

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 June 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

**Decision on the Prosecutor's request for leave to present additional
observations on Libya's challenge to the admissibility of the case against
Abdullah Al-Senussi**

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for Saif Al-Islam Gaddafi

John R.W.D. Jones

Counsel for Abdullah Al-Senussi

Benedict Emmerson

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

Ahmed El-Gehani

James Crawford

Wayne Jordash

Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

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 (“Court”) issues the following decision on the “Prosecution’s Request for Leave to Present Additional Observations to the ‘Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute’” (the “Request”).¹

1. On 2 April 2013, Libya filed the “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute” (the “Admissibility Challenge”).²

2. On 24 April 2013, the Prosecutor filed her response to the Admissibility Challenge.³

3. On 26 April 2013, the Chamber issued the “Decision on the conduct of the proceedings following the ‘Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute’”, wherein it, *inter alia*, noted the response of the Prosecutor and held that the Prosecutor may “supplement her response, subject to the leave of the Chamber, within the time limit set [...] for the written observations of the other parties and participants to the admissibility proceedings [*i.e.* 14 June 2013]”.⁴

4. On 7 June 2013, the Prosecutor filed the Request, seeking leave to file additional observations to the Admissibility Challenge taking into account the Chamber’s recent “Decision on the admissibility of the case against Saif Al-

¹ ICC-01/11-01/11-349.

² ICC-01/11-01/11-307-Conf-Exp and annexes. A public redacted version is also available, see ICC-01/11-01/11-307-Red2.

³ ICC-01/11-01/11-321-Conf, and confidential annexes attached thereto. A public redacted version is also available, see ICC-01/11-01/11-321-Red.

⁴ ICC-01/11-01/11-325, para. 11 and p. 7.

Islam Gaddafi".⁵ In particular, the Prosecutor requests authorization to submit additional observations in relation to: (i) the extent to which the interpretation of "case" and "conduct" advanced in her response is compatible with the Chamber's decision on the admissibility of the case against Saif Al-Islam Gaddafi; and (ii) Libya's ability genuinely to carry out the investigation or prosecution of the case against Mr Al-Senussi in light of the factors considered by the Chamber in that decision.⁶

5. The Chamber notes article 19 of the Rome Statute and rule 58 of the Rules of Procedure and Evidence.

6. The Chamber considers that it would be beneficial, for the purpose of the resolution of the Admissibility Challenge, to receive the Prosecutor's observations in light of the Chamber's recent decision concerning the admissibility of the case against Saif Al-Islam Gaddafi. Therefore, it is appropriate to grant the Request.

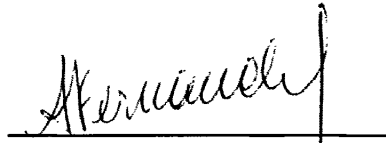
FOR THESE REASONS, THE CHAMBER

AUTHORISES the Prosecutor to submit additional observations on the Admissibility Challenge, no later than **Friday, 14 June 2013**.

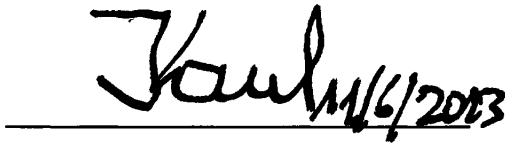
⁵ Pre-Trial Chamber I, Decision on the admissibility of the case against Saif Al-Islam Gaddafi, 31 May 2013, ICC-01/11-01/11-344-Conf and ICC-01/11-01/11-344-Red.

⁶ Request, paras 6-7.

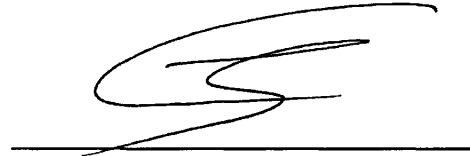
Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi
Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this Tuesday, 11 June 2013

At The Hague, The Netherlands