

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/22
Date: 5 November 2025**

PRE-TRIAL CHAMBER II

Before:

**Judge Rosario Salvatore Aitala, Presiding Judge
Judge Sergio Gerardo Ugalde Godínez
Judge Haykel Ben Mahfoudh**

SITUATION IN UKRAINE

Confidential

Decision inviting Tajikistan to provide any further submissions on its failure to arrest and surrender Vladimir Vladimirovich Putin

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

- ☒ The Office of the Prosecutor
- ☐ Counsel for the Defence
- ☐ Legal Representatives of the Victims
- ☐ 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
The Republic of Tajikistan
- ☐ Amicus Curiae

REGISTRY

-
- Registrar**
Mr Osvaldo Zavala Giler

☐ Counsel Support Section
- ☐ Victims and Witnesses Unit
- ☐ Detention Section
- ☐ Victims Participation and Reparations Section
- ☐ Other

PRE-TRIAL CHAMBER II of the International Criminal Court (the ‘Chamber’) issues this decision inviting the Republic of Tajikistan (‘Tajikistan’) to provide any further submissions on its failure to arrest and surrender Vladimir Vladimirovich Putin (‘Mr Putin’) to the Court.

1. On 17 March 2023, further to a request filed by the Office of the Prosecutor,¹ the Chamber issued a warrant of arrest for Mr Putin.²
2. On 24 April 2023, the Chamber instructed the Registry, *inter alia*, to prepare and notify a request for provisional arrest pursuant to article 92(1) of the Rome Statute (the ‘Statute’) to all States Parties (the ‘Request for Cooperation’).³
3. On 2 May 2023, the Registry notified to Tajikistan the Request for Cooperation.⁴ On 30 May 2023, Tajikistan confirmed receipt of the Request for Cooperation.⁵
4. On 22 July 2025, following reports that were circulating in the media of a visit of Mr Putin to Dushanbe, Tajikistan in the context of the Commonwealth of Independent States summit that would take place on 10 October 2025, the Registry held a meeting with Tajikistan to, *inter alia*, provide any assistance it would require in relation to the implementation of the Request for Cooperation.⁶
5. On 19 September 2025, the Registry transmitted a follow-up note verbale with a view to securing a further meeting with Tajikistan and to inquire about the veracity of the news report. The Registry transmitted to Tajikistan the Chamber’s response to a prior consultation made by another State Party, whereby it had found that ‘personal immunity of officials, including Heads of third States, is not opposable in proceedings before the Court, nor a waiver of immunity is required under article 98 of the Statute’,⁷

¹ Prosecution’s application under article 58 for a warrant of arrest against Vladimir Vladimirovich PUTIN, ICC-01/22-14-SECRET-Exp.

² Warrant of Arrest for Vladimir Vladimirovich Putin, ICC-01/22-18-SECRET.

³ See Request to all States Parties to the Rome Statute for the provisional arrest of Vladimir Vladimirovich Putin pursuant to article 92 of the Rome Statute in implementation of Pre-Trial Chamber II’s Order of 24 April 2023, 26 April 2023, ICC-01/22-25-Conf.

⁴ Report of the Registry on the Status of the Execution of the Request for Provisional Arrest to the Republic of Tajikistan, 29 September 2025, ICC-01/22-133-Conf (with Confidential Annexes I to III), para. 2 (the ‘First Registry Report’). See also Annex I to the First Registry Report.

⁵ See Annex II to the First Registry Report.

⁶ First Registry Report, paras 6-8.

