

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 June 2013

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernandez 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 4 confidential *ex parte* annexes

**Registry's report on the status of the execution of the "Decision on the 'Urgent
Defence Request'"**

Source: The Registry

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

The Office of the Prosecutor
Fatou Bensouda

Counsel for Saif Al-Islam Gaddafi:
John R.W.D. Jones

Counsel for Abdullah Al-Senussi
Benedict Emmerson

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**
Paolina Massida

**The Office of Public Counsel for the
Defence**
Xavier-Jean Keïta
Melinda Taylor

States' Representatives
Ahmed El-Ghani
Philippe Sands
Payam Akhavan
Michelle Butler

Amicus Curiae

REGISTRY

Registrar
Mr. Herman von Hebel
Deputy Registrar
Mr. Didier Preira

Counsel Support Section
Mr. Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court ("the Court")

NOTING the "Urgent Defence Request"¹ submitted by the Defence of Saif Al-Islam on 21 January 2013;

NOTING the "Decision on the 'Urgent Defence Request'"² ("the Decision") issued by Pre-Trial Chamber I ("the Chamber") on 1 March 2013;

NOTING the "Government of Libya's Application for Leave to Appeal the 'Decision on the Urgent Defence Request'"³ dated 11 March 2013;

NOTING the "Government of Libya's Request for Reconsideration of 'Decision on the Urgent Defence Request'"⁴ dated 11 March 2013;

NOTING the "Corrigendum to the Decision on Libya application for leave to appeal and request for reconsideration of the 'Decision on the 'Urgent Defence Request'"⁵ dated 24 April 2013;

NOTING article 87(1)(a) of the Rome Statute, rule 176 of the Rules of Procedures and Evidence and regulations 23*bis* and 24 *bis* of the Regulations of the Court;

CONSIDERING that the Chamber in its Decision instructed the Registrar "to request Libya, through the appropriate channel in accordance with article 87(1)(a) of the Statute, to return to the Defence the originals of the materials seized in Zintan and destroy any copies thereof"⁶;

¹ ICC-01/11-01/11-255

² ICC-01/11-01/11-291

³ ICC-01/11-01/11-297-Red

⁴ ICC-01/11-01/11-298-Red

⁵ ICC-01/11-01/11-316-Corr

⁶ ICC-01/11-01/11-29, p.10

INFORMS the Chamber as follows:

1. On 4 March 2013, the Registry transmitted through the designated channel of communication a request to the Libyan authorities in accordance with the Chamber's Decision. The Arabic version of the note verbale was transmitted on 11 March 2013 (annex 1).
2. On 19 April 2013, the Registry received an official communication dated 5 April 2013 in which the focal point to the Court indicated, *inter alia*, that the Libyan Government had filed an application for leave to appeal the Chamber's Decision and that the Libyan authorities were awaiting Pre-Trial Chamber's Decision on this matter (annex 2).
3. Given that on 24 April 2013, the Chamber rejected the Libyan Government's application for leave to appeal, the Registry transmitted a second note verbale on 27 May 2013 containing a reminder of its request of 4 March 2013. In its note verbale, the Registry also informed the Libyan authorities of its intention to file a report on 5 June 2013 and asked the focal point to provide the reply as soon as possible (annex 3).
4. On 4 June 2013, the Registry received an e-mail from the focal point to the Court in Libya providing updates on the execution of the Decision.
5. The Registry sent an e-mail on 5 June 2013 asking the focal point to the Court to provide an approximate date when the request will be executed (annex 4). No reply has been received from the focal point on this specific question as of yet.
6. It was the Registry's intention to file a report to the Chamber on 5 June 2013. However, as the Registry requested additional information from the focal point on 5 June 2013, it was decided to wait for a reply until the end of the working day and to file the report on 6 June 2013.
7. The Registry will file a second report on the execution of the Decision when it receives further information from Libya.

8. The Registry files the annexes 1, 3 and 4 to the present submission as confidential, *ex parte*, Registry and Defence of Saif Al-Islam Gaddafi only, as they contain official communications between the Registry and a State and concern the Defence of Saif Al-Islam Gaddafi only. The reply from Libya (annex 2) is classified *ex parte* Registry only as it contains specific questions addressed to the Registrar and the State did not indicate whether the correspondence could be communicated to the defence.

TRANSMITS in annexes:

- Annex 1: note verbale of the Registry dated 4 March 2013 and its translation into Arabic;
- Annex 2: letter from the focal point of Libya to the Court dated 5 April 2013;
- Annex 3: note verbale of the Registry dated 27 May 2013;
- Annex 4: exchange of e-mails between the Registry and the focal point to the Court in Libya.



Didier Preira, Deputy Registrar,
for Herman von Hebel, Registrar

Dated this Wednesday, the 6th of June 2013

At The Hague, The Netherlands