

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/13
Date: **16 March 2020**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Reine Alapini-Gansou

**SITUATION ON THE REGISTERED VESSELS OF THE UNION OF THE
COMOROS, THE HELLENIC REPUBLIC AND THE KINGDOM OF CAMBODIA**

Public

Prosecution's Urgent Request for Extension of Time

Source: Office of the Prosecutor

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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Mr Rodney Dixon

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Unrepresented Victims

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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

Introduction

1. The Prosecution respectfully seeks an extension of time for the filing of its response to the Government of the Union of the Comoros' application for review of the Prosecutor's revised final decision in this situation, pursuant to rule 108(3) and the Pre-Trial Chamber's and Appeals Chamber's previous rulings. This extension of time is sought due to the effect of external circumstances on the operations of the Prosecution—specifically the global pandemic of the novel coronavirus known as COVID-19—and is mirrored by similar applications in other cases and situations. The Prosecution anticipates that the other participants in this situation may also benefit from a similar extension.

Submissions

2. On 2 March 2020, the Comoros filed its request in this situation for judicial review of the Prosecutor's revised final decision pursuant to rule 108(3).¹ On 6 March 2020, the Pre-Trial Chamber issued an order setting a timetable for further submissions from the legal representatives of victims, the Prosecution, and the Comoros.² At present, the legal representatives are required to file their observations by 3 April 2020, the Prosecution to file its response to the Comoros and the legal representatives by 10 April 2020, and the Comoros to file any reply to the Prosecution by 24 April 2020.

3. The implications of the global COVID-18 pandemic constitute good cause for these deadlines to be extended by one month, so that the legal representatives' observations are due on 4 May 2020 (because 3 May 2020 is a Sunday), the Prosecution's response to the Comoros is due on 11 May 2020, and any reply by the Comoros to the Prosecution is due on 25 May 2020.

4. In particular, the Prosecution is compelled to make this application due to the 13 March 2020 decision by the Court's administrative authorities, on advice from the Host State and the Crisis Management Team, to physically close the ICC Headquarters premises from 17 March 2020 until 31 March 2020. Staff members are expected to work remotely during this time (and possibly longer if the measures are extended), and only critical staff will be authorised to access the building. On 15 March 2020, furthermore, the Court authorities informed staff that the Host State authorities had announced additional and stricter measures including the

¹ See ICC-01/13-100.

² See ICC-01/13-101.

closure of schools and universities. Like other organs of the Court, and society more generally, the Prosecution is doing its best to address the disruption which has been caused. Nonetheless, it notes that staff members are already obliged by the situation to care for children at the same time as they seek to discharge their professional obligations, and a number of staff are themselves sick or acting as primary carers from other family members who are sick. There is real potential for others to be similarly affected in the coming weeks.

5. Furthermore, although Prosecution staff are expected to work remotely from 17 March 2020, not all staff are currently able to do so because of technical restrictions on the number of Citrix licenses available. It is also anticipated that, if a large number of Court staff all work from home at the same time, technical limitations in the Court's IT system will cause disruptions in the use of servers and databases which are crucial for Prosecution staff to use to perform their work and meet the deadlines.

6. The Prosecution also respectfully notifies the Pre-Trial Chamber that the same team of lawyers (the Appeals and Prosecution Legal Coordination Section) is simultaneously engaged in the current litigation, the litigation in the *Palestine* situation also before this Pre-Trial Chamber, and the *Ntaganda* and *Gbagbo and Blé Goudé* final appeals proceedings before the Appeals Chamber. All of these cases have deadlines coming up in the next four weeks. In light of the difficulties outlined above, the Prosecution has formed the view that its current priority is to organise and rationalise its staff and resources towards meeting the deadlines in cases in which accused are presently in custody or are on conditional release (such as *Ntaganda* and *Gbagbo and Blé Goudé*). In the present situation, as no accused person would be affected by the request requested, the Prosecution believes that a one month extension for all parties and participants is reasonable in the circumstances,

7. Finally, the Prosecution notes that this application is brought before it is known whether the Court will, as a whole, decide to institute an *ad hoc* recess, or similar measures, with a view to temporarily suspending its judicial operations. If such a measure is taken, with effects similar to those requested here, then this application may be treated as moot.

Conclusion

8. For all the reasons above, the Pre-Trial Chamber should find there is good cause to grant an extension of time for the filings of all parties and participants in this situation, and

accordingly amend all the deadlines to fall approximately one month from the dates on which they are presently due, as described in paragraph 3.

A handwritten signature in blue ink, appearing to read 'Bensouda', is written over a horizontal line. The signature is slanted and includes a large initial 'F'.

Fatou Bensouda, Prosecutor

Dated this 16th day of March 2020

At The Hague, The Netherlands