



Original: **English**

No.: **ICC-01/11-01/17**  
Date: **3 November 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. MAHMOUD MUSTAFA BUSAYF AL-WERFALLI***

**Public**  
**With three Confidential Annexes**

**Report on the Transmission of the Request for the Arrest and Surrender of  
Mahmoud Mustafa Busayf Al-Werfalli**

**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, Prosecutor

Mr James Stewart, 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**

Libya

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## **I. Introduction**

1. The Registry hereby submits to Pre-Trial Chamber I (“Chamber”) a report on the transmission of the request for the arrest and surrender of Mahmoud Mustafa Busayf Al-Werfalli (“Mr Al-Werfalli”) to the competent authorities of Libya.<sup>1</sup> The submissions are made on the basis of rules 13 and 176(2) of the Rules of Procedure and Evidence.

## **II. Procedural history**

2. On 15 August 2017, the Chamber issued a warrant of arrest for Mr Al-Werfalli and decided that the Registrar shall “prepare a request for cooperation seeking the arrest and surrender of Mr Al-Werfalli” and “transmit, in consultation and coordination with the Prosecutor, the request to the competent authorities of Libya or any other relevant State.”<sup>2</sup>

## **III. Classification**

3. In accordance with regulation 23 *bis*(1) of the Regulations of the Court, the annexes to the present submission are classified as confidential since they refer to names of staff members of the Registry as well as those of Libyan authorities.

## **IV. Submissions**

4. On 19 August 2017, after having received information that Mr Al-Werfalli might be travelling from Libya to another State not party to the Rome Statute, the Registry sent an urgent note verbale to the Representative of Libya at the International Criminal Court (“Representative of Libya”) whereby it communicated to the competent authorities of Libya a copy of the warrant of

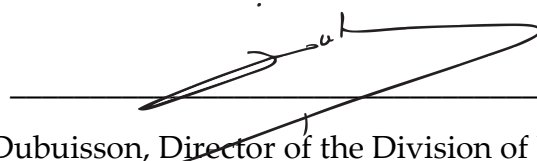
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<sup>1</sup> Pre-Trial Chamber I, “Warrant of Arrest”, 15 August 2017, ICC-01/11-01/17-2.

<sup>2</sup> *Ibid.*, p. 16.

arrest for Mr Al-Werfalli in its original language. The note verbale dated 19 August 2017 is submitted as Annex I to the present filing.

5. On 21 August 2017, the Registry transmitted a request for the arrest and surrender of Mr Al-Werfalli to the competent authorities of Libya.<sup>3</sup> The note verbale dated 21 August 2017 transmitting the request is submitted as Annex II to this filing.
6. Following the transmission of the request for arrest and surrender, the Registry has continued to liaise with the Representative of Libya. The correspondence received from the Representative of Libya in both its original language and English translation is submitted as Annex III to this filing.



A handwritten signature in dark ink, consisting of a series of loops and strokes, positioned above a horizontal line.

Marc Dubuisson, Director of the Division of Judicial Services

On behalf of

Herman von Hebel, Registrar

Dated this 3 November 2017

At The Hague, the Netherlands

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<sup>3</sup> Registry, "Request to Libya for cooperation in the arrest and surrender of MAHMOUD MUSTAFA BUSAYF AL-WERFALLI", 21 August 2017, ICC-01/11-01/17-3.