

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 January 2012

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.*
SAIF AL-ISLAM GADDAFI *and* ABDULLAH AL-SENUSSI**

URGENT

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

**Transmission of the request of Libya for extension of time limit to submit
observations regarding the arrest of Saif Al-Islam Gaddafi**

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, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

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**

Mr Xavier-Jean Keïta, Principal Counsel
Ms Melinda Taylor, Counsel

States' Representatives

Competent authorities of Libya

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

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 'Prosecutor's Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI'" dated 27 June 2011;¹

NOTING the Warrant of Arrest for Saif Al-Islam Gaddafi dated 27 June 2011;²

NOTING a letter allegedly received from the National Transitional Council, confirming the arrest of Saif Al-Islam Gaddafi on 19 November 2011;³

NOTING the "Prosecution's Submissions on the Prosecutor's recent trip to Libya" dated 25 November 2011;⁴

NOTING the "OPCD Request for Authorisation to Present Observations in Proceedings Concerning Mr. Saif Gaddafi" dated 28 November 2011;⁵

NOTING the "Prosecution Response to the OPCD Request for Authorisation to Present Observations in Proceedings Concerning Mr. Saif Gaddafi" dated 1 December 2011;⁶

¹ ICC-01/11-01/11-1.

² ICC-01/11-01/11-3.

³ Registry, "Implementation of the 'Decision to ADD Document to Case Record' (ICC-01/11-01/11-29-Conf-Exp)".

⁴ ICC-01/11-01/11-31.

⁵ ICC-01/11-01/11-33.

⁶ ICC-01/11-01/11-36.

NOTING the "Observations of the Registrar pursuant to communication received on the 27 November 2011" dated 30 November 2011;⁷

NOTING the "Decision Requesting Libya to file Observations Regarding the Arrest of Saif Al-Islam Gaddafi" dated 6 December 2011 ("the Decision");⁸

NOTING article 87(5)(a) of the Rome Statute, rule 176 of the Rules of Procedure and Evidence and regulation 23 *bis* of the Regulations of the Court;

CONSIDERING that Pre-Trial Chamber I ("the Chamber") ordered the Libyan authorities to file submissions "on the following issues: (i) whether Saif Al-Islam Gaddafi was arrested on account of the Court's warrant of arrest; (ii) whether the information received by the Chamber as to Saif Al-Islam Gaddafi being held incommunicado is true; (iii) when and where could the Registrar, or one of her representatives, meet Saif Al-Islam Gaddafi to seek his views on being assigned counsel from the Court for purposes of proceedings before this Court, (iv) how, when and where could an expert be mandated by the Court to examine Saif Al-Islam Gaddafi in order to assess his physical and mental state and (v) whether and when the Libyan authorities intend to surrender Saif Al-Islam Gaddafi to the Court";

INFORMS the Chamber as follows:

1. On 9 December 2011 the request for assistance and the Arabic translation of the Decision were transmitted to the Libyan authorities.
2. On 9 January the Registry received a letter communicated by the Libyan authorities expressing their request for an extension of the time limit to submit

⁷ ICC-01/11-01/11-35-Conf-Exp.

⁸ ICC-01/11-01/11-39-Conf-Exp.

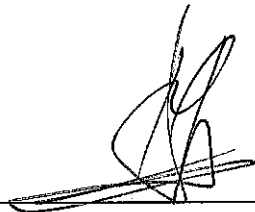
their observations regarding the arrest of Saif Al-Islam Gaddafi. In the letter, it is indicated that due to the security situation in Libya, the Libyan authorities are not able to meet the deadline and respectfully request the Chambers to grant an extension for an additional period of three weeks to start from 10 January 2012.

Classification of the filing

3. The Registry files the present report as "confidential, *ex parte*" to accord with the confidentiality classification of Decision ICC-01/11-01/11-39-Conf-Exp of the Chamber.

TRANSMITS in annexes:

1. The note verbale communicated to National Coordinator for the International Criminal Court and the signed memorandum of notification (Annex 1);
2. The letter received by the Registrar from the Libyan authorities dated 7 January 2012 (Annex 2).



For the Registrar
Didier Preira, Deputy Registrar

Dated this 9 January 2012

At The Hague, The Netherlands