

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 August 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

SITUATION IN LIBYA

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

Public

**Decision following the declaration of inadmissibility of the case against
Abdullah Al-Senussi before the Court**

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for Saif Al-Islam Gaddafi

John R.W.D. Jones

Counsel for Abdullah Al-Senussi

Benedict Emmerson

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Ahmed El-Gehani

James Crawford

Wayne Jordash

Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge Silvia Fernández de Gurmendi, Single Judge responsible for carrying out the functions of Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”) in relation to the present case,¹ issues this decision following the declaration of inadmissibility of the case against Abdullah Al-Senussi (“Mr Al-Senussi”) before the Court.

1. On 26 February 2011, the United Nations Security Council adopted Resolution 1970 (2011), referring the situation in Libya since 15 February 2011 to the Prosecutor of the Court.²

2. Following the referral of the situation and upon request by the Prosecutor,³ the Chamber, on 27 June 2011, issued a warrant of arrest against Mr Al-Senussi for his alleged criminal responsibility for the crimes against humanity of murder and persecution committed in Benghazi, Libya, from 15 February 2011 until at least 20 February 2011, in violation of articles 7(1)(a) and (h) of the Rome Statute (the “Statute”).⁴

3. On 4 July 2011, the Registrar, pursuant to an order of the Chamber,⁵ transmitted to Libya,⁶ the States neighbouring Libya,⁷ the State Parties to the Rome Statute⁸ and the United Nations Security Council members that are not State Parties to the Rome Statute,⁹ a request for cooperation seeking Mr Al-Senussi’s arrest and surrender to the Court. Throughout the

¹ Pre-Trial Chamber I, “Decision designating a single judge”, 13 February 2014, ICC-01/11-01/11-511.

² S/RES/1970 (2011).

³ ICC-01/11-4-Red.

⁴ Pre-Trial Chamber I, “Warrant of Arrest for Abdullah Al-Senussi”, ICC-01/11-01/11-4.

⁵ Pre-Trial Chamber I, “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”, 27 June 2011, ICC-01/11-01/11-1, pp. 41-42.

⁶ ICC-01/11-01/11-5.

⁷ ICC-01/11-01/11-6.

⁸ ICC-01/11-01/11-7.

⁹ ICC-01/11-01/11-8.

proceedings, other requests for cooperation in relation to the case against Mr Al-Senussi were transmitted to States.

4. On 11 October 2013, following a challenge filed by Libya to the admissibility of the case against Mr Al-Senussi before the Court,¹⁰ the Chamber issued the “Decision on the admissibility of the case against Abdullah Al-Senussi”, whereby the case was declared inadmissible before the Court under article 17(1)(a) of the Statute (the “Admissibility Decision”).¹¹

5. On 24 July 2014, the Appeals Chamber dismissed the appeal brought by Mr Al-Senussi and confirmed the Admissibility Decision,¹² which has, therefore, become final.

6. As a result of this, and without prejudice to the Prosecutor’s right to submit a request for review of the Admissibility Decision under the conditions of article 19(10) of the Statute, the proceedings against Mr Al-Senussi before this Court are concluded, the warrant of arrest against him is no longer in effect, and the outstanding requests for cooperation in relation to the case transmitted by the Registrar to a number of States must be withdrawn.

¹⁰ ICC-01/11-01/11-307-Conf-Exp. A confidential redacted version (ICC-01/11-01/11-307-Conf-Red) and a public redacted version (ICC-01/11-01/11-307-Red2) are also available.

¹¹ Pre-Trial Chamber I, “Decision on admissibility of the case against Abdullah Al-Senussi”, 11 October 2013, ICC-01/11-01/11-466-Conf. A public redacted version is also available (ICC-01/11-01/11-466-Red).

¹² Appeals Chamber, “Judgment on the appeal of Mr Abdullah Al-Senussi against the decision of Pre-Trial Chamber I of 11 October 2013 entitled ‘Decision on admissibility of the case against Abdullah Al-Senussi’”, 24 July 2014, ICC-01/11-01/11-565.

FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the Registrar to withdraw all outstanding requests for cooperation in relation to the case against Mr Al-Senussi;

ORDERS the Registrar to inform all States that were notified of the warrant of arrest against Mr Al-Senussi, as well as the United Nations Security Council, that the warrant of arrest is no longer in effect;

DECIDES that the present case shall henceforth be referred to as "*The Prosecutor v. Saif Al-Islam Gaddafi*" to reflect that the proceedings against Abdullah Al-Senussi before the Court have come to an end.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this 7 August 2014

At The Hague, The Netherlands