

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **16 June 2017**

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*

Public

**Order convening a hearing for the delivery of the Chamber's decision under article
87(7) of the Statute**

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Competent authorities of the
Republic of South Africa

Others

United Nations

Secretariat of the Assembly of States
Parties to the Rome Statute

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber II (“Chamber”) of the International Criminal Court (“Court”), acting under article 87(7) of the Rome Statute (“Statute”), issues this order convening a hearing.

1. On 7 April 2017, the Chamber held a hearing where it received submissions from representatives of the Republic of South Africa (“South Africa”) and from the Prosecutor, for the purpose of a determination under article 87(7) of the Statute, in particular on the issues of:

(i) whether South Africa failed to comply with its obligations under the Statute by not arresting and surrendering Omar Hassan Ahmad Al-Bashir to the Court while he was on South Africa’s territory despite having received a request by the Court under articles 87 and 89 of the Statute for the arrest and surrender of Omar Hassan Ahmad Al-Bashir; and, if so,

(ii) whether circumstances are such that a formal finding of non-compliance by South Africa in this respect and referral of the matter to the Assembly of States Parties to the Rome Statute and/or the Security Council of the United Nations within the meaning of article 87(7) of the Statute are warranted.¹

2. At the conclusion of the hearing, the Chamber announced that it would deliver its decision before the summer recess in a public hearing.²

¹ ICC-02/05-01/09-T-2-ENG.

² *Ibid.*, p. 91.

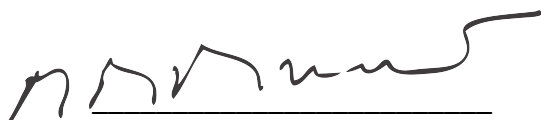
THE CHAMBER HEREBY

CONVENES a public hearing on 6 July 2017 at 14.00 hours for the delivery of its decision under article 87(7) of the Statute and **INVITES** representatives of South Africa and the Prosecutor to attend.

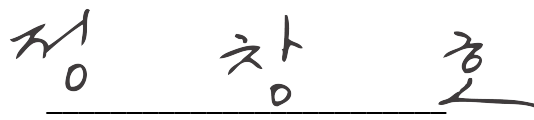
Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser
Presiding Judge



Judge Marc Perrin de Brichambaut



Judge Chang-ho Chung

Dated 16 June 2017

At The Hague, The Netherlands