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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

Libyan Government's Request for leave to reply to the Prosecution's Additional Submissions and the Defence and OPCV Response to "Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute"

Source: The Government of Libya in the case of Mr Abdullah Al-Senussi represented by:
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Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. INTRODUCTION

1. Libya files this request for the following relief:

- (i) Leave to reply to the “Defence Response on behalf of Mr. Abdullah Al-Senussi to “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute”” (“the Al-Senussi Defence Response” to the “Libyan Al-Senussi Admissibility Challenge”).¹
- (ii) Leave to reply to the Prosecution’s Additional Observations on the Libyan Al-Senussi Admissibility Challenge (“the Prosecution’s Additional Response”),² and
- (iii) Leave to reply to the OPCV Response to the Libyan Al-Senussi Admissibility Challenge (“the OPCV Response”).³

2. Libya continues to rely upon its “Request for Leave to reply to the [Prosecution] Response to the ‘Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the Statute’”, which was filed on 6 May 2013.⁴ In light of the new Responses filed since 6 May, and given the complexity and importance of the issues to be addressed in any Reply arising from the Responses, Libya now seeks extension of the time to file a consolidated reply to the entirety of the Responses, including the Prosecution’s Initial Response.⁵ The extension sought is until 13 August 2013 (ie. two calendar

¹ “Defence Response on behalf of Mr. Abdullah Al-Senussi to “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute””, ICC-01/11-01/11-356, 14 June 2013.

² “Prosecution’s Additional Observations to the “Application on behalf of the Government of Libya relating to the Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute””, ICC-01/11-01/11-355, 14 June 2013.

³ “OPCV “Observations on behalf of victims on the “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute””, ICC-01/11-01/11-353-Red, 17 June 2013.

⁴ ICC-01/11-01/11-331. The Prosecutor’s Response to the Libyan Al-Senussi Admissibility Challenge was filed on dated 24 April 2013, ICC-01/11-01/11-321 (“Prosecutor’s Initial Response”).

⁵ “Prosecution’s Response to “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute””, ICC-01/11-01/11-321-Red, 2 May 2013.

months or 61 calendar days from the filing of the Responses). The requested additional time would “ensure that proceedings are fair in the sense that, *inter alia*, the Government lodging the challenge enjoys the opportunity to respond to the parties’ and participants’ observations” but remains “expeditious in order to avoid unnecessary delays of the entire proceedings”.⁶

II. APPLICABLE LAW

3. Regulation 24(5) of the Regulations of the Court states, *inter alia*, “participants may only reply to a response with the leave of the Chamber”.⁷
4. According to Regulation 34(c), if leave is granted, any reply “shall be filed within ten days of notification [...] of the response”. However, under Regulation 29 and Rule 101 of the Rules of Procedure and Evidence, the Chamber has discretion to make orders in relation to time limits which it must exercise having “regard to the need to facilitate fair and expeditious proceedings” (Rule 101) and as “necessary in the interests of justice” (Regulation 29).

III. SUBMISSIONS

5. Libya takes account of the Court’s jurisprudence in which it has acknowledged that in an admissibility challenge a Pre-Trial Chamber “must ensure that proceedings are fair in the sense that, *inter alia*, the Government lodging the challenge enjoys the opportunity to respond to the parties’ and participants’ observations, but equally expeditious in order to avoid unnecessary delays of the

⁶ “Prosecutor v Ruto et al, “Decision under Regulation 24(5) of the Regulations of the Court on the Motion submitted on behalf of the Government of Kenya”, Pre-Trial Chamber II, 2 May 2011, ICC-01/09-01/11-76, para. 15.

⁷ “Prosecutor v Lubanga, Judgment on the appeal of Mr Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled “Decision sur la demande de mise en liberte proviso ire de Thomas Lubanga Dyilo”, ICC-01/04-01/06-824, 13 February 2007, para. 68.

entire proceedings”.⁸ Indeed, the Pre-Trial Chamber in the admissibility proceedings relating to Saif Gaddafi has previously upheld the appropriateness of authorising Libya to file a reply to responses dealing with admissibility submissions due to Libya’s status as the “triggering force and main actor in [admissibility] proceedings”.⁹

