

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/11-01/11  
Date: 14 November 2011

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

**Confidential document, *ex parte* Prosecution and Registry only**

**Order Requesting Observations Regarding the "Transmission of Muammar  
Mohammed Abu Minyar Gaddafi's death certificate"**

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**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**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,<sup>1</sup> whereby the UNSC referred the situation in Libya since 15 February 2011 to the Prosecutor of the Court;<sup>2</sup>

**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,<sup>3</sup> and the warrants of arrest relevant to that decision;<sup>4</sup>

**NOTING** the "Transmission of Muammar Mohammed Abu Minyar Gaddafi's death certificate", filed confidentially on 10 November 2011, ("Registry Transmission"),<sup>5</sup> whereby the Registry transmitted Muammar Mohammed Abu Minyar Gaddafi's death certificate to the Chamber and the Prosecutor;<sup>6</sup>

**NOTING** regulations 23 *bis*, 24(1) and 34 of the Regulations of the Court ("Regulations");

**CONSIDERING**, at this juncture, that it is appropriate to give the Prosecutor the opportunity to be heard as to what the consequences should be with respect to the Registry Transmission, particularly whether there is any objection to terminating proceedings with respect to Muammar Mohammed Abu Minyar Gaddafi;

**CONSIDERING** that the Registry has not identified the factual or legal basis, required by regulation 23 *bis* of the Regulations, for the filing of the Registry Transmission as confidential;

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<sup>1</sup> S/RES/1970 (2011).

<sup>2</sup> *Ibid.*, para. 4.

<sup>3</sup> ICC-01/11-01/11-1.

<sup>4</sup> ICC-01/11-01/11-2, ICC-01/11-01/11-3 and ICC-01/11-01/11-4.

<sup>5</sup> ICC-01/11-01/11-22-Conf-Exp.

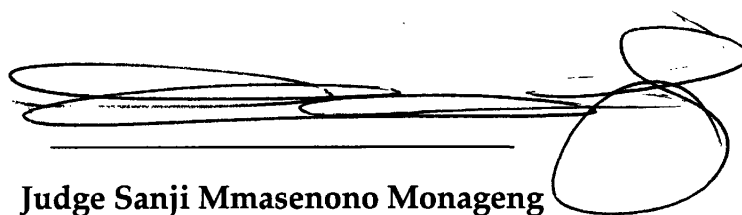
<sup>6</sup> *Ibid.*, at annex 2.

**FOR THESE REASONS**

**ORDERS** that the Prosecutor's observations regarding the Registry Transmission, if any, must be filed by 16:00 on Wednesday, 16 November 2011; and

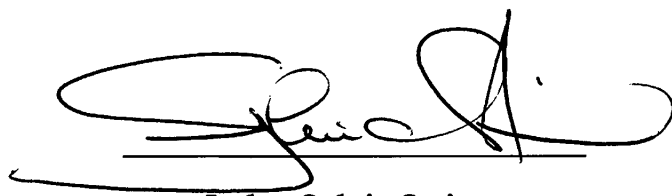
**ORDERS** the Registry by the same date and time to justify to the Chamber, in accordance with regulation 23 *bis* of the Regulations, why the Registry Transmission should remain confidential.

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

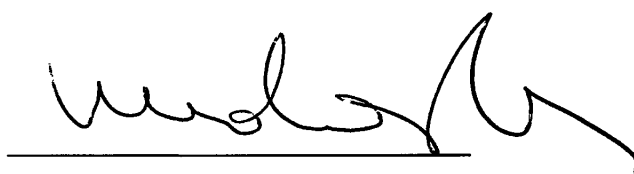
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**Judge Sanji Mmasenono Monageng**

**Presiding Judge**

A handwritten signature in black ink, featuring a large, prominent loop at the beginning and a series of smaller loops and strokes.

**Judge Sylvia Steiner**

A handwritten signature in black ink, appearing as a series of connected, somewhat fluid loops and strokes.

**Judge Cuno Tarfusser**

Dated this Monday 14 November 2011

At The Hague, The Netherlands