



Original: **English**

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

Date: **3 October 2012**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN LIBYA

IN THE CASE OF

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

Public

With Public Annexes 1.1 – 7.4 and Annex A and Confidential Annexes 8.1-8.3

Defence Submission of Additional Evidence Pursuant to the “Order convening a hearing on Libya’s challenge to the admissibility of the case against Saif Al-Islam Gaddafi” (ICC-01/11-01/11-207)

Source: Defence

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms. Fatou Bensouda

Counsel for the Defence

Mr. Xavier-Jean Keïta, Principal Counsel

Ms. Melinda Taylor, Counsel

Legal Representatives of the Victims

Ms. Paolina Massida

Ms. Sarah Pellet

Mr. Mohamed Abdou

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

Mr. Phillipe Sands

Mr. Payam Akhavan

Ms. Michelle Butler

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia, Registrar

Deputy Registrar

Mr. Didier Daniel Preira, Deputy Registrar

Victims and Witnesses Unit

Counsel Support Section

Detention Section

**Victims Participation and
Reparations Section**

Other

Pursuant to the Honourable Pre-Trial Chamber's Order of 14 September 2012,¹ the Defence for Mr. Saif Al Islam Gaddafi hereby files its evidence for use at the admissibility hearing scheduled for 9 and 10 October 2012.

The Defence has also filed three witness statements on a confidential basis. For two of the statements, the witnesses indicated that they were concerned that there may be retaliation or consequences if the contents were to be made public. The Defence will liaise with them prior to the hearing to determine whether any components of the statements can be referred to during the public sessions. With respect to the third statement, which was prepared by an independent entity, the Defence has filed the statement on a confidential basis in case there are any operational security concerns should the statement be made public. The independent entity has indicated that they intend to consider the matter further, and will revert back to the Defence if it is possible to reclassify the statement as public in whole or in part.



Xavier-Jean Keïta, Counsel for Mr. Saif Al Islam Gaddafi

Dated this, 3rd Day of October 2012

At The Hague, The Netherlands

¹ Order convening a hearing on Libya's challenge to the admissibility of the case against Saif Al-Islam Gaddafi, ICC-01/11-01/11-207.