6. Each of the parties (i.e., the OTP, the OPCV and the OPCD) have raised arguments and issues in their Responses which are either not correct or which are raised for the first time and thus necessitate a reply from Libya in order to ensure that the Chamber has all the relevant information and submissions before it. The need to correct inaccuracies or respond to new arguments in the submissions considered by the Pre-Trial Chamber prior to making a decision on admissibility of the case constitutes good cause for the granting of leave to reply.¹⁰
7. In the event that leave is granted to reply, Libya would not use any reply to repeat arguments already made in its 2 April 2013 Admissibility Challenge but rather would confine its submissions to addressing only matters raised by the OTP, OPCV and OPCD Responses which are erroneous or in relation to which the Chamber is not apprised of the Libyan Government’s submissions. The particular submissions in each of the Responses which will be addressed are outlined in sections (b) to (d) below. Libya also wishes to be given the opportunity to make submissions on matters of law arising from the recent Decision on the Saif Al-Islam Gaddafi Admissibility Challenge. The ambit of these proposed submissions is outlined in section (e) below.

⁸ *Prosecutor v Ruto et al*, “Decision under Regulation 24(5) of the Regulations of the Court on the Motion submitted on behalf of the Government of Kenya”, Pre-Trial Chamber II, 2 May 2011, ICC-01/09-01/11-76, para. 15.

⁹ ICC-01/11-01/11-191, para. 8; ICC-01/11-01/11-288, para 11.

¹⁰ *Prosecutor v. Bemba*, Decision on the Defence's Request for Leave to Reply on the Motion for Provisional Release dated 24 November 2008, 27 November 2008, ICC-01/05-01/08-294; *Prosecutor v. Mbarushimana* Decision on the Prosecution's request for leave to reply to the "Defence Response to Prosecution's Request for the Review of Potentially Privileged Material" 24 November 2011.

8. As recognised by Pre-Trial Chamber II, an admissibility challenge is a matter of “delicacy [...] which goes to the heart of the States’ sovereign rights”.¹¹ As a result, the fairness of proceedings is especially dependent upon the submission of a Reply from the government of Libya not only because this would ensure that the Pre-Trial Chamber is apprised of all material arguments, but also because, in relation to matters of such sensitivity, the appearance of fairness requires that every opportunity be made available to the government of the state, whose sovereign rights may be so deeply affected, to make its case known to the Chamber. This argument is amplified even further in the situation where the state concerned is not a party to the Rome Statute, and has an entirely new government. Such a state had no prior opportunity to make arguments as to the Court’s jurisdiction over acts alleged to have taken place on its sovereign territory.

A. Defence Response on Behalf of Mr. Abdullah Al-Senussi

9. The Defence asserts that the Libya has failed to “satisfy either of the two prongs under Article 17 to permit the case against Mr. Al-Senussi to be declared inadmissible before the ICC”.¹² For the following additional reasons, the Government submits that good cause exists¹³ to grant leave to reply to address the following issues raised within the Defence Response.

i. Evidence concerning “the case”

10. With direct reference to the evidence relied upon by Libya, the Defence assert that:

¹¹ *Prosecutor v Ruto et al*, “Decision under Regulation 24(5) of the Regulations of the Court on the Motion submitted on behalf of the Government of Kenya”, Pre-Trial Chamber II, 2 May 2011, ICC-01/09-01/11-76, para. 15.

¹² The Defence Response, para. 7.

¹³ “*Prosecutor v. Bemba*, Decision on the Defence’s Request for Leave to Reply on the Motion for Provisional Release dated 24 November 2008, 27 November 2008”, ICC-01/05-01/08-294; “*Prosecutor v. Mbarushimana* Decision on the Prosecution’s request for leave to reply to the “Defence Response to Prosecution’s Request for the Review of Potentially Privileged Material”” 24 November 2011.

