

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/05-01/09
Date: 24 February 2015

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Cuno Tarfusser
Judge Christine Van den Wyngaert

**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 Urgent Notification of Travel 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:

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**Unrepresented Applicants for
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Mr Herman von Hebel

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 travel by Omar Al Bashir to several states. According to press reports, Omar Al Bashir traveled to the United Arab Emirates (“UAE”) on Saturday, 21 February 2015¹ and is expected to stay until Tuesday, 24 February 2015.² In the following days, he is expected to travel to the Kingdom of Saudi Arabia (“Saudi Arabia”), Kuwait, and Bahrain.³

2. The Prosecution requests that the Chamber take all necessary steps to ensure that the arrest warrants are executed. In particular, the Chamber should seek information from the relevant authorities of the UAE, Saudi Arabia, Kuwait, and Bahrain regarding the visits 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.⁴

Submission as an Urgent Filing

3. This notification is urgent because, according to news reports,⁵ Omar Al Bashir travelled to the United Arab Emirates on 21 February 2015 in commencement of a travel plan throughout the Persian Gulf region, and the relief being sought would

¹ See Annex A. See further: <http://www.sudantribune.com/spip.php?article54058> (Last visited on 24 February 2015).

² See Annex A. See further: <http://www.sudantribune.com/spip.php?article54095>. (Last visited on 24 February 2015).

³ See Annex A. See further: <http://www.sudantribune.com/spip.php?article54058;http://www.sudantribune.net/%D8%A7%D9%84%D8%A8%D8%B4%D9%8A%D8%B1-%D9%8A%D8%AA%D9%84%D9%82%D9%89-%D8%AF%D8%B9%D9%88%D8%A9,10356> (Last visited on 24 February 2015).

⁴ See, for example, ICC-02/05-01/09-164.

⁵ See Annex A.

be rendered moot if a decision is not made by the Chamber prior to the conclusion of his travel.

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".⁶

5. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.⁷ 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."⁸

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

⁶ Resolution 1593 (2005), adopted by the Security Council at its 5158th meeting, on 31 March 2005 S/RES/1593 (2005), Operative Paragraph 2.

⁷ ICC-02/05-157.

⁸ ICC-02/05-01/09-1.

implementation to the Government of the Sudan,⁹ to all Rome Statute States Parties¹⁰ and to the members of the United Nations Security Council.¹¹

7. On 12 July 2010, Pre-Trial Chamber I issued a second arrest warrant for Omar Al Bashir for three counts of genocide.¹² The Registry subsequently transmitted requests and supplementary requests for the arrest and surrender of Omar Al Bashir to States Parties, Non-state Parties Members of the United Nations Security Council and the Republic of the Sudan.

8. On 10 October 2013, the Chamber, seised 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 he enters their territory”.¹³ The Chamber has made similar invitations on 18 November 2013 and 24 March 2014 to Kuwait;¹⁴ on 7 July 2014 to Qatar;¹⁵ and on 1 October 2014 to Saudi Arabia.¹⁶

Reports of Omar Al Bashir’s travel

9. According to media reports, Omar Al Bashir traveled with a high-level Sudanese delegation to the UAE on 21 February 2015.¹⁷ He is expected to meet with UAE Vice President Mohammed bin Rashid al-Maktoum on 24 February 2015 and Sudanese expatriates in UAE later in the day before traveling home.¹⁸ The previous

⁹ ICC-02/05-01/09-5.

¹⁰ ICC-02/05-01/09-7.

¹¹ ICC-02/05-01/09-8.

¹² ICC-02/05-01/09-95.

¹³ ICC-02/05-01/09-164, p. 6; *See also* ICC-02/05-01/09-165.

¹⁴ ICC-02/05-01/09-169 and ICC-02/05-01/09-192.

¹⁵ ICC-02/05-01/09-204.

¹⁶ ICC-02/05-01/09-208, p. 6.

¹⁷ *See* Annex A. *See further:* <http://www.sudantribune.com/spip.php?article54058> (Last visited on 24 February 2015).

¹⁸ *See* Annex A. *See further:* <http://www.sudantribune.com/spip.php?article54095>; <http://suna-sd.net/new/suna/showNews/236029/ar> (Last visited on 24 February 2015).

week, Sudan's Minister of Investment Mustafa Osman Ismail told reporters that Omar Al Bashir will visit several states including Saudi Arabia, UAE, Kuwait, and Bahrain in the coming days.¹⁹ The Prosecution considers that the reports of Omar Al Bashir's presence in the UAE and scheduled travel are credible and warrant urgent intervention by the Chamber.

10. Members of the delegation to the UAE include Presidential Minister Salah Wanasi, Foreign Minister Ali Karti, Defence Minister Abdel-Rahim Mohamed Hussein, and the Director of the National Intelligence and Security Services Mohamed Atta.²⁰

¹⁹ See Annex A. See further: <http://www.sudantribune.com/spip.php?article54058> (Last visited on 24 February 2015).

²⁰ See Annex A. See further: <http://www.sudantribune.com/spip.php?article54058> (Last visited on 24 February 2015).

Relief Sought

11. 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 UAE, Saudi Arabia, Kuwait, and Bahrain regarding the visits 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.²¹



Fatou Bensouda

Prosecutor

Dated this 24th day of February 2015

At The Hague, The Netherlands

²¹ See, for example, ICC-02/05-01/09-164.