

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 7 July 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser
Judge Ekaterina Trendafilova
Judge Christine Van den Wyngaert

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

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

**URGENT
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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**Unrepresented Applicants for
Participation/Reparation**

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**The Office of Public Counsel for the
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Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution hereby notifies Pre-Trial Chamber II (“Chamber”) of the intended travel by Suspect Omar Al Bashir (“Omar Al Bashir”) on 8 July 2014 to the State of Qatar (“Qatar”)¹, for a two-day visit in response to an invitation from Qatar’s Emir Sheikh Tamim bin Hamad al-Thani.

2. The Prosecution requests the Chamber to inform the authorities of Qatar of the pending visit and, in light of United Nations Security Council Resolution 1593,² and the arrest warrants issued by this Court, urge them to arrest Omar Al Bashir. The Prosecution submits that the Chamber should request information from the Qatari authorities regarding Omar Al Bashir’s visit and take any measures the Chamber deems appropriate to secure execution of the pending warrants of arrest against Omar Al Bashir.

Submission as an Urgent Filing

3. This notification is filed as “Urgent” because, according to news reports,³ Omar Al Bashir is due to travel to Doha, Qatar tomorrow, on 8 July 2014 and the relief being sought would be rendered moot if a decision is not made by the Chamber prior to his departure from Qatar.

Procedural Background

4. On 31 March 2005, the United Nations Security Council acting under Chapter VII of the Charter of the United Nations adopted Resolution 1593 (2005) referring the situation in Darfur to the Court. The United Nations Security Council decided

¹ See Annex A. See further: <http://www.sudantribune.com/spip.php?article51592>; <http://suna-sd.net/suna/showNews/202364/en> (last visited on 7 July 2014).

² Resolution 1593, adopted by the Security Council at its 5158th meeting, on 31 March 2005 S/RES/1593 (2005).

³ <http://www.sudantribune.com/spip.php?article51592>; <http://suna-sd.net/suna/showNews/202364/en> (last visited on 7 July 2014). See Annex A.

in the context of cooperation with and assistance to the Court that it "...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".⁴

5. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.⁵ On 4 March 2009, Pre-Trial Chamber I issued an arrest warrant for Omar Al Bashir for seven counts of crimes against humanity and war crimes. In the decision, Pre-Trial Chamber I 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."⁶

6. On 5 and 6 March 2009, the Registry submitted three filings to Pre-Trial Chamber I, detailing transmission of the warrant of arrest and the requests for its implementation to the Government of the Sudan,⁷ to all Rome Statute States Parties⁸ and to the members of the United Nations Security Council.⁹ On 6 March 2009, the Registry also issued a request to Qatar for the arrest and surrender of Omar Al Bashir.¹⁰

⁴ Resolution 1593 (2005), adopted by the Security Council at its 5158th meeting, on 31 March 2005 S/RES/1593 (2005), Operative Paragraph 2.

⁵ ICC-02/05-157.

⁶ ICC-02/05-01/09-1.

⁷ ICC-02/05-01/09-5.

⁸ ICC-02/05-01/09-7.

⁹ ICC-02/05-01/09-8.

¹⁰ ICC-02/05-01/09-9.

7. On 12 July 2010, Pre-Trial Chamber I issued a second arrest warrant for Omar Al Bashir for three counts of genocide.¹¹ The Registry subsequently transmitted 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 planned travel to the State of Qatar

8. According to the official Sudanese news agency SUNA, Omar Al Bashir is due to leave tomorrow, 8 July 2014 for the Qatari capital, Doha for a two-day official visit.

9. According to credible media reports,¹² the Prosecution understands that Omar Al Bashir received the invitation to visit Qatar during a meeting with Qatari Foreign Minister Khalid Al-Attiyah who met Omar Al Bashir along with his Sudanese counterpart Ali Karti on 6 July 2014 in Khartoum.

10. The Prosecution considers that the reports of Omar Al Bashir's trip to Qatar are credible and warrant urgent intervention by the Chamber.

Relief Sought

11. 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 Qatar 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

¹¹ ICC-02/05-01/09-95.

¹² <http://www.sudantribune.com/spip.php?article51592> (last visited on 7 July 2014). For details see Annex A.

relevant authorities of Qatar of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court.¹³



Fatou Bensouda
Prosecutor

Dated this 7th day of July 2014
At The Hague, The Netherlands

¹³ See, for example, ICC-02/05-01/09-162.