

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11
Date: 30 November 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner, Judge
Judge Cuno Tarfusser, Judge

SITUATION IN LIBYA

IN THE CASE OF
*THE PROSECUTOR v. SAIF AL- ISLAM GADDAFI AND ABDULLAH AL-
SENUSSI*

PUBLIC

Public Redacted Version of ICC-01/11-01/11-35-Conf-Exp
"Observations of the Registrar pursuant to communication received on the 27
November 2011"

Source: The Registry

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

The Office of the 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

Amicus Curiae

REGISTRY

Registrar
Ms. Silvana Arbia

Counsel Support Section
Mr. Esteban Peralta Losilla

Deputy Registrar
Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR OF THE INTERNATIONAL CRIMINAL COURT ("the Registrar") in accordance with Regulations 24 bis of the Regulations of the Court; hereby notifies Pre- Trial Chamber I as follows:

1. On 27 November 2011, at 12:43, the Chief of the Counsel Support Section ("CSS") received a call from a person who identified himself as Mohammed Gaddafi, a brother of Saif Al-Islam Gaddafi. The call was coming in from a hidden number. This call followed informal contacts of [REDACTED], counsel for Mr. Saadi Gaddafi, with several members of the Registry, who directed him to contact the Chief of CSS.

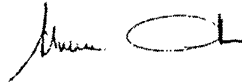
2. During the call, the person identifying himself as Mr. Gaddafi informed the Chief of CSS that, Mr. Saif Al-Islam Gaddafi being *incommunicado*, the family allegedly wanted to trust his legal representation to [REDACTED]. The Chief of CSS informed the caller that the appointment should be made by the person to be represented, and that Mr. Saif Al-Islam Gaddafi should confirm this appointment himself; the caller indicated that he would try to pass the message to him.

3. In view of the exceptional circumstances concurring in this case, with the defendant kept *incommunicado* by the Libyan authorities and while documents filed in this case might make it appropriate that a response is filed on behalf of the defendant, it is proposed to provisionally accept this irregular mandate in order to allow [REDACTED] to intervene in the proceedings pending verification of the accuracy of this mandate by the Registrar with Mr. Saif Al-Islam Gaddafi directly, which should happen at the earliest opportunity.

4. On the other hand, should this mandate appear as falsely communicated to the Registry, the Registrar foresees the following three consequences: (1) immediate nullification of any acts performed under the false mandate; (2) assessment of the opportunity of opening a case under Article 70 against one or more persons involved

in the falsification and (3) assessment of the opportunity of transmitting all relevant information to the Commissioner under Article 34 of the Code of Conduct.

The Registrar remains at the disposal of The Honourable Judges of Pre-Trial Chamber I should further amplifications or information be required.



Silvana Arbia

Registrar

Dated this 30 November 2011

At The Hague, Netherlands