

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 April 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 arrest and Surrender for Omar Hassan Ahmad Al Bashir
to the Republic of Indonesia**

Source: 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 Republic of Indonesia

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 2005; ¹

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 (“the Decision”); 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 Al Bashir dated 12 July 2010; ⁵

NOTING the Prosecution’s Notification of Travel of Suspect Omar Al Bashir in the Case of The Prosecutor v Omar Al Bashir (Prosecution’s notification) dated 2 April 2015; ⁶

¹ United Nations Security Council Resolution 1593, S/RES/1593 (2005), 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-02/05-01/09-234

NOTING the Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” (the “Orders”) dated 16 April 2015;⁷

NOTING articles 87(5) (a), 89 and 91 of the Rome Statute (“the Statute”), rules 117, 176, 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”);

CONSIDERING that the Republic of Indonesia is not a State Party to the Rome Statute;

CONSIDERING that in paragraph 2 of the United Nations Council Resolution 1593, the Security Council “while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States [...] to cooperate fully” with the Court;⁸

CONSIDERING that 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;

CONSIDERING that Chamber indicated 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 this remain in effect”;⁹

⁷ ICC-02/05-01/09-235-Corr

⁸ United Nations Security Council Resolution 1593, S/RES/1593 (2005), adopted on 31 March 2005.

⁹ ICC-02/05-01/09- 94, page 28

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”;¹⁰

CONSIDERING that it appears from the Prosecution’s notification that President Omar Al Bashir is to travel to Indonesia to attend the 60th anniversary of the 1955 Asian-African Conference that will take place during the period of 19 to 24 April;

INVITES the Republic of Indonesia (the requested State) to arrest and surrender in accordance with the two warrants of arrest issued by the Chamber the following person, should he enter its territory:

- Last name: Al Bashir;
- First name(s): Omar Hassan Ahmad;
- First and last names also spelled: Omar al-Bashir, Omer Hassan El Bashired, 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;

¹⁰ ICC-02/05-01/09-235-Corr, pages 5-6.

- 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.

In the event of arrest and surrender:

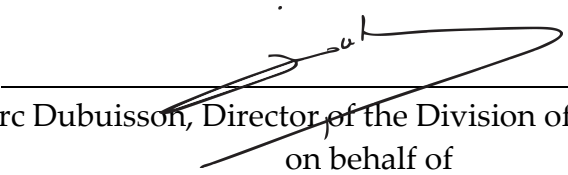
INVITES the requested State to:

- Comply with the procedures provided for in article 59 of the Statute and rule 117 of the Rules for the arrest and surrender of persons against whom an arrest warrant is issued;
- Take all appropriate measures to ensure the safety of Omar Hassan Ahmad Al Bashir until his final surrender to the Registrar of the Court;
- 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;
- 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;
- Inform the Court of any problem which may impede, prevent or delay the execution of this request;
- Immediately inform the Registrar when Omar Hassan Ahmad Al Bashir is available for surrender;

- When Omar Hassan Ahmad Al Bashir is available for surrender, deliver him to the Court as soon as possible.

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

- i) a copy of the Warrant of Arrest and for Omar Al Bashir issued on 4 March 2009 both in its English and Arabic versions;
- ii) a copy of the Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir issued on 12 July 2010 both in its English and Arabic versions;
- iii) a copy of the relevant provisions of the Statute and the Rules in Arabic, the language which Omar Hassan Al Bashir fully understands and speaks.



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

Dated this 16 April 2015

At The Hague, The Netherlands