

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 24 March 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

**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
Section**

Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) hereby notifies Pre-Trial Chamber II (“Chamber”) of the intended visits by Omar Al Bashir to the Kingdom of Saudi Arabia (“Saudi Arabia”) and to the Arab Republic of Egypt (“Egypt”). According to media reports, Omar Al Bashir is expected to visit Saudi Arabia on 25-26 March 2015 for talks with King Salman Bin Abdel Aziz,¹ and to visit Egypt on 28-29 March 2015 to participate in the Arab Summit.²

2. The Prosecution requests that the Chamber take all necessary steps to ensure that the arrest warrants against Omar Al Bashir are executed. In particular, the Chamber should seek information from the relevant authorities of Saudi Arabia and Egypt regarding the visits of Omar Al Bashir and remind those authorities of the existence of warrants of arrest against Omar Al Bashir for crimes under the Rome Statute. The Chamber should also remind the relevant authorities of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court and the Prosecutor .

Submission as an Urgent Filing

3. This notification is urgent because, according to media reports, Omar Al Bashir is expected to travel to Saudi Arabia on 25 March 2015 for two days and subsequently to Egypt on 28 March 2015 for a further two days. The relief sought

¹ See Annex A. See further <http://www.sudantribune.com/spip.php?article54370> (Last visited on 24 March 2015); <http://www.sudantribune.net/%D8%A7%D9%84%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D8%B1%D9%8A%D8%A7%D8%B6,10642> (Last visited on 24 March 2015); <http://www.alnilin.com/12657846.htm> (Last visited on 24 March 2015).

² See Annex A. See further <http://news.sudanvisiondaily.com/details.html?rsnpid=247100> (Last visited on 24 March 2015); http://english.sudansafari.net/index.php?option=com_content&view=article&id=6839:al-bashir-to-participate-in-egyptian-economy-support-conference&catid=1:domestic&Itemid=6 (Last visited on 24 March 2015); <http://www.alriyadh.com/1027263> (Last visited on 24 March 2015).

would be rendered moot if a decision is not made by the Chamber prior to his travel to either country.

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 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

5. 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 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

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

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.

⁵ ICC-02/05-01/09-1.

implementation to the Government of the 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

7. 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 Republic of the Sudan.

8. On 10 October 2013, the Chamber, seized by the Prosecution regarding a similar visit of Omar Al Bashir to Saudi Arabia, invited “the competent authorities of [...] the Kingdom of Saudi Arabia to arrest Omar Hassan Ahmad Al Bashir and surrender him to the Court, in the event that he enters their territory”.¹⁰ On 24 February 2015, in relation to the notification by the Prosecution of a further potential visit to Saudi Arabia, the Chamber renewed its invitation to the authorities of Saudi Arabia to arrest Omar Al Bashir.¹¹

9. On 14 October 2014, the Chamber, seized by the Prosecution regarding a similar visit of Omar Al Bashir to Egypt, invited the “competent authorities of the Arab Republic of Egypt to arrest Omar Hassan Ahmad Al-Bashir, in the event he enters its territory”.¹²

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 ICC-02/05-01/09-164, p. 6.

¹¹ ICC-02/05-01/09-224, p. 7.

¹² ICC-02/05-01/09-211, p. 5.

Reports of Omar Al Bashir's planned travel to Saudi Arabia and Egypt

10. According to media reports, Omar Al Bashir will visit Saudi Arabia on 25-26 March 2015 for talks with King Salman Bin Abdel Aziz.¹³ Abdul Hafiz Ibrahim, Sudan's envoy in Riyadh, said that Omar Al Bashir's trip to Saudi Arabia will support the process of cooperation between the countries as well as promote integration within the framework of their mutual interests.¹⁴

11. According to media reports, Omar Al Bashir is expected to attend the Arab summit from 28-29 March 2015 in the city of Sharm El-Sheikh, Egypt.¹⁵ The summit will touch on Arab national security issues.¹⁶ He was invited to the event by Egyptian Minister of Foreign Affairs, Sameh Shoukry, on behalf of Egyptian president, Abdel Fattah el-Sisi, during a visit in Khartoum that took place in the week of 2 March 2015.¹⁷

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

¹³ See Annex A. See further <http://www.sudantribune.com/spip.php?article54370> (Last visited on 24 March 2015); <http://www.sudantribune.net/%D8%A7%D9%84%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D8%B1%D9%8A%D8%A7%D8%B6,10642> (Last visited on 24 March 2015); <http://www.alnilin.com/12657846.htm> (Last visited on 24 March 2015).

¹⁴ See Annex A. See further <http://www.sudantribune.com/spip.php?article54370> (Last visited on 24 March 2015).

¹⁵ See Annex A. See further <http://news.sudanvisiondaily.com/details.html?rsnpid=247100> (Last visited on 24 March 2015); http://english.sudansafari.net/index.php?option=com_content&view=article&id=6839:al-bashir-to-participate-in-egyptian-economy-support-conference&catid=1:domestic&Itemid=6 (Last visited on 24 March 2015); <http://www.alriyadh.com/1027263> (Last visited on 24 March 2015).

¹⁶ See Annex A. See further <http://news.sudanvisiondaily.com/details.html?rsnpid=247100> (Last visited on 24 March 2015); http://english.sudansafari.net/index.php?option=com_content&view=article&id=6839:al-bashir-to-participate-in-egyptian-economy-support-conference&catid=1:domestic&Itemid=6 (Last visited on 24 March 2015).

¹⁷ See Annex A. See further: <http://www.alriyadh.com/1027263> (Last visited on 24 March 2015).

Relief Sought

13. 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 Saudi Arabia and Egypt 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 Rome Statute. The Chamber should also remind the relevant authorities of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court and the Prosecutor.



Fatou Bensouda, Prosecutor

Dated this 24th day of March 2015

At The Hague, The Netherlands