber grants the Defence for Mr. Al-Senussi access to all confidential filings, decisions, and documents submitted prior to 9 January 2013, then there should be absolutely no legal impediment to granting them access to the above-mentioned filings and annexes.



John R.W.D. Jones QC, Counsel for Mr. Saif Al-Islam Gaddafi

Dated this, 10th Day of May 2013

At The Hague, The Netherlands

¹ ICC-01/11-01/11-322.