

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/11-01/11
Date: 24 January 2012

PRE-TRIAL CHAMBER I

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

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

Public

**Order Requesting Observations Regarding the “Report of the Registrar on Libya's
observations regarding the arrest of Saif Al-Islam Gaddafi”**

Decision 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 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**

Mr Xavier-Jean Keïta, Principal Counsel

Ms Melinda Taylor, Counsel

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Pre-Trial Chamber I of the International Criminal Court (“Chamber” and “Court” respectively) hereby renders the following decision:

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;²

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 the Chamber on 27 June 2011,³ and the warrants of arrest relevant to that decision;⁴

NOTING the “Public Redacted Version of Decision Requesting Libya to file Observations Regarding the Arrest of Saif Al-Islam Gaddafi”, issued by the Chamber on 6 December 2011,⁵ wherein the Chamber: (1) authorised the Office of Public Counsel for the Defence (“OPCD”) to represent the interests of the Defence in all instances related to the proceedings against Saif Al-Islam Gaddafi in the present case until otherwise decided⁶ and (2) sought submissions from Libya on the following issues: (i) whether Saif Al-Islam Gaddafi was arrested on account of the Court’s warrant of arrest; (ii) whether the information received by the Chamber as to Saif Al-Islam Gaddafi being held incommunicado is true; (iii) when and where could the Registrar, or one of her representatives, meet Saif Al-Islam Gaddafi in order to seek his views on being assigned counsel from the Court for purposes of proceedings before this Court, (iv) how, when and where could an expert be mandated by the Court to examine Saif Al-Islam Gaddafi in order to assess his physical and mental state and (v) whether and when the Libyan authorities intend to surrender Saif Al-Islam Gaddafi to the Court;⁷

¹ S/RES/1970 (2011).

² *Ibid.*, para. 4.

³ ICC-01/11-01/11-1.

⁴ ICC-01/11-01/11-2, ICC-01/11-01/11-3 and ICC-01/11-01/11-4.

⁵ ICC-01/11-01/11-39-Red.

⁶ *Ibid.*, p. 6.

⁷ *Ibid.*, para. 11.

NOTING the confidential annex to the “Report of the Registrar on Libya's observations regarding the arrest of Saif Al-Islam Gaddafi”, filed on 23 January 2012, (“Libya Submissions”);⁸

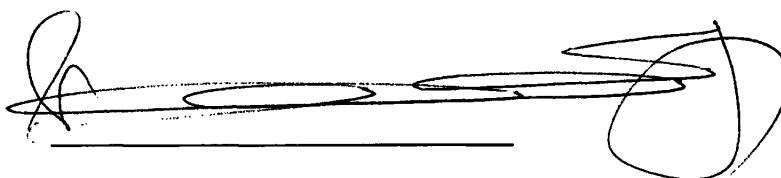
NOTING regulations 24(1) and 34 of the Regulations of the Court (“Regulations”);

CONSIDERING that, due to the importance of reaching an expeditious decision regarding the matters addressed by Libya, it is appropriate to give the Prosecution and the OPCD an expedited time frame to file any responses to the Libya Submissions;

FOR THESE REASONS

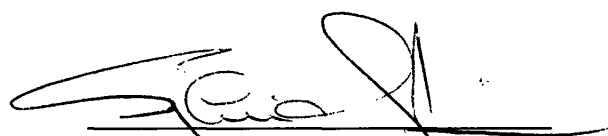
ORDERS that the Prosecution and OPCD observations regarding the Libya Submissions, if any, must be filed by 16:00 on Thursday, 2 February 2012.

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

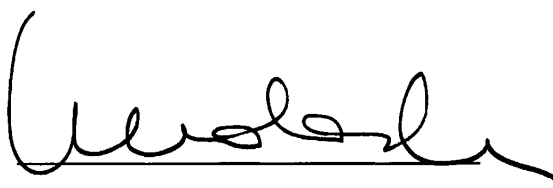


Judge Sanji Mmasenono Monageng

Presiding Judge



Judge Sylvia Steiner



Judge Cuno Tarfusser

Dated this Tuesday 24 January 2012

At The Hague, The Netherlands

⁸ ICC-01/11-01/11-44-Conf-Anx1.