



Original: English

No.: ICC-01/11-01/11
Date: 17 September 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**

Public

with 1 confidential annex ex parte- Office of the Prosecutor only

**Second report of the Registry on the status of the execution of the request for
arrest and surrender of Abdullah Al-Senussi**

Source: The Registry

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

The Office of the Prosecutor
Ms. Fatou Bensouda

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

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 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;

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 of 27 June 2011;²

NOTING the “Warrant of Arrest for Abdullah Al-Senussi” dated of 27 June 2011;³

NOTING the “Request to the Libyan Arab Jamahiriya for the arrest and surrender of Muammar Mohammed Abu Minya GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI”⁴ transmitted on 4 July 2011;

NOTING the “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”⁵ dated 17 November 2011;

NOTING the “Report of the Registry regarding the arrest of Abdullah Al-Senussi”⁶ dated 22 March 2012;

¹ S/RES/1970 (2011)

² ICC-01/11-01/11-1

³ ICC-01/11-01/11-4

⁴ ICC-01/11-01/11-5

⁵ ICC-01/11-01/11-25-conf

⁶ ICC-01/11-01/11-80-conf-exp

NOTING articles 58, 59, 87, 89, 91 and 97 of the Rome Statute, rules 117, 176, 184 and 187 of the Rules of Procedure and Evidence and regulations 23 *bis* and 31 of the Regulations of the Court;

CONSIDERING Libya's obligation to cooperate with the Court in accordance with UN Resolution 1970 (2011);⁷

CONSIDERING the recent developments regarding the arrival of Abdullah Al-Senussi in Libya on 5 September 2012;⁸

CONSIDERING that the Warrant of Arrest against Abdallah Al-Senussi remains outstanding;

INFORMS the Chamber as follows:

1. The Registry transmitted a note verbale to the Libyan authorities on the request for the arrest and surrender of Abdullah Al-Senussi via an e-mail to the Embassy of Libya in the Kingdom of the Netherlands on 6 September 2012, the hard copy of which was hand delivered to the Embassy on 10 September 2012.
2. In the note verbale, the Registry requested that the Libyan authorities confirmed the extradition of Mr. Abdullah Al-Senussi and requested the following additional information: (1) the name of the detention centre in which Mr Al-Senussi is detained; (2) his state of health.
3. The abovementioned note verbale is filed confidential as it contains official communications between the Registry and the Libyan authorities.

⁷ S/RES/1970 (2011)


⁸ BBC News, Mauritania deports Libya spy chief Abdullah Al-Senussi (<http://www.bbc.co.uk/news/world-africa-19487228>); The Guardian, Gaddafi's spy chief Abdullah Al-Senussi extradited (<http://www.guardian.co.uk/world/middle-east-live/2012/sep/05/syria-rebels-down-jets-live>)

4. The Registry has not received official information from the Libyan authorities regarding the arrival of Abdullah Al-Senussi on Libyan territory nor received a reply to its request for arrest and surrender as of yet.

TRANSMITS in annex:

- The note verbale sent to the Embassy of Libya and the signed memorandum of Notification.

RESPECTFULLY SUBMITTED.



For the Registrar,
Didier Preira, Deputy Registrar

Dated this 17 September 2012

At The Hague, The Netherlands