

**Message from the Under-Secretary-Generals for Peace and Security regarding the NMUN-NY 2012 simulation of the International Criminal Court**

Dear participants of the International Criminal Court of NMUN-NY 2012,

We are excited to welcome you in the simulation of the International Criminal Court at this year's NMUN-NY. It is the first time that NMUN is simulating the International Criminal Court, and we believe that it will provide a unique learning experience for all involved. There are two cases on the agenda that the International Criminal Court is currently investigating or trying in reality. Due to recent developments, there are several clarifications we would like to make regarding the simulation.

***The Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, Saif al-Islam Gaddafi and Abdullah Al-Senussi***

As stated in the background guide, the case against Muammar Mohammed Abu Minyar Gaddafi, Saif al-Islam Gaddafi, and Abdullah Al-Senussi is currently at an early stage. The International Criminal Court's Pre-Trial Chamber issued arrest warrants for the three accused on June 27, 2011. Muammar Mohammed Abu Minyar Gaddafi was subsequently reported dead on October 20, 2011. Upon reception of the accused's death certificate, the Prosecution requested to withdraw the warrant of arrest against Muammar Mohammed Abu Minyar Gaddafi on November 15, 2011. Pre-Trial Chamber I decided to terminate the case against Muammar Gaddafi (Decision ICC-01/11-01/11-28) on November 22, 2011. The cases against the other two accused are upheld.

Saif Al-Islam Gaddafi was captured on November 19, 2011, near the southern town of Obari, Libya and was subsequently brought to the city of Zintan in the north. While the Libyan National Transitional Council has indicated that Libyan authorities are willing and able to guarantee a fair trial in Libya, the ICC has not yet – as of November 28, 2011 – rendered any decision to withdraw the case against Saif Al-Islam Gaddafi. In a press release issued on November 23, 2011, the ICC stated that it remained seized of the case and requested the Libyan authorities to submit a challenge to the admissibility of the case before Pre-Trial Chamber I, should they wish to conduct national prosecutions against Saif Al-Islam Gaddafi. This may trigger new legal problems, especially in view of Articles 17 and 19 of the Rome Statute. Abdullah Al-Senussi, former head of Military Intelligence under the Gaddafi regime, was allegedly captured on November 21, 2011, and detained in a secret location. However, several news agencies reported throughout the following days that both ICC Chief Prosecutor Luis Moreno-Ocampo as well as the new Libyan minister for the defense, Osama Jweli, doubted that Al-Senussi had indeed been captured. The situation is – as of November 28, 2011 – unclear.

For the purpose of our simulation, we will assume that Al-Senussi has indeed been captured. Pre-Trial Chamber I has confirmed charges against Saif Al-Islam and Abdullah Al-Senussi. We will provide further information on the extent of admissibility issues through our updates in February 2012. Delegates should also follow further developments in this case.

***The Prosecutor v. Thomas LubangaDyilo***

As stated in the background guide, the case against Thomas LubangaDyilo is currently in its trial phase. During the writing process for the background guide, the International Criminal Court actually concluded the trial against Thomas LubangaDyilo. According to the President of the International Criminal Court, Judge Song, the judgment in the case against Thomas LubangaDyilo was expected before the end of the year. While we expect participants to inform themselves on the proceedings, the outcome of any criminal trial depends on evidence and presentation of the cases by the parties. It is therefore possible that the simulation will reach a different outcome from the trial in reality. For the purpose of this case, we will assume that the trial against Thomas LubangaDyilo is not concluded, but still underway, with a confirmation of charges by the Pre-Trial Chamber. There has been no hearing before the Trial Chamber.

Please do not hesitate to contact the Directors via [icc.marriott@nmun.org](mailto:icc.marriott@nmun.org) and [icc.sheraton@nmun.org](mailto:icc.sheraton@nmun.org) or either of us if you have any questions regarding the International Criminal Court simulation at NMUN-NY 2012! We look forward to welcoming you in New York City next year.

Sincerely,

Hannah Birkenkötter, Marriott  
Sameer Kanal, Sheraton  
*Under-Secretaries-General for Peace and Security*  
2012 National Model United Nations, New York City

1 – 5 April 2012, Sheraton New York Hotel & Towers  
3 – 7 April 2012, New York Marriott Marquis

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