- (i) “Libya has submitted a selection of piecemeal materials which do not explain with any clarity whether and how the national investigation seeks to establish Mr. Al-Senussi’s responsibility for the conduct underlying the Warrant of Arrest”;¹⁴
- (ii) The “vast majority of the documents either do not mention Mr. Al-Senussi at all or show in what way his alleged conduct is being investigated”;¹⁵
- (iii) The evidence does not indicate that it was “gathered as part of an investigation focussed on Mr. Al-Senussi’s alleged conduct”; “relate[s] to numerous other persons, relationships and structures; or “relate[s] to locations other than Benghazi”¹⁶;
- (iv) “[A] large number of the documents are not contemporaneous to the events they describe and have been prepared by the Libyan authorities for the purpose of the Admissibility Application”.¹⁷

11. A reply would address these issues, demonstrating that the Defence submissions generally and with respect to the individual pieces of evidence, are selective, piecemeal and ultimately fail to appreciate the clear relevance and probative value of the evidence. It would show that the evidence indicates the nature and scope of the investigation. A reply will demonstrate that in the context of an extensive investigation into mass atrocities, the fact that individual pieces of evidence relate to other persons, structures or relationships, or do not mention the accused, or are not contemporaneous to the events is unremarkable and does not diminish their probative value or prevent them demonstrating the scope of the investigation.

¹⁴ The Defence Response, para. 30.

¹⁵ The Defence Response, para. 34; see also Assessment of Materials, p. 17 – 25.

¹⁶ The Defence Response, para. 33; see also Assessment of Materials, p. 17 – 25.

¹⁷ The Defence Response, para. 35; see also Assessment of Materials, p. 17 – 25.

ii. “Inability”

12. The Defence asserts that it is “inconceivable” that Libya could be found to be able to investigate or prosecute Mr. Al-Senussi’s case.¹⁸ The Defence submissions, in this regard, are based upon a finding in the Gaddafi Admissibility Decision that the “link between Al-Senussi’s investigations and those against Mr. Gaddafi has not been shown by Libya and it is not apparent to the Chamber from the evidence before it”.¹⁹ But the Defence simultaneously asserts that “[t]he Chamber has already held that Libya is unable genuinely to investigate or prosecute Mr. Gaddafi’s case” and “Libya is seeking to join the cases to be tried together as they are so closely related [and] is relying on much the same evidence for the two cases”.²⁰ A Reply would address this contradiction, the distinction between the investigation of the two cases, and the reasons why the “inability” findings with regard to the Mr. Gaddafi’s case (even if upheld on appeal) do not apply to the domestic investigation and prosecution of Mr. Al-Senussi.

13. The Reply would also address the Defence claims:

- (i) That the requisite Governmental authority and control does not extend to relevant detention facilities, guards and police, including where Mr. Al-Senussi is detained [Al-Hadba prison];²¹
- (ii) That the “security situation within Libya, and the lack of Governmental control, significantly affects the ability of the judicial authorities and organs to function effectively and thus *has a direct impact* on the national investigation and proceedings against Mr. Al-Senussi”, including alleged reprisals against Prosecutors and the judiciary;²²

¹⁸ The Defence Response, para. 61.

¹⁹ The Defence Response, p. 18, citing Gaddafi Admissibility Decision, para. 115.

²⁰ The Defence Response, para. 61.

²¹ The Defence Response, para. 70, 74 – 93.

²² The Defence Response, para. 94 – 98 [emphasis added].

- (iii) That Libya's judicial system "for the purposes of Mr. Al-Senussi's case also results in an inability to obtain necessary evidence, including witness testimony", including because of a lack of "adequate witness protection" programs;²³
- (iv) That Libya has violated Mr. Al-Senussi's right to Counsel on specified occasions over the last nine months and is unable to secure legal representation for the accused;²⁴
- (v) That Libya is responsible for "[o]ther violations of Mr. Al-Senussi's rights demonstrating an inability genuinely to conduct the proceedings", including being held in "solitary confinement, mostly incommunicado, and isolated from family or other visits and even separated from other prisoners at the same detention facility";²⁵
- (vi) That the "circumstances of... [the] unlawful rendition" of Mr. Al-Senussi amount to an abuse of process that "undermines the integrity of Libya's proceedings against Mr. Al-Senussi in its entirety";²⁶
- (vii) That the "facts surrounding Libya's treatment of Mr. Al-Senussi strongly indicate that his arrest and detention have involved other significant violations of his human rights",²⁷ including not being informed of the reasons for his arrest or the charges, a lack of independent judicial oversight, torture, and a lack of health care provision.²⁸

iii. "Unwillingness"

14. The Defence asserts that the "proceedings [against Mr. Al-Senussi] are so inadequate that they cannot be considered "genuine proceedings"" within the

²³ The Defence Response, para. 99 – 119.

