

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/11-01/13**

Date: **24 April 2017**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Joyce Aluoch, Presiding Judge  
Judge Cuno Tarfusser  
Judge Péter Kovács

**SITUATION IN LIBYA  
IN THE CASE OF  
*THE PROSECUTOR v. AL-TUHAMY MOHAMED KHALED***

**PUBLIC**

**Decision on Reclassification of the Warrant of Arrest**

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

**The Office of the Prosecutor**

Fatou Bensouda  
James Stewart  
Julian Nicholls

**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**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**      **Other**

**Pre-Trial Chamber I** (the “Chamber”) of the International Criminal Court (the “Court”) issues the following decision reclassifying the warrant of arrest for Al-Tuhamy Mohamed Khaled (“Mr Al Tuhamy”).

1. On 18 April 2013, the Chamber issued the “Warrant of Arrest for Al-Tuhamy Mohamed Khaled” (“Warrant of Arrest”), classified as under seal *ex parte*, for his alleged criminal responsibility under articles 25(3)(a) and (d), and 28(b) of the Rome Statute (the “Statute”) for the commission of the crimes against humanity of imprisonment, torture, persecution, and other inhumane acts in Libya from 15 February 2011 until 24 August 2011, in violation of articles 7(1)(e), (f), (h), and (k) of the Statute and the war crimes of torture, cruel treatment and outrages upon personal dignity from at least early March 2011 to 24 August 2011 in violation of articles 8(2)(c)(i) and 8(2)(c)(ii) of the Statute.<sup>1</sup>

2. On 24 April 2017, the Chamber was notified of the Prosecutor’s request to reclassify the Warrant of Arrest as public since the basis for its classification no longer exists (the “Application”).<sup>2</sup> In particular, the Prosecutor avers that “reclassifying the warrant of arrest as public may facilitate [Mr Al Tuhamy’s] arrest and surrender as all states will then be aware of its existence” and “could foster support and cooperation for an arrest operation from the international community”.<sup>3</sup>

3. The Chamber notes regulation 23*bis* (3) of the Regulations of the Court (the “Regulations”).

4. The Chamber agrees that the Warrant of Arrest, including its annex, may be reclassified as public for the reasons and information provided by the Prosecutor in her Application. At the same time, since the reclassification of

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<sup>1</sup> Pre-Trial Chamber I, ICC-01/11-01/13-1-US-Exp, with under seal and *ex parte* Annex.

<sup>2</sup> ICC-01/11-01/13-17-US-Exp.

<sup>3</sup> ICC-01/11-01/13-17-US-Exp, para. 14.

the Warrant of Arrest rests on information provided in the Application and its classification as “under seal” is no longer warranted, the Chamber deems it necessary to order, pursuant to regulation 23bis (3), second sentence, of the Regulations, the reclassification of the Application as confidential *ex parte*.

**FOR THESE REASONS, THE CHAMBER**

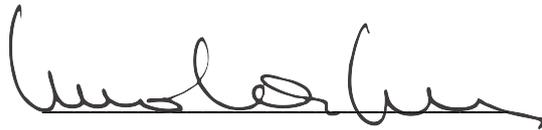
**ORDERS** the Registrar to reclassify as public the Warrant of Arrest (ICC-01/11-01/13-1-US-Exp), including its annex;

**ORDERS** the Registrar to reclassify as confidential *ex parte* the Prosecutor’s Application (ICC-01/11-01/13-17-US-Exp).

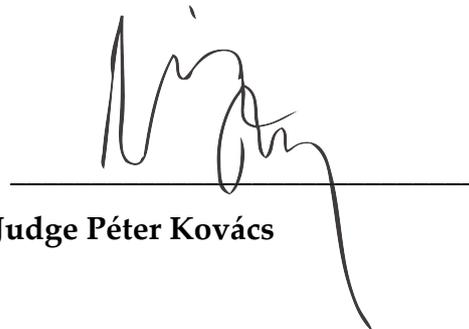
Done in both English and French, the English version being authoritative.



**Judge Joyce Aluoch**  
**Presiding Judge**



**Judge Cuno Tarfusser**



**Judge Péter Kovács**

Dated this Monday, 24 April 2017

At The Hague, The Netherlands