



Original: English

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

Date: 19/10/2015

PRE-TRIAL CHAMBER II

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

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF
THE PROSECUTOR V. OMAR HASSAN AHMED AL-BASHIR**

Public Document

**Victims' notification of withdrawal
from the case against Omar Hassan Ahmed al-Bashir**

**Source: Legal Representative of Victims a/0443/09, a/0444/09, a/0445/09, a/0446/09,
a/0447/09, a/0448/09, a/0449/09 & a/0450/09**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy-Prosecutor

Counsel for the Defence

Legal Representative of Victims

a/0443/09, a/0444/09, a/0445/09, a/0446/09,
a/0447/09, a/0448/09, a/0449/09 & a/0450/09

Nicholas Kaufman

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Esteban Peralta-Losilla

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

On 10 December 2009, the Single Judge of Pre-Trial Chamber I granted Victims a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 & a/0450/09 (“the Participants”) the right to participate in the pre-trial stage of the case against Omar Hassan Ahmed al-Bashir (“the al-Bashir case”).¹

In light of the inability to advance the prosecution of the al-Bashir case since 2009 and in light of the Prosecutor’s decision to suspend “active” investigations into the Darfur situation in late 2014,² the Legal Representative has reached a confidential settlement agreement in the interests of the Participants mentioned above.

In the circumstances, Victims a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 & a/0450/09 will seek no further role in the al-Bashir case nor, for that matter, in the Darfur situation. Without waiving any right to protection and to confidentiality of their identity, the Participants will not object to the removal of their participatory rights in the case against Omar Hassan Ahmed al-Bashir.



Nicholas Kaufman

Legal Representative of Victims

a/0443/09, a/0444/09, a/0445/09, a/0446/09,

a/0447/09, a/0448/09, a/0449/09 & a/0450/09

Jerusalem, Israel
19 October 2015

¹ ICC-02/05-01/09-62 (decision notified on 15 December 2009).

² <http://www.theguardian.com/world/2014/dec/14/icc-darfur-war-crimes-fatou-bensouda-sudan>. c.f.; also, para.9 of Prosecutors 21st Report to the UNSC on the Darfur Situation: http://www.icc-cpi.int/iccdocs/otp/21st-report-of-the-Prosecutor-to-the-UNSC-on-Darfur_%20Sudan.pdf.