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No.: ICC-02/05-01/09
Date: 25 February 2014

PRE-TRIAL CHAMBER II

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

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF**

The Prosecutor v Omar Hassan Ahmad AL BASHIR ("Omar Al Bashir")

**Public
with Public Annex A**

Prosecution's Notification of Possible Travel in the Case of *The Prosecutor v Omar Al Bashir*

Source: Office of the Prosecutor

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

Mr. Julian Nicholls, Senior Trial Lawyer

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

Registrar

Mr. Herman Von Hebel

Victims and Witnesses Unit

Counsel Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The purpose of this filing is to notify the Chamber of the possibility of travel today by President Omar Al Bashir to the Democratic Republic of the Congo to attend the Common Market for Eastern and Southern Africa (COMESA) summit in Kinshasa due to be held on 26-27 February 2014.

2. The Prosecution requests that the Chamber take steps to ensure that the arrest warrant is executed. The Prosecution proposes that the Chamber request information from the Congolese authorities about the visit, while communicating to the said authorities their standing obligation to arrest persons for whom arrest warrants have been issued by this court.

Procedural Background

3. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.¹

4. On 4 March 2009, the Chamber issued an arrest warrant for Omar Al Bashir for seven counts of crimes against humanity and war crimes. In the decision, the Chamber found that “under Article 58(1) of the Statute, the arrest of Omar Al Bashir appears necessary at this stage to ensure (i) that he will appear before the Court; (ii) that he will not obstruct or endanger the ongoing investigation into the crimes for which he is allegedly responsible under the Statute; and (iii) that he will not continue with the commission of the above-mentioned crimes.”²

¹ ICC-02/05-151-US-Exp.

² ICC-02/05-01/09-2-Conf.

5. On 5 and 6 March 2009, the Registry submitted three filings to the Chamber, detailing transmission of the warrant of arrest and the requests for its implementation to the Government of the Sudan,³ to all Rome Statute States Parties⁴ and to the members of the UN Security Council.⁵
6. On 12 July 2010, the Chamber issued a second arrest warrant for Omar Al Bashir for three counts of genocide.
7. The Registry submitted additional filings on 15 September 2010 on the transmission of the requests and supplementary requests for the arrest and surrender of Omar Hassan Ahmad Al Bashir to States Parties, Non-States Parties Members of the United Nations Security Council and the Republic of the Sudan.

Reports of Omar Al Bashir's possible travel to the Democratic Republic of Congo

8. News reports indicate that Omar Al Bashir will travel today to attend a regional summit in Kinshasa.⁶ Bashir will head Sudan's delegation to the 17th COMESA summit in Kinshasa. The delegation will include the minister of presidential affairs and the foreign, trade and industry ministers.
9. The Prosecution considers that the reports are credible and warrant intervention by the Chamber. The Prosecution will submit any additional confirmation it receives of Omar Al Bashir's planned visit to the Democratic Republic of the Congo.

³ ICC-02/05-01/09-5.

⁴ ICC-02/05-01/09-7.

⁵ ICC-02/05-01/09-8.

⁶ See http://thecairopost.com/news/92716/regional_news/sudans-bashir-participates-in-comesa-summit-in-congo; <http://www.sudanas.com/?p=14012>. Last visited on 25 February 2014. See also Annex A to this submission.

Relief Sought

10. The Prosecution requests that the Chamber take steps to ensure that the arrest warrants are executed. The Prosecution proposes that the Chamber request information from the authorities of the Democratic Republic of the Congo about the alleged visit while communicating to said authorities their standing obligation to arrest persons for whom arrest warrants have been issued by the ICC.



Fatou Bensouda
Prosecutor

Dated this 25th day of February 2014

At The Hague, The Netherlands