



Original: English

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

Date: 4 July 2011

PRE-TRIAL CHAMBER I

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

SITUATION IN THE LIBYAN ARAB JAMAHIRIYA

IN THE CASE OF

***THE PROSECUTOR v. MUAMMAR MOHAMMED ABU MINYAR GADDAFI,
SAIF AL-ISLAM GADDAFI and ABDULLAH AL-SENUSSI***

Public Document

**Request to States neighboring the Libyan Arab Jamahiriya
for the arrest and surrender of
Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and
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

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy 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

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Counsel Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (“the Court”)

NOTING the referral by the United Nations Security Council of the situation in the Libyan Arab Jamahiriya (“Libya”) since 15 February 2011 to the Prosecutor of the Court by its resolution S/RES/1970 of 26 February 2011 (“the Resolution”);

NOTING the “Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI” dated 16 May 2011;¹

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’” issued by Pre-Trial Chamber I on 27 June 2011;²

NOTING the three warrants of arrest for Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI issued by Pre-Trial Chamber I on 27 June 2011;³

NOTING articles 57 to 60, 87, 89, 91 and 97 of the Rome Statute (“the Statute”), rules 117, 176, 184, 187 and 196 of the Rules of Procedure and Evidence (“the Rules”) and regulations 31 and 111 of the Regulations of the Court (“the Regulations”);

CONSIDERING that the United Nations Security Council decided that “while recognizing that States not party to the Rome Statute have no obligation under the

¹ ICC-01/11-4-Red.

² ICC-01/11-12.

³ ICC-01/11-01/11-2; ICC-01/11-01/11-3; ICC-01/11-01/11-4.

Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor [...]"⁴

CONSIDERING that the Chamber ordered the Registry to prepare a request for cooperation seeking the arrest and surrender of Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI containing the information and documents required by articles 89(1) and 91 of the Statute and by rule 187 of the Rules, and to transmit such request to all of Libya's neighboring States;

CONSIDERING that the Chamber also requested the Registry to notify all States Parties to the Statute and the United Nations Security Council members that are not States Parties to the Statute;

CONSIDERING that the Statute will enter into force on 1 September 2011 for the Republic of Tunisia;

DECLARES that the States concerned by the present request are the People's Democratic Republic of Algeria, the Republic of the Sudan, the Arab Republic of Egypt and the Republic of Tunisia (the "neighboring States");

INVITES Libya's neighboring States to arrest and surrender the following persons to the Court:

Last name: Gaddafi First names(s): Muammar Mohammed Abu Minyar

⁴ S/RES/1970 (2011), para. 5.

Last name also spelled: Qaddafi, Qadhafi or Kadafi
 Date of birth: 1942
 Place of birth: near Sirte, Libya
 Nationality: Libyan
 Occupation: Commander of the Armed Forces of the Libyan Arab Jamahiriya, holding the title of Leader of the Revolution, and, as such, acting as Libyan Head of State
 Probable location: Libya
 Description: picture attached

Last name: Gaddafi
 First names(s): Saif Al-Islam
 Last name also spelled: Qaddafi, Qadhafi or Kadafi
 Date of birth: 25 June 1972
 Place of birth: Tripoli, Libya
 Nationality: Libyan
 Occupation: Honorary chairman of the Gaddafi International Charity and Development Foundation, acting as *de facto* Prime Minister
 Probable location: Libya
 Description: picture attached

Last name: Al-Senussi
 First names(s): Abdullah
 First and last name also spelled: N/A
 Date of birth: 1949
 Place of birth: Sudan
 Nationality: Libyan
 Occupation: Colonel in the Libyan Armed Forces and currently head of the Military Intelligence, previously known as the Jamahiriya Security Organisation
 Probable location: Libya
 Description: picture attached

INVITES Libya's neighboring States to comply with the procedures provided for in articles 59, 89(2) and 89(4) of the Statute and rule 117 of the Rules;

INVITES Libya's neighboring States to notify the Court of any application made under articles 59(3) and 89(2) of the Statute;

INVITES Libya's neighboring States to inform the Court, pursuant to article 97 of the Statute, of any problem which may impede or prevent the execution of this request;

INVITES Libya's neighboring States to inform the Registry when the persons sought by the Court are available for surrender pursuant to rule 184 of the Rules;

ATTACHES to this request, in accordance with articles 87(2) and 91(2) of the Statute and rule 187(1) of the Rules, the following documents:

- copies of the original versions of the arrest warrants;
- copies of the arrest warrants in the official language of the requested State and in a language that the persons subject to the arrest warrants fully understand and speak;
- a copy of the relevant provisions of the Statute in a language that the persons subject to the arrest warrants fully understand and speak.



Silvana Arbia, Registrar

Dated this 4 July 2011

At The Hague, The Netherlands