

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

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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.

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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 also had 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 the request would be considered by the Court at its 21st Ordinary Session in June, 2011.
7. On 8th June, 2011, during the Ordinary Session, and before the Court had considered the request for an extension of time, the Registry received both the Respondent's indication of the name and address of its representative and also its response dated 7th June, 2011.
8. Rule 37 permits the Court to extend the time for a response "if the need arises". However, there is no such provision with respect of

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indication of names and addresses of representatives under Rule 35 (4) (a).

9. Despite the lacunae, the Court is of the opinion that it has inherent powers to extend time in the interest of justice.

10. On these bases, the Court accedes to the Respondent's request, and, accordingly, decides to extend the deadline to June 8, 2011, date on which the Court received the Respondent's letter communicating the names and addresses of its representatives, and its response to the application.

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

Signed:

Gerard NIYUNGEKO, President

Robert ENO, Acting Registrar