²⁴ The Defence Response, para. 120 – 130.

²⁵ The Defence Response, para. 131-133 & 137.

²⁶ The Defence Response, para. 135.

²⁷ The Defence Response, para. 138.

²⁸ The Defence Response, para. 139.

meaning of the Statute.²⁹ In sum, the Defence argues that the proceedings are a “sham” and that the “investigation and trial process is predetermined to convict... [and] lacks sufficient due process guarantees”,³⁰ including a lack of impartiality³¹ and due expedition.³²

15. The Defence also asserts that the Chamber found in the Gaddafi Admissibility Decision that a “State’s “inability” to conduct genuine proceedings can be evidenced not only where there is a ‘sham’ trial *but also* when an investigation and trial process is predetermined to convict or lacks sufficient due process guarantees”.³³

16. Any reply would address and refute these arguments. A reply to these submissions would assist in the assessment of the overall merits of the Admissibility Challenge, as well as the development of the ICC jurisprudence and the interpretation of the complementarity regime as a whole.

iv. Positive Complementarity

17. The Defence claims, “Libya’s submissions on “Positive Complementarity” have no statutory basis and are unfair and unworkable in practice”.³⁴ The Response includes claims that the “argument on positive complementarity threatens to undermine the statutory complementarity regime”,³⁵ fails to take into account the fact that any domestic trial could be sequenced after the ICC trial and is vague, unfair and unworkable.³⁶ It is submitted that Libya ought to be provided with an opportunity to address these novel arguments, the acceptance of which

²⁹ The Defence Response, para. 150.

³⁰ The Defence Response, para. 150 – 152.

³¹ The Defence Response, para. 167 – 171.

³² The Defence Response, para. 163 – 166.

³³ The Defence Response, para. 152 - 156.

³⁴ The Defence Response, para. 177 -

³⁵ The Defence Response, para. 182.

³⁶ The Defence Response, para. 182 – 193.

could have profound implications for the Challenge and the ICC's complementarity regime.

B. Prosecution's Additional Response

18. The Prosecution accepts that "Libya is investigating substantially the same conduct as alleged in the proceedings against Al-Senussi before the Court and that Libya has presented specific and probative evidence";³⁷ "that Libya has had the capacity to obtain the *necessary* evidence, which is both specific and probative, to investigate Al-Senussi for the same case as that of the ICC";³⁸ and that the case against Mr. Gaddafi differs in a number of important respects from Mr. Al-Senussi's.³⁹

19. However, pursuant to findings made by the Chamber in the Gaddafi Admissibility, the Prosecution requests that Libya address in a reply generally the "concerns raised by the Chamber" in the Gaddafi Admissibility Decision insofar as they impact upon the present case, and specifically:

- (i) How obstacles to obtaining a lawyer for Mr. Al-Senussi might be overcome;⁴⁰
- (ii) How the protective measures program would operate and whether protective measures would be available to witnesses for the defence.⁴¹

20. The Reply would enable Libya to provide this information.

³⁷ The Prosecution's Additional Response, para. 2.

³⁸ The Prosecution's Additional Response, para. 20.

³⁹ The Prosecution's Additional Response, para. 3.

⁴⁰ The Prosecution's Additional Response, para. 3-4 & 21.

⁴¹ The Prosecution's Additional Response, para. 21 and 26.

C. *The OPCV Response*

i. *The "Case"*

21. Similar to the Defence, the OPCV asserts that, "it can be argued that the findings of Pre-Trial Chamber I in relation to the Gaddafi Admissibility Challenge are equally applicable to the present proceedings".⁴² In particular, the OPCV asserts:

- (i) That "there is a lack of clarity regarding the start, the progress and the current status of the Libyan investigation";⁴³
- (ii) That the "Admissibility Challenge does not, however, contain any relevant information with regard to the concrete investigative steps carried out by the Military Prosecutor concerning Mr Al- Senussi";⁴⁴
- (iii) That "the Government does not provide any supporting evidence demonstrating the methodology and scope of the investigation allegedly conducted by the Military Prosecutor";⁴⁵
- (iv) That "the Government does not provide information regarding the date of referral of the case from the Military Prosecutor to the Civilian Prosecutor, as well as, the procedure followed in relation to this referral";⁴⁶
- (v) That "there is confusion as to the date of the commencement of the Libyan investigation" [and therefore the "Chamber is invited to draw the conclusion that no formal investigation existed at the dates indicated by the Libyan Government"];⁴⁷
- (vi) That the Libyan investigation "appears to overlook the overwhelming majority of acts contained in the Article 58 Decision";⁴⁸
- (vii) That the Chamber should not take into account as evidence of "investigative steps" a portion of the evidentiary material relied upon by

⁴² The OPCV Response, para. 51.

