

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11
Date: 18 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

Decision 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**

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 corresponding to that decision;⁴

NOTING the "Report of the Registry regarding the execution of the requests for arrest and surrender", filed on 28 October 2011 ("Registry Report"),⁵ whereby the Registry: (i) cites press reports indicating that the Prosecution is having contacts with Saif Al-Islam Gaddafi through intermediaries, (ii) asserts that the Registry, and not the Prosecution, is the organ of the Court responsible for the implementation of requests for arrest and surrender; (iii) requests for the Chamber to clarify what course of action should be taken and (iv) requests that the Chamber order the Prosecution to transmit all relevant information regarding past contacts to the Registry should the Chamber find it appropriate for the Registry to contact Saif Al-Islam Gaddafi to organize his surrender to the Court;⁶

NOTING the "Prosecution's Observations Regarding the Report of the Registry regarding the execution of the requests for arrest and surrender", filed on 1 November 2011,⁷ whereby the Prosecution alleges that it has provided the Registry with the information in its possession and that it is not conflicting with the Registry's functions;⁸

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-01/11-01/11-19-Conf-Exp.

⁶ *Ibid.*, at pp. 4-5.

⁷ ICC-01/11-01/11-21-Conf-Exp.

⁸ *Ibid.*, at paras 5, 8.

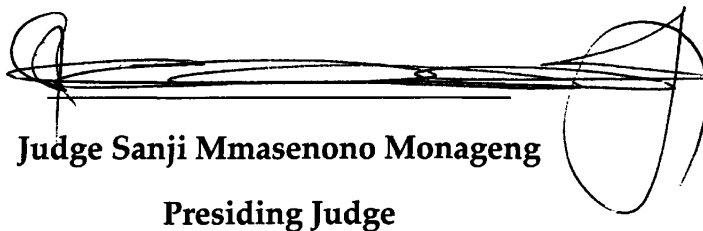
CONSIDERING that the issues raised in the Registry Report solely relate to coordination between the Registry and the Office of the Prosecutor and that it would be inappropriate for the Chamber to intervene in what are effectively administrative matters;

CONSIDERING that the Prosecution has indicated that it is keeping the Registry informed of all developments regarding the matters raised in the Registry Report;

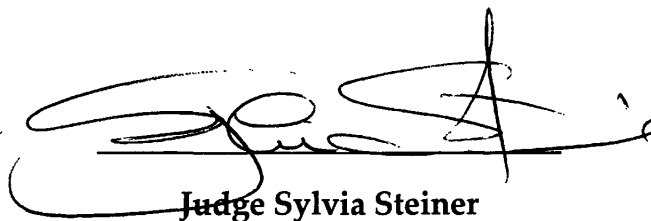
FOR THESE REASONS

REJECTS the Registry's request for clarification.

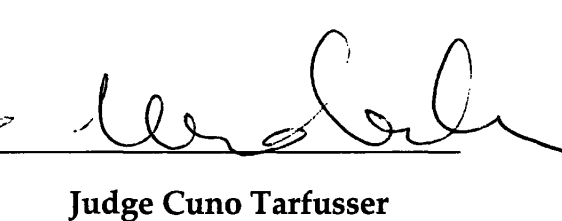
Done in English and French, the English version being authoritative.



Judge Sanji Mmasenono Monageng
Presiding Judge



Judge Sylvia Steiner



Judge Cuno Tarfusser

Dated this Friday 18 November 2011

At The Hague, The Netherlands