



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Bureau du Procureur
The Office of the Prosecutor

Judge Sang-Hyun Song
President
International Criminal Court

Ref.: 2013/015/FB/JCCD-erls

Date: 26 June 2013

Dear President Song,

In furtherance to my letter dated 14 May 2013 which was transmitted in accordance with Regulation 45 of the Regulations of the Court, the instant letter serves to clarify the scope of the referral from the Government of the Union of the Comoros based on information my Office has sought and now obtained from their legal representatives.

My Office has now received two letters, attached in the annexes, from the legal representatives of the Government of the Union of the Comoros. In terms of temporal scope, the referral encompasses incidents allegedly committed from 31 May 2010 through to "6 June 2010 and onwards" (per letter of 29 May 2013). In terms of territorial scope, the referral encompasses incidents allegedly committed on "other flotilla vessels bearing State party flags in addition to the *Mavi Marmara*" (per letter dated 21 June 2013). This would therefore include the States Parties of Greece and Cambodia, in addition to the Union of the Comoros.

Yours sincerely,

Fatou Bensouda

Prosecutor

Cc. Herman von Hebel, Registrar, International Criminal Court



Ms. Fatou Bensouda
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Office of the Prosecutor
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2500 CM The Hague
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E-mail: otp.informationdesk@icc-cpi.int | Emeric.Rogier@icc-cpi.int

Subject: **Response to request for clarification by the Office of the Prosecutor concerning the scope of Comoros referral**

29 May 2013

Dear Madam Prosecutor,

I write in response to the e-mail sent on behalf of the Office of the Prosecutor of the ICC, dated 16 May 2013, requesting clarifications the scope of the referral, made by our law firm, the Elmadag Law Firm, on 14 May 2013, on behalf of the State of the Union of Comoros.

In your email, your office posed two questions, namely:

1. *The territorial jurisdiction: Only the Mavi Marmara vessel carrying the Comoros flag or also other flotilla vessels bearing State Party flags?*
2. *Temporal jurisdiction: Does the referral also encompass the 06 June 2010 incident?*

With regard to the question on the territorial jurisdiction, and whether our client's state referral also encompasses other flotilla vessels in addition to the Mavi Marmara, we will revert back to you shortly in this regard.

As it concerns the temporal jurisdiction, it is triggered on 31 May 2010, representing the date the IDF attacked the Mavi Marmara vessel, registered in Union of the Comoros, extending - time wise- to encompass all other crimes flowing from this initial incident including crimes committed on 6 June 2010 and onwards.

Yours sincerely,

Att. Ramazan ARITÜRK
ELMADAĞ LAW FIRM | ISTANBUL



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Subject: **Second response to request for clarification by the Office of the Prosecutor concerning the scope of Comoros referral**

21 June 2013

Dear Madam Prosecutor,

I write in response to the e-mail sent on behalf of the Office of the Prosecutor of the ICC, dated 16 May 2013, requesting clarifications the scope of the referral, made by our law firm, the Elmadag Law Firm, on 14 May 2013, on behalf of the State of the Union of Comoros.

In your email, your office posed two questions, namely:

1. *The territorial jurisdiction: Only the Mavi Marmara vessel carrying the Comoros flag or also other flotilla vessels bearing State Party flags?*
2. *Temporal jurisdiction: Does the referral also encompass the 06 June 2010 incident?*

With regard to the question on the territorial jurisdiction, we wish to inform you Madam Prosecutor that our client's state referral also encompasses other flotilla vessels bearing State Party flags in addition to the Mavi Marmara.

As it concerns the temporal jurisdiction, we have sent you the answer in our previous letter dated 29 May 2013

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ramazan Aritürk'.

Att. Ramazan ARITÜRK
ELMADAĞ LAW FIRM | ISTANBUL