

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 March 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernandez de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

**SITUATION IN LIBYA
IN THE CASE OF
THE PROSECUTOR *v.*
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI**

Confidential

**Notification and Request by the Government of Libya in response to "Decision on
Libya's Submissions Regarding the Arrest of Saif Al-Islam Gaddafi"**

Source: The Government of Libya, represented by:
Professor Philippe Sands QC
Professor Payam Akhavan
Ms Michelle Butler

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Luis Moreno-Ocampo, Prosecutor
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**

States' Representatives

Professor Philippe Sands QC
Professor Payam Akhavan
Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia, Registrar

Counsel Support Section

Deputy Registrar

Mr. Didier Daniel Preira, Deputy
Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Libya takes note of the 7 March 2012 Decision of Pre-Trial Chamber I denying its submissions under Article 94(1) of the Rome Statute requesting the postponement of the Surrender Request with respect to the case of Saif Al-Islam Gaddafi, which has been received on 15 March 2012. Pending receipt of the Arabic translation of this Decision, Libya respectfully reserves its right of appeal under the ICC Statute and Rules of Procedure and Evidence.
2. Libya also hereby notifies Pre-Trial Chamber I of its intention to challenge the admissibility of the case concerning Saif Al-Islam Gaddafi pursuant to Articles 19(2)(b), (5), and (6) of the ICC Statute. The challenge will be made on the grounds that Libya is investigating Saif Al-Islam Gaddafi before its national judicial system with respect to allegations of crimes against humanity (including but not limited to murders and acts of persecution committed across Libya from 15 February 2011 until at least 28 February 2011), falling within the scope of Article 7 of the Statute.
3. In view of prevailing circumstances following the conflict that has occurred within its territory, and in order to be able to brief counsel and prepare all necessary materials for its Application under article 19(2)(b), Libya respectfully notifies Pre-Trial Chamber I of its intention to file its admissibility challenge within 42 days of this notification (ie. by 30 April 2012). This period of time will allow for a proper submission that sets forth Libya's arguments in full in relation to the admissibility challenge.
4. Pending the decision on this challenge, Libya respectfully requests the Pre-Trial Chamber to suspend the Surrender Request in relation to Saif Al-Islam Gaddafi, in accordance with, inter alia, Article 95 of the ICC Statute and Rule 58 of the ICC Rules of Procedure and Evidence.

Philippe Sands
Payam Akhavan
M. Butler

Professor Philippe Sands QC
Professor Payam Akhavan
Michelle Butler

Counsel on behalf of the Government of Libya

Dated this 22nd day of March 2012

At London, United Kingdom