



Original: English

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

Date: 13 May 2013

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 “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: Office of Public Counsel for Victims

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

The Office of the Prosecutor

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Counsel for the Defence

Counsel for Mr. Abdullah Al-Senussi:

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Ms. Amal Alamuddin

Mr. Anthony Kelly

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Mr. John R.W.D Jones QC

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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REGISTRY

Registrar & Deputy Registrar

Defence Support Section

Mr. Herman von Hebel

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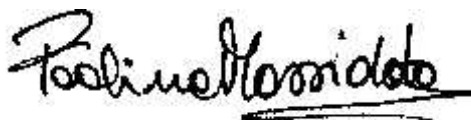
Detention Section

Victims and Witnesses Unit

Victims Participation and Reparations Section

Other

1. On 26 April 2013, the Defence for Mr. Al Senussi filed the “Defence Request 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” (the “Request”).¹ In the Request, the Defence asked to be “granted access to all confidential case materials”, including “all confidential filings, decisions and documents prior to 9 January 2013”.²
2. On 6 May 2013, the Pre-Trial Chamber (the “Chamber”) requested the Prosecutor, the Defence for Saif Al-Islam Gaddafi, the OPCV and the Registrar to provide their responses to the Request by Monday 13 May 2013, indicating “whether there exists any objection to provide the Defence of Mr Al-Senussi with [their] respective confidential filings”.³
3. The Principal Counsel of the OPCV hereby informs the Chamber that she does not oppose the Request, insofar as it relates to confidential materials filed by the Office. However, the Principal Counsel takes the view that such access should not be granted in relation to materials filed on a *confidential and ex parte* basis, as specified by the Defence itself in the Request.⁴



Paolina Massidda
Principal Counsel

Dated this 13th day of May 2013

At The Hague, The Netherlands

¹ See 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”, No. ICC-01/11-01/11-322, 26 May 2013 (the “Request”).

² *Ibid.*, para. 16.

³ Email communication from the Legal Officer of the Trial Chamber to the parties and participants on 6 May 2013.

⁴ See the Request, *supra* note 1, par. 10