

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11
Date: 14 November 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 Requesting Observations Regarding the "Transmission of Muammar Mohammed Abu Minyar Gaddafi's death certificate"

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

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 2011,¹ whereby the UNSC referred the situation in Libya since 15 February 2011 to the Prosecutor of the Court;²

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 2011,³ and the warrants of arrest relevant to that decision;⁴

NOTING the “Transmission of Muammar Mohammed Abu Minyar Gaddafi’s death certificate”, filed confidentially on 10 November 2011, (“Registry Transmission”),⁵ whereby the Registry transmitted Muammar Mohammed Abu Minyar Gaddafi’s death certificate to the Chamber and the Prosecutor;⁶

NOTING regulations 23 *bis*, 24(1) and 34 of the Regulations of the Court (“Regulations”);

CONSIDERING, at this juncture, that it is appropriate to give the Prosecutor the opportunity to be heard as to what the consequences should be with respect to the Registry Transmission, particularly whether there is any objection to terminating proceedings with respect to Muammar Mohammed Abu Minyar Gaddafi;

CONSIDERING that the Registry has not identified the factual or legal basis, required by regulation 23 *bis* of the Regulations, for the filing of the Registry Transmission as confidential;

¹ S/RES/1970 (2011).

² *Ibid.*, para. 4.

³ ICC-01/11-01/11-1.

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

⁵ ICC-01/11-01/11-22-Conf-Exp.

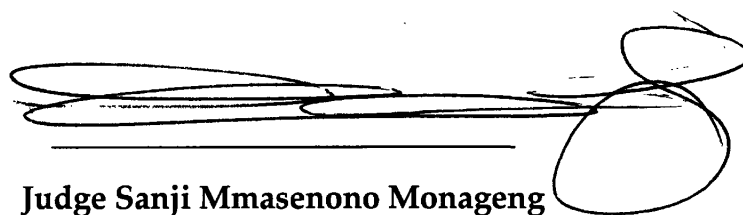
⁶ *Ibid.*, at annex 2.

FOR THESE REASONS

ORDERS that the Prosecutor's observations regarding the Registry Transmission, if any, must be filed by 16:00 on Wednesday, 16 November 2011; and

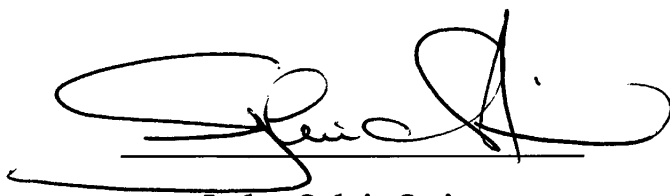
ORDERS the Registry by the same date and time to justify to the Chamber, in accordance with regulation 23 *bis* of the Regulations, why the Registry Transmission should remain confidential.

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

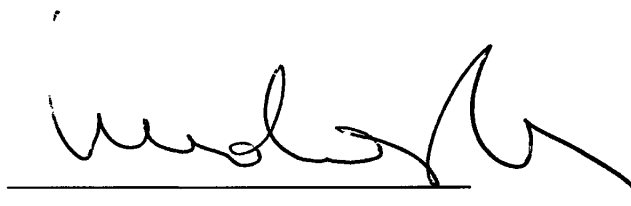


Judge Sanji Mmasenono Monageng

Presiding Judge



Judge Sylvia Steiner



Judge Cuno Tarfusser

Dated this Monday 14 November 2011

At The Hague, The Netherlands