

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/11-01/11  
Date: 28 October 2011

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN THE LIBYAN ARAB JAMAHIRIYA**

**IN THE CASE OF**

***THE PROSECUTOR v. MUAMMAR MOHAMMED ABU MINYAR GADDAFI,  
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI***

**Confidential  
URGENT**

**Ex parte only available to the Office of the Prosecutor**

**Report of the Registry regarding the execution of the requests  
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  
Ms. 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**

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**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** the "Decision on the Prosecutions Application for a Warrant of Arrest against Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi" dated 27 June 2011;<sup>1</sup>

**NOTING** the Warrants of Arrest for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi dated 27 June 2011;<sup>2</sup>

**NOTING** the "Request to the Lybian Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi" dated 4 July 2011;<sup>3</sup>

**NOTING** the "Request to States neighboring the Libyan Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi" dated 4 July 2011;<sup>4</sup>

**NOTING** the "Request to all States Parties to the Rome Statute for the arrest and surrender of Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi" dated 4 July 2011;<sup>5</sup>

**NOTING** the "Request to the United Nations Security Council members that are not States Parties to the Rome Statute for the arrest and surrender of Muammar

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<sup>1</sup> ICC-01/11-12

<sup>2</sup> ICC-01/11-13, ICC-01/11-14 and ICC-01/11-15

<sup>3</sup> ICC-01/11-01/11-5

<sup>4</sup> ICC-01/11-01/11-6

<sup>5</sup> ICC-01/11-01/11-7

Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi” dated 4 July 2011;<sup>6</sup>

**CONSIDERING** that Pre Trial Chamber I instructed the Registry to transmit, in consultation and coordination with the Prosecutor the request for cooperation seeking the arrest and surrender of Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi to all States Parties to the Statute, all of Libya’s neighboring countries and to the United Nations Security Council members that are not States Parties to the Statute as well as to any other State which may be necessary;<sup>7</sup>

**NOTING** Article 87 (1) (a) of the Rome Statute, Rules 20 and 176(2) of the Rules of Procedure and Evidence and Regulation 24 *bis* of the Regulations of the Court;

**INFORMS** the Chamber as follows:

1. The Registry transmitted the above mentioned requests for arrest and surrender to all States identified by the Chamber and will file a subsequent separate report to the Chamber;
2. On 28 October 2011, the Registrar was informed by way of an article in the press that the Prosecutor was in contact with Saif Al-Islam Gaddafi through intermediaries<sup>8</sup>. Subsequently, the Office of the Prosecutor confirmed that such contacts took place.
3. The Registrar is concerned that the Office of the Prosecutor is having contacts with a person subject to an arrest warrant. Should the Prosecutor have been contacted by the said intermediaries, the Registrar is concerned that future similar contacts may take place.

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<sup>6</sup> ICC-01/11-01/11-8

<sup>7</sup> ICC-01/11-01/11-1, page 42

<sup>8</sup> <http://af.reuters.com/article/commoditiesNews/idAFL5E7LQ49I20111026>;

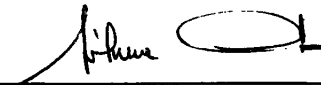
<http://uk.reuters.com/article/2011/10/26/uk-libya-gaddafi-son-idUKTRE79P54Y20111026>

4. The Registry is the Organ in charge of the transmission of the requests for arrest and surrender of a person to the States identified by the Chamber as well as the implementation of such requests including the operation of surrender. The Registry ensures that the rights of the person are adequately protected, especially with regard to the appointment of a defense lawyer at the earliest stage.

**REQUESTS the Chamber:**

- to clarify which course of action should be taken;
- in the event that the Chamber would find appropriate for the Registry to enter in contact with Saif Al-Islam Gaddafi or his entourage in order to organize his surrender to the Court, to request the Prosecutor to transmit to the Registry all relevant information in his possession.

**RESPECTFULLY SUBMITTED.**



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Silvana Arbia, Registrar

Dated this 28 October 2011

At The Hague, Kingdom of the Netherlands