

الاتحاد الأفريقي



UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

P.O Box 6274 Arusha, Tanzania - Telephone: +255 27 205 0111 Fax. +255 27 205 0112

IN THE MATTER OF

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

v.

THE GREAT SOCIALIST LIBYAN PEOPLE'S ARAB JAMAHIRIYA

APPLICATION No. 004/2011

ORDER

The Court composed of: Gérard NIYUNGEKO, President; Sophia A.B. AKUFFO, Vice-president; Jean MUTSINZI, Bernard M. NGOEPE, Modibo T. GUINDO, Fatsah OUGUERGOUZ, Joseph N. MULENGA, Augustino S.L. RAMADHANI, Duncan TAMBALA, Elsie N. THOMPSON and Sylvain ORE- Judges; and Robert ENO- Acting Registrar,

In the matter of:

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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THE GREAT SOCIALIST LIBYAN PEOPLE'S ARAB JAMAHIRIYA

After deliberations,

makes the following order:

1. By an application dated 3rd March, 2011, the African Commission on Human and Peoples' Rights (hereinafter referred to as the Applicant) brought before the Court a case against the Great Socialist Libyan People's Arab Jamahiriya (hereinafter referred to as the Respondent).
2. In accordance with Rule 34 (6) of the Rules of Court, the Registry served a copy of the application on the Respondent by courier and e-mail of 22nd March, 2011.
3. The Respondent had thirty (30) days "of receipt of the application" to indicate the names and addresses of its representatives under Rule 35 (4) (a) and sixty (60) days in which to respond to the application, in accordance with Rule 37 of the Rules of Court.

4. By a *note verbale* dated 18th April, 2011, the Respondent sent the names of its representatives.
5. By a *note verbale* dated 17th May, 2011, the Respondent requested for an extension of time by three weeks "for the finalization of the response and announcement of the names and addresses of its representatives".
6. By a letter dated 18th May, 2011, the Registry acknowledged receipt of the *note verbale* and informed the Respondent that its request for extension of time would be considered by the Court at the latter's 21st Ordinary Session in June, 2011.
7. On 8th June, 2011, during the 21st Ordinary Session, and before the Court had considered the request for an extension of time, the Registry received both the Respondent's notification of the name and address of its representative and its response to the application dated 7th June, 2011.
8. In view of that development, the Court accepted the Respondent's request for extension of time and decided to extend the time to 8th June, 2011, the date on which the Court received the Respondent's reply communicating the names and addresses of its representatives, as well as its response to the application.
9. By letter of 18th June, 2011, the Registry transmitted to the Applicant, the Respondent's response to the application, and indicated that the Applicant should submit its reply within thirty (30) days of the date of the letter.
10. On 28th June, 2011, the Registry received a letter from the Applicant requesting for extension of time for its reply up to 30th September, 2011.

11. By electronic mail of 19th July, 2011, the Registry sent the Applicant's request for extension of time to the Judges.
12. The Rules of Court do not provide for a time limit for an Applicant to reply to the Respondent's response or an extension of such time limit, when given.
13. Despite this lacuna, the Court is of the opinion that it has inherent powers, in the interest of justice, to set and extend time limits for the submission of pleadings.
14. On this basis, the Court allows the Applicant's request, and, accordingly, decides to extend the time for the Applicant to file its reply to 30 September, 2011.

Done at Arusha, this second day of September in the year Two Thousand and Eleven, in English and French, the English text being authoritative.

Signed:

Gérard NIYUNGEKO, President

Robert ENO, Acting Registrar

