

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/11-01/11  
Date: 10 December 2012

**PRE-TRIAL CHAMBER I**

**Before:** Judge Silvia Fernández de Gurmendi, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Christine Van den Wyngaert

**SITUATION IN LIBYA**

**IN THE CASE OF  
THE PROSECUTOR *v.*  
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI**

**Public**

**Order in relation to the request for arrest and surrender of Abdullah Al-Senussi**

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

**The Office of the Prosecutor**  
Fatou Bensouda

**Counsel for the Defence**

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

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

**States Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**  
Silvana Arbia

**Deputy Registrar**  
Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Pre-Trial Chamber I** (the “Chamber”) of the International Criminal Court (the “Court”) issues the following order in relation to the request for arrest and surrender of Abdullah Al-Senussi (“Mr Al-Senussi”).

1. On 26 February 2011, Resolution 1970 was adopted by the United Nations Security Council, referring the situation in Libya since 15 February 2011 to the Prosecutor of the Court and deciding that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor.<sup>1</sup>

2. On 27 June 2011, the Chamber issued the “Decision on the ‘Prosecutor’s Application Pursuant to Article 58 as to the Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi’”,<sup>2</sup> and warrants of arrest for, *inter alia*, Mr Al-Senussi.<sup>3</sup>

3. On 17 November 2011, the Registrar filed 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” confirming that a request for the arrest and surrender of Mr Al-Senussi had been transmitted to the competent Libyan authorities on 4 July 2011.<sup>4</sup>

4. On 21 March 2012, the Registrar filed the “Report of the Registry regarding the arrest of Abdullah Al-Senussi”.<sup>5</sup>

5. On 17 September 2012, the Registrar filed the “Second Report of the Registry on the status of the execution of the request for arrest and surrender of Abdullah Al-Senussi” (the “Second Report”).<sup>6</sup>

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<sup>1</sup> S/RES/1970 (2011).

<sup>2</sup> ICC-01/11-01/11-1.

<sup>3</sup> ICC-01/11-01/11-4.

<sup>4</sup> ICC-01/11-01/11-25-Conf.

<sup>5</sup> ICC-01/11-01/11-80-Conf-Exp.

6. The Chamber notes articles 86, 87 and 89 of the Rome Statute and rule 176 of the Rules of Procedure and Evidence.

7. In the Second Report, the Registrar informed the Chamber that a note verbale had been transmitted to the competent Libyan authorities on 10 September 2012, requesting that they confirm the extradition of Mr Al-Senussi to Libya and provide the name of the detention centre in which he was being held as well as information about his state of health.<sup>7</sup> The Registrar further informed the Chamber that she had not received from the Libyan authorities either official information regarding the arrival of Mr Senussi on Libyan territory or, more generally, any reply to the Court's request for arrest and surrender.<sup>8</sup>

8. The Chamber takes note of the actions undertaken by the Registrar in this respect, and notes that it appears from the record of the case that, as of yet, no official communication was received from the Libyan authorities concerning the request for arrest and surrender of Mr Al-Senussi.

9. Accordingly, the Chamber finds it appropriate to instruct the Registrar to reiterate to the Libyan authorities the request for arrest and surrender of Mr Al-Senussi and remind them of their obligation to comply with the request. Furthermore, it is appropriate that Libya be requested again to provide the information identified in the note verbale transmitted by the Registrar on 10 September 2012.

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<sup>6</sup> ICC-01/11-01/11-208.

<sup>7</sup> *Ibid.*, para. 2.

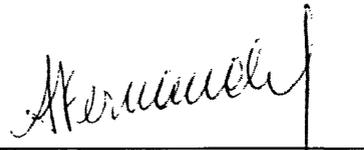
<sup>8</sup> *Ibid.*, para. 4.

**FOR THESE REASONS, THE CHAMBER**

**INSTRUCTS** the Registrar to reiterate to the Libyan authorities the request for arrest and surrender of Mr Al-Senussi and remind them of their obligation to comply with the request;

**REQUESTS** the Libyan authorities to: (i) confirm the extradition of Mr Al-Senussi from Mauritania to Libya; and (ii) provide the name of the detention centre in which Mr Al-Senussi was being held, if any, as well as information about his state of health, by Tuesday, 15 January 2012.

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



**Judge Silvia Fernández de Gurmendi**  
**Presiding Judge**



**Judge Hans-Peter Kaul**



**Judge Christine Van den Wyngaert**

Dated this 10 December 2012

At The Hague, The Netherlands