

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/11-01/11

Date: 31 October 2011

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN LIBYA  
IN THE CASE OF  
THE PROSECUTOR *v.* MUAMMAR MOHAMMED ABU MINYAR GADDAFI,  
SAIF AL-ISLAM GADDAFI *and* ABDULLAH AL-SENUSSI**

**Confidential document, *ex parte* Prosecution and Registry only**

**Order to the Prosecutor for Observations Regarding the "Report of the Registry regarding the execution of the requests for arrest and surrender"**

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

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor

**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**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations  
Section****Others**

**Pre-Trial Chamber I** of the International Criminal Court (“Chamber” and “Court” respectively) hereby renders the following decision:

**NOTING** Resolution 1970, adopted by the United Nations Security Council (“UNSC”) on 26 February 2011,<sup>1</sup> whereby the UNSC referred the situation in Libya since 15 February 2011 to the Prosecutor of the Court;<sup>2</sup>

**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 AL-SENUSSI’”, issued by the Chamber on 27 June 2011,<sup>3</sup> and the warrants of arrest corresponding to that decision;<sup>4</sup>

**NOTING** the “Report of the Registry regarding the execution of the requests for arrest and surrender”, filed confidentially on 28 October 2011 (“Registry Report”),<sup>5</sup> whereby the Registry: (i) cites press reports indicating that the Prosecutor is having contacts with Saif Al-Islam Gaddafi through intermediaries, (ii) asserts that the Registry, and not the Prosecutor, is the organ of the Court responsible for the implementation of requests for arrest and surrender and (iii) requests that the Prosecutor transmit all relevant information to the Registry regarding past contacts should the Chamber find it appropriate for the Registry to contact Saif Al-Islam Gaddafi to organize his surrender to the Court;<sup>6</sup>

**NOTING** regulations 24 and 34 of the Regulations of the Court;

**CONSIDERING** that the issues raised in the Registry Report relate to rapidly unfolding events and necessitate that the Prosecutor’s observations on these issues be filed on an expedited basis;

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

<sup>2</sup> *Ibid.*, para. 4.

<sup>3</sup> ICC-01/11-01/11-1.

<sup>4</sup> ICC-01/11-01/11-2, ICC-01/11-01/11-3 and ICC-01/11-01/11-4.

<sup>5</sup> ICC-01/11-01/11-19-Conf-Exp.

<sup>6</sup> *Ibid.*, at pp. 4-5.

**FOR THESE REASONS**

**ORDERS** that the Prosecutor's observations regarding the Registry Report, if any, must be filed by 16:00 on Tuesday, 1 November 2011.

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

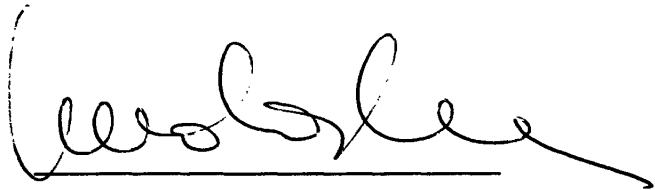


**Judge Sanji Mmasenono Monageng**

**Presiding Judge**



**Judge Sylvia Steiner**



**Judge Cuno Tarfusser**

Dated this Monday 31 October 2011

At The Hague, The Netherlands