



Original: English

No. **ICC-01/13**
Date: **19 March 2020**

PRE-TRIAL CHAMBER I

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

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

Public

Decision on the 'Prosecution's urgent request for extension of time'

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims
Rodney Dixon
Haydee Dijkstal

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel
for Victims**
Paolina Massidda
Anne Grabowski

**The Office of Public Counsel
for the Defence**

States Representatives
Rodney Dixon
Haydee Dijkstal

Amicus Curiae

REGISTRY

Registrar
Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues this Decision on the ‘Prosecution’s urgent request for extension of time’.

1. On 2 March 2020, the Union of the Comoros filed the ‘Application for Judicial Review by the Government of the Comoros’,¹ requesting the Chamber, pursuant to article 53(3)(a) of the Rome Statute, to direct the Prosecutor to reconsider her decision of 2 December 2019² not to open an investigation into the *Situation on the Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia* (the ‘Application for Judicial Review’).

2. On 6 March 2020, the Chamber issued an order setting the schedule for the parties and participants to file their responses to the Application for Judicial Review and any replies thereof. The Legal Representatives of Victims and the Prosecutor were ordered to file their responses, if any, by 3 April and 10 April 2020, respectively, and the Union of the Comoros was ordered to file its reply, if any, by 24 April 2020 (the ‘6 March 2020 Order’).³

3. On 17 March 2020, the Chamber received the ‘Prosecution’s Urgent Request for Extension of Time’, requesting the Chamber to extend the deadlines set in the 6 March 2020 Order by one month, for all parties and participants (the ‘Prosecutor’s Request’).⁴ The Prosecutor submits that this extension is justified in light of the impact that the COVID-19 pandemic has on the operation of her Office, more specifically, (i) the physical closure on 17 March 2020 of the ICC Headquarters premises; (ii) technical limitations in the Court’s IT system, which have and may continue to restrict the ability of the staff to work from home; (iii) the fact that a number of staff are sick or acting as primary carers, and (iv) the need to prioritise cases in which accused persons are in custody or on conditional release.⁵

4. On 18 March 2020, the Legal Representatives of Victims and the Union of the Comoros responded to the Prosecutor’s Request, submitting that the COVID-19

¹ [ICC-01/13-100](#).

² [Notice of Prosecutor’s Final Decision under rule 108\(3\), as revised and refiled in accordance with the Pre-Trial Chamber’s request of 15 November 2018 and the Appeals Chamber’s judgment of 2 September 2019](#), ICC-01/13-99 (with one annex containing the Prosecutor’s conclusion and reasons).

³ [Order on the filing of responses and replies](#), ICC-01/13-101.

⁴ 16 March 2020, [ICC-01/13-102](#), paras 1, 3, 8.

⁵ [ICC-01/13-102](#), paras 4-6.

pandemic is affecting equally all parties and participants to the proceedings and that they supported the Prosecutor's Request.⁶ The Legal Representatives of Victims, in particular, highlight that the COVID-19 pandemic has an impact on their ability to communicate and consult with the victims, who reside in several affected countries.⁷

5. The Chamber notes regulation 35(2) of the Regulations of the Court which provides, in relevant part, that 'the Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard'.

6. The Chamber notes the negative impact that the COVID-19 pandemic is having on the ability of all parties and participants to take part in the proceedings and, in particular, its disruptive effects on the operation of the Office of the Prosecutor and the ability of the Legal Representatives to consult with the victims. The Chamber finds that good cause has been shown for an extension of the time limits and, accordingly, grants the Prosecutor's Request.

7. The Chamber underlines that, with regard to the page limits for all responses and replies, the 6 March 2020 Order remains in place.⁸

⁶ [Victims' Response to the "Prosecution's Urgent Request for Extension of Time"](#), ICC-01/13-103; [Response of the Government of the Comoros to the "Prosecution's Urgent Request for Extension of Time" dated 16 March 2020](#), ICC-01/13-104; [Response of the Victims to the "Prosecution's Urgent Request for Extension of Time" dated 16 March 2020](#), ICC-01/13-105.

⁷ [Victims' Response to the "Prosecution's Urgent Request for Extension of Time"](#), ICC-01/13-103, paras 2, 8; [Response of the Victims to the "Prosecution's Urgent Request for Extension of Time" dated 16 March 2020](#), ICC-01/13-105, para. 2.

⁸ [ICC-01/13-101](#), para. 4.

FOR THESE REASONS, THE CHAMBER


GRANTS the Prosecutor's Request; and hereby

ORDERS the Legal Representatives of Victims to respond to the Application for Judicial Review, if they so wish, by Monday, 4 May 2020, 16.00hrs;


ORDERS the Prosecutor to respond to the Application for Judicial Review and any responses filed by the Legal Representatives of Victims, if she so wishes, by Monday, 11 May 2020, 16.00hrs; and

ORDERS the Union of the Comoros to reply to the Prosecutor's response and any responses filed by the Legal Representatives of Victims, if it so wishes, by Tuesday, 26 May 2020, 16.00hrs.

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



Judge Péter Kovács, Presiding Judge



Judge Marc Perrin de Brichambaut



**Judge Reine Adélaïde Sophie
Alapini-Gansou**

Dated this Thursday, 19 March 2020

At The Hague, The Netherlands