

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

No.: ICC-02/05-01/07

Date: 16 May 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single judge

Registrar: Mr Bruno Cathala

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.***

AHMAD MUHAMMAD HARUN ("AHMAD HARUN") and

ALI MUHAMMAD ALI ABD-AL-RAHMAN ("ALI KUSHAYB")

Confidential

Order for an update on the execution of the warrants of arrest

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Andrew Cayley, Senior Trial Lawyer

Mr Ade Omofade, Trial Lawyer

I, Judge Akua Kuenyehia, judge at the International Criminal Court (the "Court");

NOTING the "Prosecutor's Application under Article 58(7)" ("Prosecution Application"),¹ filed on 27 February 2007, in which the Prosecution, *inter alia*, requested that the Pre-Trial Chamber I ("the Chamber") issue summonses to appear, or alternatively, warrants of arrest against Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb");

NOTING the "Decision on the Prosecution Application under Article 58(7) of the Statute" dated 27 April 2007² ("the Decision"), in which the Chamber issued warrants of arrest against Ahmad Harun and Ali Kushayb, after being fully satisfied that there are reasonable grounds to believe that they committed at least one crime within the jurisdiction of the Court and that their arrest appears necessary under article 58(1)(b) of the Rome Statute ("the Statute");

NOTING the warrants of arrest against Ahmad Harun³ and Ali Kushayb⁴ ("the Warrants of Arrest") dated on 27 April 2007 pursuant to article 58(1) of the Statute;

NOTING the "Submission by the Registrar of the Memorandum of Service of the Warrants of Arrest"⁵ ("the Submission") filed on 4 May 2007 in which the Registrar

¹ ICC-02/05-55-US.

² ICC-02/05-01/07-1-Corr.

³ ICC-02/05-01/07-2-Corr.

⁴ ICC-02/05-01/07-3-Corr.

⁵ ICC-02/05-01/07-5-Conf.

informs the Chamber of the difficulties in notifying the Warrants of Arrest to the Government of Sudan and that he will look into the possibility of undertaking a formal notification of the requests for arrest and surrender;

NOTING the "Decision on the Designation of a Single Judge"⁶ issued on 11 May 2007 whereby Judge Akua Kuenyehia was designated as single judge of Pre-Trial Chamber I for the case of the Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb") in the Situation in Darfur, Sudan from 10 May 2007 until otherwise decided by the Chamber;

NOTING rule 176 of the Rules of Procedure and Evidence;

CONSIDERING that the Registrar, in his Submission, undertakes to keep the Chamber informed of all developments in respect to the notification and execution of the Warrants of arrest and requests for arrest and surrender;

CONSIDERING that the Decision invites the Prosecution, insofar as it is not prevented from doing so by its confidentiality obligation, to transmit to the Chamber and to the Registry as soon as practicable any information that, in its view, would facilitate the expeditious execution by national authorities of the cooperation requests for arrest and surrender;⁷

⁶ ICC-02/05-01/07-6.

⁷ The Decision, para. 137.

FOR THESE REASONS

ORDERS the Registrar to submit, at the latest by Wednesday 23 May 2007 at 4 p.m., an update on the notification and execution of the Warrants of arrest and the requests for arrest and surrender in particular with regard to the cooperation of the Government of Sudan and the assistance, if any, provided by the Prosecution.

Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Single judge

Dated this Wednesday 16 May 2007

At The Hague, The Netherlands