

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11
Date: 24 November 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN LYBIA

**IN THE CASE OF *THE PROSECUTOR V. SAIF AL-ISLAM GADDAFI AND
ABDULLAH AL-SENUSSI***

Confidential

Ex Parte only available to the Office of the Prosecutor

Report of the Registrar on the execution of the request for arrest and surrender

Source: Registry

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

The Office of the Prosecutor

Mr. Luis Moreno Ocampo

Mme. Fatou Bensouda

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mme Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court ("the Court"):

NOTING Resolution 1970 unanimously adopted by the United Nations Security Council on 26 February 2011 and referring the situation in the Libyan Arab Jamahiriya ("Libya") since 15 February 2011 to the Prosecutor of the Court, in accordance with article 13(b) of the Rome Statute ("Statute");

NOTING the "Decision on the "Prosecutor's Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah ALSENUSSI" dated 27 June 2011;¹

NOTING the "Warrants of Arrest for Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah ALSENUSSI" dated 27 June 2011;²

NOTING the "Request to the Libyan Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah ALSENUSSI" dated 4 July 2011;³

NOTING the "Report of the Registrar on the transmission of the requests for arrest and surrender of Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi" filed 17 November 2011;⁴

NOTING the press release of the Court on the "Course of action before the ICC following the arrest of the suspect Saif Al Islam Gaddafi in Libya";⁵

¹ ICC-01/11-01/11-1

² ICC-01/11-01/11-2, ICC-01/11-01/11-3 and ICC-01/11-01/11-4

³ ICC-01/11-01/11-5

⁴ ICC-01/11-01/11-25-Conf

NOTING Articles 59, 87, 89, 91 and 97 of the Rome Statute; Rules 20, 117, 176, 184 and 187 of the Rules of Procedure and Evidence; Regulations 31, 76 and 111 of Regulations of the Court;

CONSIDERING that the Registry notified the Warrants of Arrests of the three suspects and the Request for Arrest and Surrender to the Embassy of Libya in The Hague on 5 July 2011;⁶

CONSIDERING the recent developments in Libya regarding the capture by national authorities of Saif Al-Islam GADDAFI on 19 November 2011;

CONSIDERING the mission conducted by the Office of the Prosecutor in Tripoli on 22 November 2011;

CONSIDERING that the Warrants of Arrests remain outstanding and procedures as provided for in the Rome Statute need to be followed;

CONSIDERING that the Pre-Trial Chamber Judges have the exclusive competence to decide on the continuation of the ICC judicial procedure;

CONSIDERING that as today the Registry has not received any official communication from the Libyan national authorities concerning the execution of the "Request to the Libyan Arab Jamahiriya for the arrest and surrender of Muammar

⁵ ICC-CPI-20111123-PR746

⁶ ICC-01/11-01/11-25-Conf

Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah ALSENUSSI" dated 4 July 2011;⁷

CONSIDERING that as today the Office of the Prosecutor has not provided to Registry any information concerning its mission to Tripoli of 22 November 2011;

INFORMS the Chamber as follows:

1. On 24 November 2011, the Registry sent a Request for Assistance to the Embassy of Libya in The Hague requesting the Libyan authorities to provide a report on the execution of the request for arrest and surrender for urgent transmission to Pre-Trial Chamber I;⁸
2. The Registry is planning to go to Tripoli to discuss the implementation of the request for arrest and surrender transmitted to the Libyan authorities and to assist them with its implementation within the framework of the Rome Statute.
3. The Registry is available to discuss with the Chamber the parameters of the discussions to be conducted with the Libyan authorities.



Silvana Arbia, Registrar

Dated this 24 November 2011

At The Hague, Kingdom of the Netherlands

⁷ ICC-01/11-01/11-5

⁸ NV/2011/1331/ab/SA