⁴³ The OPCV Response, para. 53.

⁴⁴ The OPCV Response, para. 54.

⁴⁵ The OPCV Response, para. 55.

⁴⁶ The OPCV Response, para. 56.

⁴⁷ The OPCV Response, para. 57.

⁴⁸ The OPCV Response, para. 63.

Libya, namely “[v]ictims’ complaints” as “per se... [they]... do not constitute evidentiary material that the crimes alleged therein are indeed being investigated”.⁴⁹

22. The Reply would enable Libya to deal with these assertions and also provide specific explanations to refute their factual and legal significance to the Challenge.

ii. “Inability”

23. Similar to the Defence, the OPCV asserts that the findings on “Inability” in the Gaddafi Admissibility Decision “are equally applicable to the Admissibility Challenge submitted by Libya in respect of the *Al-Senussi* case”.⁵⁰ They additionally rely upon new evidence relating to alleged “compelling reasons to believe that domestic proceedings [...] will not be conducted in accordance with the internationally recognised standards for fair and independent prosecution, as required by Rule 51 of the Rules of Procedure and Evidence”⁵¹ (e.g., the purported refusal by the Egyptian courts to extradite former high-level officials and Qaddaf al-Dam to Libya because of the alleged risk of an unfair trial⁵²).

24. Consistent with the Gaddafi Admissibility Ruling, the OPCV also submits, that Libya has failed to clarify its witness program or set out adequately how it would meet the security challenges faced by Libya.⁵³

25. The OPCV asserts that despite measures taken to enhance the independence of the judiciary,

⁴⁹ The OPCV Response, para. 64.

⁵⁰ The OPCV Response, para. 45 and 67.

⁵¹ The OPCV Response, para. 71.

⁵² The OPCV Response, para. 70.

⁵³ The OPCV Response, para. 72 and 73.

- (i) “the measures taken by the Government fail to address the core problems faced by the judiciary in Libya. In particular, the Government does not offer concrete solutions for the major shortcomings inherited from the Gaddafi’s era, including the aspects concerning the integrity and independence of the judges themselves”;⁵⁴ and
- (ii) the “lack of independent judges in the different phases of domestic proceedings constitutes a form of unavailability of the judicial system. As a result, it is an important factor militating in favour of Libya’s inability to genuinely investigate the case of Mr Al-Senussi”.⁵⁵

26. The Reply would enable Libya to deal with these erroneous and/or irrelevant assertions and provide specific explanations to refute their factual and legal significance to the Challenge.

D. Need to Address the Applicable (Article 19) Law and Factual Findings in the Gaddafi Admissibility Decision

27. The applicable law is outlined for the *first time* in the Chamber’s “Decision on the admissibility of the case against Saif Al-Islam” of 31 May 2013”.⁵⁶ The Gaddafi Decision confirmed, *inter alia*, that: (i) “the determination of what is ‘substantially the same conduct as alleged in the proceedings before the Court’ will vary according to the concrete facts and circumstances of the case and, therefore requires a case- by-case analysis”⁵⁷ and (ii) the Chamber must assess, on the basis of the evidence submitted by Libya, “whether the alleged domestic investigation addresses the same conduct underlying the Warrant of Arrest and Article 58 Decision”⁵⁸ (rather than covering “exactly the same acts of murder and

⁵⁴ The OPCV Response, para. 75.

⁵⁵ The OPCV Response, para. 80.

⁵⁶ “Decision on the admissibility of the case against Saif Al-Islam Gaddafi”, ICC-01/11-01/11-344-Red, 31 May 2013, p. 52 (hereinafter “Gaddafi Admissibility Decision”).

⁵⁷ Ibid, para 77.

⁵⁸ Ibid, para. 83.

persecution mentioned in the Article 58 Decision as constituting instances of...[the]... alleged course of conduct”⁵⁹).

