

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 October 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 AHMAD AL BASHIR
("OMAR AL BASHIR")**

**URGENT
Public Document**

**Request for the Arrest and Surrender of Omar Hassan Ahmad Al Bashir to the
Republic of India**

Source: The Registry

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

The Office of the Prosecutor

Ms. Fatou Bensouda, Prosecutor

Mr. James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives
Republic of India

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (“The Court”):

NOTING the referral of the situation in Darfur, Sudan, to the Prosecutor of the Court by the United Nations Security Council in its Resolution 1593 of 31 March 2005¹

NOTING the *Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir* rendered on 4 March 2009 by Pre-Trial Chamber I;²

NOTING the *Warrant of Arrest for Omar Hassan Ahmad Al Bashir* issued on 4 March 2009 by Pre-Trial Chamber I under article 58 of the Rome Statute;³

NOTING the *Second Decision on the Prosecution’s Application for a Warrant of Arrest* dated 12 July 2010;⁴

NOTING the *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir* dated 12 July 2010;⁵

NOTING the Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” (the “Orders”) issued by Pre-Trial Chamber II on 15 April 2015;⁶

NOTING articles 59(3), 87(5) (a), 89 and 91 of the Rome Statute (“the Statute”), rules 117, 176(2), 179, 184 and 187 of the Rules of Procedures and Evidence (“the Rules”) and regulations 31 and 111 of the Regulations of the Court (“the Regulations”);

¹ United Nations Security Council Resolution 1593, S/RES/1593, adopted on 31 March 2005.

² ICC-02/05-01/09-3.

³ ICC-02/05-01/09-1.

⁴ ICC-02/05-01/09-94.

⁵ ICC-02/05-01/09-95.

⁶ ICC-02/05-01/09-235-Corr.

CONSIDERING that in paragraph two of the United Nations Security Council Resolution 1593, The Security Council “urges all states [...] to cooperate fully “with the Court;⁷

CONSIDERING that article 89(1) of the Statute provides that the Court may transmit a request for the arrest and surrender of a person to any State on the territory of which that person may be found;

CONSIDERING that the second warrant of arrest for Omar Al Bashir “will not replace or revoke in any respect the previous warrant of arrest issued on 4 March 2009, which shall thus remain in effect”;⁸

CONSIDERING that in the “Orders”, the Chamber ordered the Registrar *“each and every time that information of travel, whether planned or ongoing, as regards persons at large who are the subject of an arrest warrant issued by the Court is relayed to the Court or one of its organs and such travel is related to a State to which no request for arrest and surrender of the relevant person has yet been transmitted, to prepare and transmit such request to the relevant State in accordance with articles 89 and 91 of the Statute, or, in urgent cases, to request the provisional arrest of that person in accordance with article 92 of the Statute pending the presentation of the request for arrest and surrender”*;⁹

CONSIDERING that the Republic of India is not a State Party to the Statute and has not been transmitted a request for arrest and surrender in the present case;

⁷ S/RES/1593 (2005).

⁸ ICC-02/05-01/09-94, page 28.

⁹ ICC-02/05-01/09-235-Corr, page 5 in fine.

INVITES the Republic of India (the “requested State”) to arrest and surrender in accordance with the two Warrants of Arrest the following person:

- Last name: Al Bashir;
- First name(s): Omar Hassan Ahmad;
- First and last names also spelled: Omar al-Bashir, Omer Hassan Ahmed El Bashire, Omar al-Bashir, Omar al-Beshir, Omer Albasheer, Omar Elbashir and Omar Hassan Ahmad el-Béshir;
- Date of Birth: 1 January 1944;
- Place of birth: Hoshe Bannaga, Shendi Governorate, Republic of the Sudan;
- Nationality: Sudanese;
- Occupation: President of the Republic of the Sudan;
- Charges: He is alleged to have committed:
 - i) war crimes under article 8 of the Statute,
 - ii) crimes against humanity under article 7 of the Statute, and
 - iii) genocide under article 6 of the Statute.

INVITES the requested State, in the event of arrest and surrender, to:

- comply with the procedures provided for in article 59 of the Statute and rule 117 of the Rules;
- inform the Court of any request presented by Omar Hassan Ahmad Al Bashir before a national court in accordance with articles 59(3) and 89(2) of the Statute;
- inform the Registrar immediately when Omar Hassan Ahmad Al Bashir is available for surrender in accordance with rule 184 of the Rules of Procedure and Evidence and deliver him to the Court as soon as he is available for surrender;
- take all appropriate measures to ensure the safety of Omar Hassan Ahmad Al Bashir until his final surrender to the Registrar of the Court.

INVITES the requested State to:

- take all appropriate measures so that any information that is made available with respect to this request be provided and handled in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families in accordance with article 87(4) of the Statute;
- notify the Court of any documents, statements or information, other than the warrants of arrest, as may be necessary to meet the requirements for the surrender process in accordance with article 91(2)(c) of the Statute;
- inform the Court of any problem which may impede, prevent or delay the execution of this request in accordance with article 97 of the Statute;

ATTACHES to this request, in accordance with articles 87 and 91 of the Statute and rule 187 the following documents:

- i) Two copies of the *Warrant of Arrest for Omar Hassan Al Bashir* issued on 4 March 2009, in English and in Arabic;
- ii) Two copies of the *Warrant of Arrest for Omar Hassan Al Bashir* issued on 12 July 2010, in English and in Arabic;
- iii) A copy of the relevant provisions of the Statute and the Rules in a language which Omar Hassan Ahmad Al Bashir fully understands and speaks;
- iv) A copy of the Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” issued on 15 April 2015.

A handwritten signature in black ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Herman von Hebel, Registrar

Dated this 26 October 2015

At The Hague, the Netherlands