⁷ See Response to submissions of a State Party under article 97 of the Rome Statute in relation to the Requests for provisional arrest of 26 April 2023 pursuant to the Order on the Requests for provisional arrest of 24 April 2023, 26 April 2023, ICC-01/22-42-Conf, para. 33.

and further recalled the possibility of Tajikistan to avail itself of consultations under article 97 of the Statute.⁸

6. On 25 September 2025, Tajikistan transmitted its response to the Request for Cooperation, indicating that it would not be able to implement it. Tajikistan argued in this regard, *inter alia*, that the Russian Federation ('Russia') is not a party to the Statute and has not waived the immunity of its current Head of State. Tajikistan further referred to an 'Agreement on Cooperation in the field of Justice' between Tajikistan and Russia, according to which high-ranking officials enjoy immunity from the jurisdiction of third parties and thus cannot be arrested or extradited to third parties. Tajikistan argued that it could not take actions that are contrary to its international legal obligations with respect to Russia or the diplomatic immunities of a person from Russia until receiving Russia's consent to waive the immunity. It also considered that this position would not constitute a refusal to cooperate within the meaning of article 87(7) of the Statute ('Tajikistan's Submissions').⁹

7. On 7 October 2025, the Registry transmitted Tajikistan's Submissions to the President of the Assembly of States Parties (the 'ASP').¹⁰ On the same day, the President of the ASP addressed a letter to Tajikistan.¹¹ Through a note verbale addressed to the Presidency of the ASP dated 9 October 2025, Tajikistan replicated its original submissions.¹²

8. Mr Putin eventually visited Tajikistan from 8 to 12 October 2025¹³ and, while in its territory, Tajikistan did not arrest and surrender him to the Court.

9. Pursuant to article 87(7) of the Statute, in case of non-compliance with obligations to cooperate with the Court, the Court may make a finding of non-cooperation by the State and refer the matter to the ASP.

10. In light of the above, the Chamber considers that Mr Putin's visit to Tajikistan warrants a determination on whether it is appropriate to make a formal finding of non-

⁸ First Registry Report, para. 10. See also Annex II to the First Registry Report.

⁹ Annex III to the First Registry Report.

¹⁰ Second Report of the Registry on the Status of the Execution of the Request for Provisional Arrest to the Republic of Tajikistan, 17 October 2025, ICC-01/22-134-Conf (with Public Annex I and Confidential Annex II) (the 'Second Registry Report'), paras 6-7.

¹¹ Second Registry Report, para. 10. See also Annex I to the Second Registry Report.

¹² Second Registry Report, para. 10. See also Annex II to the Second Registry Report.

¹³ Second Registry Report, paras 8-9.

compliance by Tajikistan and refer the matter to the ASP under article 87(7) of the Statute. The Chamber further observes that prior to any such step being taken, regulation 109(3) of the Regulations of the Court mandates that ‘the Chamber shall hear from the requested State’. Therefore, the Chamber hereby invites Tajikistan to provide submissions for this specific purpose, if it wishes to do so by Wednesday, 3 December 2025. Should there be a need to have the submissions by Tajikistan filed as confidential, a public redacted version thereof should be filed simultaneously.

11. The Chamber notes that its decision as to whether it is appropriate to make a formal finding of non-compliance by Tajikistan with the Court’s request for arrest and surrender of Mr Putin to the Court and refer to the matter to the Assembly of States Parties under article 87(7) of the Statute will be filed as public. Therefore, and noting that Tajikistan’s Submissions are currently classified as confidential, the Registry is instructed, in consultation with Tajikistan, to file a public redacted version thereof or seek its reclassification as public by Monday, 17 November 2025. The Registry is also instructed to file public redacted versions of its First and Second Registry Report by the same date.

FOR THESE REASONS, THE CHAMBER HEREBY

INVITES Tajikistan, if it so wishes, to provide submissions by Wednesday, 3 December 2025, as indicated in paragraph 10 above;

INSTRUCTS the Registry, in consultation with Tajikistan, to file a public redacted version or seek the reclassification as public of Tajikistan’s Submissions (ICC-01/22-133-Conf-AnxIII and ICC-01/22-134-Conf-Anx2) by Monday, 17 November 2025;

INSTRUCTS the Registry to file public redacted versions of its First and Second Report by Monday, 17 November 2025; and

INSTRUCTS the Registry to transmit this order to Tajikistan.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Rosario Salvatore Aitala,
Presiding Judge**



**Judge Sergio Gerardo Ugalde
Godínez**



Judge Haykel Ben Mahfoudh

Dated this Wednesday, 5th of November 2025

At The Hague, The Netherlands