28. Having filed its Admissibility Challenge on the 2 April 2013, prior to the enunciation of the applicable law on the 31 May 2013,⁶⁰ it is submitted that that Libya ought to be provided with an opportunity to reply to address this issue directly in light of the various Responses.

29. This is particularly important because there is no dispute amongst the parties that Libya *is* conducting an investigation, only that its scope within the meaning of the applicable law has not been amply demonstrated.

30. For example, the Defence have accepted that there “is an investigation on-going at a domestic level in respect of Mr. Al-Senussi with “certain discrete aspects” that may relate to Mr. Al-Senussi’s conduct as alleged in the proceedings before the ICC” but that “this evidence lacks the sufficient degree of specificity and probative value to establish that Libya is investigating the same conduct that underlies the Warrant of Arrest and Article 58 Decision”.⁶¹ Accordingly, and in order to ensure equality of arms, Libya ought to be provided with an opportunity to address these submissions in light of the applicable law.

31. Similarly, due to the filing of Libya’s Admissibility Challenge (relating to Mr. Al-Senussi) prior to the Gaddafi Admissibility Decision, Libya has not had the opportunity to address the applicability of the “inability” findings to the circumstances pertaining to Mr. Al-Senussi. As discussed below, the Defence and the OPCV rely extensively upon the findings, inviting the Chamber to rely

⁵⁹ Ibid, para. 83.

⁶⁰ “Application on behalf of the Government of Libya relating to Abdullah Al-Senussi pursuant to Article 19 of the ICC Statute”, ICC-01/11-01/11-307-Red2, 2 April 2013 (hereinafter “Mr. Al-Senussi Admissibility Application”).

⁶¹ The Defence Response, para. 27.

upon them *mutatis mutandis*.⁶² Further, as indicated by the Prosecution, “the Prosecution would welcome submissions by Libya on the questions and concerns [relating to “inability”] raised by the Chamber” in the Gaddafi Admissibility Decision.⁶³

32. Accordingly, and in order to ensure equality of arms, Libya ought to be provided with an opportunity to address the Defence assertions that the “grounds on which the Chamber found that Libya is unable genuinely to investigate or prosecute Mr. Gaddafi’s case apply equally to Mr. Al-Senussi’s case”.⁶⁴

E. Deadline for submission of consolidated reply

33. The Libyan government notes that, pursuant to Regulation 34(c), “[u]nless otherwise provided in the Statute, Rules or these Regulations, or unless otherwise ordered [...] [s]ubject to leave being granted by a Chamber in accordance with regulation 24, sub-regulation 5, a reply shall be filed within 10 days of notification”.
34. The government of Libya submits that due to the extensive and complex nature of the Responses now filed [which are 58 pages (OTP), 15 pages (OTP additional submissions), 35 pages (OPCV) and 76 pages (OPCD) respectively], and the unavoidable delays caused by the need to translate significant parts of such Responses into Arabic in order to obtain instructions upon them, it would be appropriate for the Chamber to allow two calendar months or 61 days as an expeditious, but also fair, reply timeline.

⁶² See for example: the Defence Response, p. 60 and the OPCV Response, para. 45.

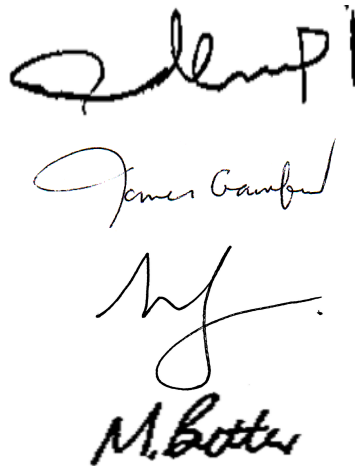
⁶³ The Prosecution’s Additional Response, para. 25.

⁶⁴ The Defence Response, para. 62.

IV. RELIEF SOUGHT

35. Libya therefore respectfully requests that the Pre-Trial Chamber grant Libya leave to file a consolidated reply to the Prosecution, Defence and OPCV Responses and the Prosecution's Additional Response by 14 August 2013.

Respectfully submitted:



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 in the case of Abdullah Al-Senussi*

Dated this 26th day of June 2013
 At London, United Kingdom