

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-01/12

Date: 22 December 2016

PRE-TRIAL CHAMBER II

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

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v ABDEL RAHEEM MUHAMMAD HUSSEIN***

Public

**Request for the Arrest and Surrender of Abdel Raheem Muhammad Hussein to
the United Arab Emirates**

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

The competent authorities of the United
Arab Emirates

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 27 November 2016, the Registry was informed of the visit of Mr. Abdel Raheem Muhammad Hussein, to the United Arab Emirates (“requested State”). The present submission seeks to transmit to the authorities of the United Arab Emirates a request for arrest and surrender following the provisional request transmitted on 27 November 2016.

II. Procedural History

2. On 31 March 2005, the situation in Darfur, Sudan, was referred to the Prosecutor of the International Criminal Court (“Court”) by the United Nations Security Council in its Resolution S/RES/1593.¹
3. On 1 March 2012, Pre-Trial Chamber I issued the Warrant of Arrest for Abdel Raheem Muhammad Hussein.²
4. On 15 April 2015, Pre-Trial Chamber II (“Chamber”) issued the Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects (“Orders”).³

III. Applicable law

5. The present submission is based upon the Orders, articles 59(3), 87(5)(a), 89, 91 and 97 of the Rome Statute (“Statute”), and rules 117, 176(2), 179, 184 and 187 of the Rules of Procedure and Evidence (“Rules”) and regulation 31 of the Regulations of the Registry.

III. Submissions

6. The Registry notes that the United Nations Security Council “*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 (...) with the Court.*”⁴

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

² Pre-Trial Chamber I, “Warrant of Arrest for Abdel Raheem Muhammad Hussein”, 1 March 2012, ICC-02/05-01/12-2.

³ Pre-Trial Chamber I, “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects”, 15 April 2015, ICC-02/05-01/12-31.

⁴ Resolution 1593 issued by the United Nations Security Council, S/RES/1593 (2005), dated 31 March 2005, para 2.

7. Article 89(1) of the Statute provides that the Court may transmit a request for arrest and surrender of a person to any State on the territory of which that person may be found.
8. Per the Orders of the Chamber, the Registry is under the obligation *“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”*.⁵
9. The United Arab Emirates is not a State Party to the Rome Statute and to date no request for arrest and surrender has been transmitted to the authorities of the United Arab Emirates regarding Mr. Abdel Raheem Muhammad Hussein before the provisional request for arrest dated 27 November 2016.
10. Consequently, the Registry invites the United Arab Emirates to arrest and surrender, in accordance with the warrant of arrest, the following person to the Court, should he enter the territory of the United Arab Emirates:
 - Last name: Hussein
 - Middle name: Muhammad
 - First name(s): Abdel Raheem
 - Age: over 60 years old
 - Place of birth: in or around Dankla, Karma city, north Khartoum
 - Nationality: Sudanese
 - Occupation: former Minister of National Defence in the Republic of Sudan, current Governor of Khartoum State
 - Alleged crimes:
 - i) war crimes under article 8 of the Rome Statute, and
 - ii) crimes against humanity under article 7 of the Rome Statute.

11. In the event of arrest and surrender, the requested State is invited to:

⁵ Pre-Trial Chamber I, “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects”, 15 April 2015, ICC-02/05-01/12-31, page 6.

- comply with the procedures provided for in article 59 of the Statute and rule 117 of the Rules on arrest and surrender of persons subject to an arrest warrant;
- inform the Court of any request made by Mr. Abdel Raheem Muhammad Hussein before a national court in accordance with articles 59(3) and 89(2) of the Statute;
- inform the Registry immediately when Mr. Abdel Raheem Muhammad Hussein is available for surrender in accordance with rule 184 of the Rules, and deliver him to the Court as soon as he is available for surrender;
- take all appropriate measures to ensure the safety of Mr. Abdel Raheem Muhammad Hussein until his final surrender to the Registry of the Court.

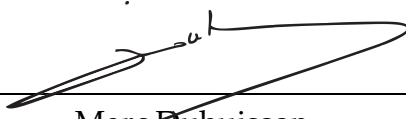
12. The Registry invites the requested State to also:

- 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 warrant of arrest, as may be necessary to meet the requirements for the surrender process in accordance with article 91(2) of the Statute;
- inform the Court of any problem which may impede, prevent or delay the execution of this request in accordance with articles 91(4) and 97 of the Statute.

The Registry attaches to this request, in accordance with articles 98 and 91 of the Statute and rule 187 of the Rules, the following documents:

- i) Two copies of the Warrant of Arrest for Abdel Raheem Muhammad Hussein issued on 1 March 2012, in English and Arabic;
- ii) A copy of the relevant provisions of the Statute and the Rules in a language Abdel Raheem Muhammad Hussein fully understands and speaks;

iii) A copy of the Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects, issued on 15 April 2015.



Mare Dubuisson
Director of the Division of Judicial Services
per delegation of
Herman von Hebel, the Registrar

Dated this 22 December 2016

At The Hague, the Netherlands