

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-01/09
Date: 18 November 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

THE PROSECUTOR V. OMAR HASSAN AHMAD AL BASHIR

**URGENT
Public Document**

Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir

Source: The Registrar

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart, 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

Competent authorities of
the State of Kuwait

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Detention Section

Victims and Witnesses Unit

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

NOTING the referral of the situation in Darfur, Sudan, to the Prosecutor of the Court by the United Nations Security Council in its Resolution 1593 of 31 March 2005;¹

NOTING the *Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir* rendered on 4 March 2009;²

NOTING the *Warrant of Arrest for Omar Hassan Ahmad Al Bashir* issued on 4 March 2009 by Pre-Trial Chamber I under article 58 of the Rome Statute;³

NOTING the *Second Decision on the Prosecution's Application, for a Warrant of Arrest* dated 12 July 2010;⁴

NOTING the *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir* dated 12 July 2010;⁵

NOTING the *Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations* issued by the Presidency on 15 March 2012 in which the Presidency decided that the situation in Darfur, Sudan shall be assigned to Pre-Trial Chamber II (the "Chamber");⁶

¹ United Nations Security Council Resolution 1593, S/RES/1593 (2005), adopted on 31 March 2005.

² ICC-02/05-01/09-3.

³ ICC-02/05-01/09-1.

⁴ ICC-02/05-01/09-94.

⁵ ICC-02/05-01/09-95.

⁶ ICC-02/05-241.

NOTING the *Decision Regarding Omar Al-Bashir's Potential Travel to the State of Kuwait* (the "Decision") issued by the Chamber on 18 November 2013;⁷

NOTING articles 87(5) (a), 89 and 91 of the Rome Statute ("the Statute"), rules 117, 176, 184 and 187 of the Rules of Procedures and Evidence ("the Rules") and regulations 31 and 111 of the Regulations of the Court ("the Regulations");

CONSIDERING that in paragraph 2 of United Nations Security Council Resolution 1593, the Security Council "urges all States [...] to cooperate fully" with the Court;

CONSIDERING that article 89(1) of the Statute provides that the Court may transmit a request for the arrest and surrender of a person to any State on the territory of which that person may be found;

CONSIDERING that the second warrant of arrest for Omar Al Bashir "will not replace or revoke in any respect the previous warrant of arrest issued on 4 March 2009, which shall thus remain in effect";⁸

CONSIDERING that in the Decision the Chamber ordered the Registry to transmit to the State of Kuwait the requests for arrest and surrender issued by the Registry on 6 March 2009 and 21 July 2010; or in case of urgency, to request, in accordance with article 92 of the Statute, the provisional arrest of Omar Hassan Ahmad Al-Bashir;⁹

⁷ ICC-02/05-01/09-169.

⁸ ICC-02/05-01/09-94, pages 28.

⁹ ICC-02/05-01/09-169, pages 5 and 6.

CONSIDERING that in the Decision the Chamber invited the competent authorities of the State of Kuwait to arrest Omar Hassan Ahmad Al-Bashir and surrender him to the Court, in the event he enters its territory;¹⁰

INVITES the requested State to arrest and surrender in accordance with the two warrants of arrest issued by the Chamber the following person:

- Last name: Al Bashir;
- First name(s): Omar Hassan Ahmad;
- First and last names also spelled: Omar al-Bashir, Omer Hassan Ahmed El Bashire, Omar al-Bashir, Omar al-Beshir, Omer Albasheer, Omar Elbashir and Omar Hassan Ahmad el-Béshir;
- Date of Birth: 1 January 1944;
- Place of birth: Hoshe Bannaga, Shendi Governorate, Republic of the Sudan;
- Nationality: Sudanese;
- Occupation: President of the Republic of the Sudan;
- Charges: He is alleged to have committed:
 - (i) war crimes under article 8 of the Statute,
 - (ii) crimes against humanity under article 7 of the Statute and
 - (iii) genocide under article 6 of the Statute.

¹⁰ ICC-02/05-01/09-169, page 6.

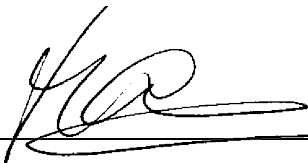
In the event of arrest and surrender:

INVITES the requested States to:

- comply with the procedures provided for in article 59 of the Statute and rule 117 of the Rules for the arrest and surrender of persons against whom an arrest warrant is issued;
- take all appropriate measures to ensure the safety of Omar Hassan Ahmad Al Bashir until his final surrender to the Registrar of the Court;
- take all appropriate measures so that any information that is made available with respect to this request be provided and handled in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families;
- notify the Court of any documents, statements or information, other than the warrant of arrest, as may be necessary to meet the requirements for the surrender process;
- inform the Court of any problem which may impede, prevent or delay the execution of this request;
- immediately inform the Registrar when Omar Hassan Ahmad Al Bashir is available for surrender; and
- when Omar Hassan Ahmad Al Bashir is available for surrender, deliver him to the Court as soon as possible.

ATTACHES to this request, in accordance with articles 87 and 91 of the Statute and rule 187 the following documents:

- i. a copy of the *Warrant of Arrest for Omar Hassan Al Bashir* issued on 4 March 2009;
- ii. a copy of the *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir* issued on 12 July 2010; and
- iii. A copy of the relevant provisions of the Statute and the Rules in a language which Omar Hassan Ahmad Al Bashir fully understands and speaks.



Herman von Hebel, Registrar

Dated this 18 November 2013

At The Hague, The Netherlands