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No.: ICC-02/05-01/09

Date: 24 March 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 document
with Public Annex A**

Prosecution's urgent notification of 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

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution notifies Pre-Trial Chamber II (the “Chamber”) of the possibility of travel by President Omar Al Bashir (“Omar Al Bashir”) to attend the 25th Ordinary Session of the Arab League Summit which will be held in the capital of Kuwait on 25-26 March.
2. The Prosecution requests that the Chamber (i) seek information from the relevant authorities of the State of Kuwait regarding the above; and (ii) take any measures it deems appropriate to secure the execution of the pending warrants of arrest against Omar Al Bashir, including informing the U.N. Security Council of the impending travel.

Submission as an Urgent Filing

3. This notification is filed as “Urgent” because, according to news reports,¹ Omar Al Bashir is due to travel to Kuwait on 24 March 2014 and the relief being sought would be rendered moot if a decision is not made by the Chamber prior to his departure from Kuwait.

Procedural Background

4. On 31 March 2005, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1593 (2005), which referred the situation in Darfur to the Court. The Security Council decided in the context of cooperation with and assistance to the Court that “...while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully”.
5. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.² On 4 March 2009, the Chamber issued an arrest warrant for Omar Al Bashir for seven counts of crimes against humanity and war crimes.³

¹ <http://suna-sd.net/new/suna/showNews/187526/en>. Last visited on 24 March 2014. See Annex A.

² ICC-02/05-157.

6. 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,⁴ to all Rome Statute States Parties⁵ and to the members of the U.N. Security Council.⁶
7. On 12 July 2010, the Chamber issued a second arrest warrant for Omar Al Bashir for three counts of genocide.⁷ The Registry subsequently transmitted requests and supplementary requests for the arrest and surrender of Omar 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 planned travel to the State of Kuwait

8. News reports indicate that Omar Al Bashir is on his way to the State of Kuwait to attend an Arab League summit that will take place there on 25-26 March 2014. It is reported that he will head the Sudanese delegation, which will include Minister of Presidential Affairs Salah Wansi, Foreign Minister Ali Karti and Finance Minister Badrudeen Mahmoud.⁸ According to the news reports,⁹ Omar Al Bashir will fly to Kuwait today to attend the two-day Arab summit meeting in Kuwait City.
9. The Prosecution considers that the reports are credible and warrant intervention by the Chamber.

³ ICC-02/05-01/09-3.

⁴ ICC-02/05-01/09-5.

⁵ ICC-02/05-01/09-7.

⁶ ICC-02/05-01/09-8.

⁷ ICC-02/05-01/09-95.

⁸ <http://suna-sd.net/new/suna/showNews/187526/en> ; <http://en.haberler.com/sudan-s-bashir-to-attend-arab-summit-in-kuwait-402860/>. Last visited on 24 March 2014. See Annex A.

⁹ <http://www.worldbulletin.net/world/131797/sudans-bashir-to-attend-arab-summit-in-kuwait>. Last visited on 24 March 2014. See Annex A.

Relief Sought

10. The Prosecution requests that the Chamber take steps to ensure that the arrest warrants are executed. In particular, the Chamber should seek information from the relevant authorities of the State of Kuwait regarding the possible visit of Omar Al Bashir and remind those authorities of the existence of warrants of arrest against Omar Al Bashir for serious crimes under the Statute. The Chamber should also remind the relevant authorities of the State of Kuwait of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court.¹⁰ Finally, the Chamber should inform the U.N. Security Council of the situation¹¹ in order to enable the Council to take appropriate action.



Fatou Bensouda

Prosecutor

Dated this 24th day of March 2014

At The Hague, the Netherlands

¹⁰ See, for example, ICC-02/05-01/09-162.

¹¹ See in this context ICC-02/05-01/09-129.