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No.: ICC-02/05-01/09
Date: 14 October 2014

PRE-TRIAL CHAMBER II

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

**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 Notification of Travel of Suspect Omar Al Bashir 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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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
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Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) hereby notifies Pre-Trial Chamber II (“Chamber”) of the intended visit by suspect Omar Al Bashir on 18 and 19 October 2014 to the Arab Republic of Egypt (“Egypt”), in response to an invitation from President Abdel Fattah al-Sisi.¹
2. The Prosecution requests the Chamber to inform the authorities of Egypt of the impending visit and, in light of United Nations Security Council Resolution 1593² and the arrest warrants issued by this Court, urge them to arrest suspect Omar Al Bashir. The Prosecution submits that the Chamber should request information from the Egyptian authorities regarding Omar Al Bashir’s visit and take any measures the Chamber deems appropriate to secure execution of the outstanding warrants of arrest against Omar Al Bashir.

Procedural Background

3. 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 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”.³
4. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.⁴ 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

¹ See Annex A. See further: <http://www.sudantribune.com/spip.php?article52687> (last visited on 10 October 2014).

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

³ Resolution 1593 (2005), adopted by the Security Council at its 5158th meeting, on 31 March 2005 S/RES/1593 (2005), Operative Paragraph 2.

⁴ ICC-02/05-157.

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.”⁵

5. 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 Republic of Sudan,⁶ to all Rome Statute States Parties⁷ and to all United Nations Security Council members that are not states parties to the Rome Statute.⁸

6. On 12 July 2010, Pre-Trial Chamber I issued a second arrest warrant for Omar Al Bashir for three counts of genocide.⁹ 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 Government of the Republic of the Sudan.

Reports of Omar Al Bashir’s planned travel to Egypt

7. According to the official news agency SUNA, Sudan’s ambassador to Egypt Abdel-Mahmoud Abdel-Haleem stated that Omar Al Bashir would visit Cairo on 18 and 19 October in response to an invitation extended by President al-Sisi.¹⁰ The Minister of Foreign Affairs of Sudan, Ali Karti, arrived in Cairo on 8 October 2014 to meet with his Egyptian counterpart, Samih Shoukri, to discuss ways for promoting

⁵ ICC-02/05-01/09-1.

⁶ ICC-02/05-01/09-5.

⁷ ICC-02/05-01/09-7.

⁸ ICC-02/05-01/09-8.

⁹ ICC-02/05-01/09-95.

¹⁰ See Annex A. See further: <http://suna-sd.net/suna/showNews/214829/ar> (last visited on 10 October 2014).

bilateral ties and prepare for the upcoming visit of Omar Al Bashir.¹¹ The recent surge of tensions between the Libyan government and Sudan is expected to be on the agenda.¹²

8. The Prosecution considers that the reports of suspect Omar Al Bashir's imminent travel to Egypt are credible and warrant intervention by the Chamber.

Relief Sought

9. The Prosecution requests that the Chamber take steps to ensure that the arrest warrants against suspect Omar Al Bashir are executed. In particular, the Chamber should seek information from the relevant Egyptian authorities regarding the possible visit of suspect Omar Al Bashir and remind those authorities of the existence of warrants of arrest against Omar Al Bashir for the most serious crimes under the Statute. The Chamber should also remind the Egyptian authorities of the decision of the United Nations Security Council in Resolution 1593 (2005) urging "all States" to cooperate fully with the Court.¹³



Fatou Bensouda, Prosecutor

Dated this 14th day of October 2014

At The Hague, The Netherlands

¹¹ See Annex A. See further: <http://www.sudantribune.com/spip.php?article52663> (last visited on 10 October 2014).

¹² See Annex A. See further: <http://www.sudantribune.com/spip.php?article52687> (last visited on 10 October 2014).

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