

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 26 March 2012

**PRE-TRIAL CHAMBER I**

**Before:** Judge Silvia Fernández 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**

**URGENT**

**Confidential**

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

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

**The Office of the Prosecutor**

Luis Moreno-Ocampo

Fatou Bensouda

**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**

Xavier-Jean Keïta

Melinda Taylor

**States Representatives**

Philippe Sands

Payam Akhavan

Michelle Butler

**Amicus Curiae**

## **REGISTRY**

---

**Registrar**

Silvana Arbia

**Deputy Registrar**

Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and  
Reparations Section**

**Others**

**Pre-Trial Chamber I** (“Pre-Trial Chamber” or “Chamber”) of the International Criminal Court (“Court”) issues the following order on the “Notification and Request by the Government of Libya in response to ‘Decision on Libya’s Submissions Regarding the Arrest of Saif Al-Islam Gaddafi’” filed on 22 March 2012.<sup>1</sup>

1. On 27 June 2011, the Chamber issued a warrant of arrest against, among others, Saif Al-Islam Gaddafi (“Mr Gaddafi”).<sup>2</sup> On 5 July 2011, the Registrar notified the Libyan authorities of a request for cooperation asking for their assistance in arresting Mr Gaddafi and surrendering him to the Court.<sup>3</sup>
2. On 23 January 2012, the Libyan authorities sought postponement of the surrender of Mr Gaddafi to the Court pending the completion of national proceedings in relation to other crimes against Mr Gaddafi.<sup>4</sup>
3. On 7 March 2012, the Chamber issued the “Decision on Libya’s Submissions Regarding the Arrest of Saif Al-Islam Gaddafi” dismissing the request for postponement of the Libyan authorities and requesting that they make their decision to surrender Mr Gaddafi to the Court and inform the Chamber accordingly within seven days of notification of the Arabic translation of the decision.<sup>5</sup>

---

<sup>1</sup> Notification and Request by the Government of Libya in response to “Decision on Libya’s Submissions Regarding the Arrest of Saif Al-Islam Gaddafi”, 22 March 2012, ICC-01/11-01/11-82-Conf.

<sup>2</sup> Warrant of Arrest for Saif Al-Islam Gaddafi, 27 June 2011, ICC-01/11-01/11-3.

<sup>3</sup> Request to the Libyan Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI, 4 July 2011, ICC-01/11-01/11-5; Report of the Registrar on the transmission of the requests for arrest and surrender of Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, 17 November 2011, ICC-01/11-01/11-25-Conf.

<sup>4</sup> Report of the Registrar on Libya's observations regarding the arrest of Saif Al-Islam Gaddafi, 23 January 2012, ICC-01/11-01/11-44, with confidential annex 1.

<sup>5</sup> Decision on Libya’s Submissions Regarding the Arrest of Saif Al-Islam Gaddafi, 7 March 2012, ICC-01/11-01/11-72-Conf.

4. On 22 March 2012, the Government of Libya notified the Chamber of its intention to challenge the admissibility of the case concerning Mr Gaddafi pursuant to Articles 19(2)(b), (5), and (6) of the Rome Statute ("Statute") by 30 April 2012 and requested that, pending a decision on this challenge, the Pre-Trial Chamber suspend its surrender request in relation to Mr Gaddafi in accordance with, *inter alia*, Article 95 of the Statute and Rule 58 of the Rules of Procedure and Evidence ("Request of the Government of Libya").<sup>6</sup>
5. The Chamber notes Regulations 24 and 34 of the Regulations of the Court.
6. In order to ensure the expeditious conduct of proceedings, the Chamber considers it appropriate to shorten the deadline for the submission of responses, if any, to the Request of the Government of Libya.

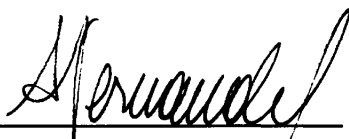
---

<sup>6</sup> ICC-01/11-01/11-82-Conf.

**FOR THESE REASONS, THE CHAMBER HEREBY**

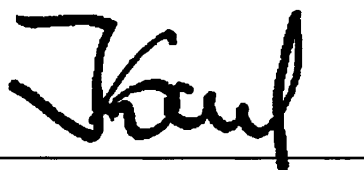
**ORDERS** the Prosecutor and the OPCD to file their responses, if any, to the Request of the Government of Libya by 30 March 2012.

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

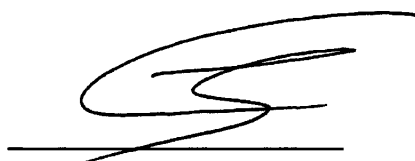


**Judge Silvia Fernández de Gurmendi**

**Presiding Judge**



**Judge Hans-Peter Kaul**



**Judge Christine Van den Wyngaert**

Dated this Monday, 26 March 2012

At The Hague, The Netherlands