



Original: **English**

No.: **ICC-02/05-01/09**
Date: **31 August 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

**Request to the Republic of Kazakhstan for Cooperation in the Arrest and
Surrender of Omar Hassan Ahmad Al-Bashir**

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
Republic of Kazakhstan****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. The present request to the Republic of Kazakhstan (“Kazakhstan”) for cooperation in the arrest and surrender of Mr Omar Hassan Ahmad Al-Bashir (“Mr Al-Bashir”) is based on articles 89(1) and 91 of the Rome Statute (“Statute”), in execution of the warrant of arrest for Mr Al-Bashir issued by the Pre-Trial Chamber I (“Chamber”) on 4 March 2009 (“Warrant of Arrest”)¹ as well as the second warrant of arrest for Mr Al-Bashir issued by the Chamber on 12 July 2010 (“Second Warrant of Arrest”).²
2. On 24 August 2017, the Registrar was informed of a possible upcoming visit of Mr Al-Bashir to Kazakhstan. The purpose of this submission is to invite the authorities of Kazakhstan to cooperate with the International Criminal Court (“Court”) in the arrest and surrender of Mr Al-Bashir, in the event that he would, at any given time, be present on the territory of Kazakhstan.

II. Procedural history

3. On 31 March 2005, the situation in Darfur, Sudan, was referred to the Office of the Prosecutor of the Court by the United Nations Security Council’s Resolution 1593, urging all States to cooperate fully with the Court while recognizing that States not party to the Statute have no such obligation under the Statute.³

¹ Pre-Trial Chamber I, “Warrant of Arrest for Omar Hassan Ahmad Al-Bashir”, 4 March 2009, ICC-02/05-01/09-1.

² Pre-Trial Chamber I, “Second Warrant of Arrest for Omar Hassan Ahmad Al-Bashir”, 2 July 2010, ICC-02/05-01/09-95.

³ Resolution 1593 of the United Nations Security Council, S/RES/1593 (2005), adopted on 31 March 2005.

4. The Chamber issued the Warrant of Arrest for Mr Al-Bashir on 4 March 2009, pursuant to article 58 of the Statute, followed by the Second Warrant of Arrest on 12 July 2010.
5. On 15 April 2015, the Pre-Trial Chamber II issued the Corrigendum of “Orders to the Registrar concerning actions to be taken in the case of information relating to travel of suspects” (“Orders”), ordering the Registry to prepare and transmit a request for arrest and surrender, to be addressed to a State to which no such request has yet been transmitted, when information is received in relation to a potential travel to that State of a person at large who is subject of an arrest warrant issued by the Court.⁴

III. Applicable Law

6. The following provisions are of particular relevance to the present request for cooperation in the arrest and surrender of Mr Omar Al-Bashir: articles 59, 86, 87(5), 89(1), (2) and (3) and 91 of the Statute, rules 13(1), 117, 176(2), 179, 184 and 187 of the Rules of Procedure and Evidence (“Rules”), regulation 31 of the Regulations of the Court and regulation 35 of the Regulations of the Registry. The present request is in accordance with the Warrant of Arrest, the Second Warrant of Arrest and the Orders.

THE REGISTRAR INVITES KAZAKHSTAN TO:

- arrest and surrender the following person to the Court:

FULL NAME: OMAR HASSAN AHMAD AL-BASHIR

The name also spelled: Omar al-Bashir, Omer Hassan Ahmed El Bashire, Omar al-Bashir, Omar al-Beshir, Omer Albasheer, Omar Elbashir and Omar Hassan Ahmad el-Béshir

⁴ ICC-02/05-01/09-235-Corr.

Date of birth: 1 January 1944

Place of birth: Hoshe Bannaga, Shendi Governate, Republic of Sudan

Nationality: Sudanese

Occupation: President of the Republic of 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
- iii) genocide under article 6 of the Statute

- comply with the procedures provided for in articles 59, 89(2) and 89(4) of the Statute and rule 117 of the Rules;
- notify the Court of any application made under articles 59(3) and 89(2) of the Statute;
- inform the Registry immediately, pursuant to rule 184(1) of the Rules, when Mr Al Bashir is available for surrender;
- consult with the Court regarding any information that may be required under Kazakhstan's national law in order to execute the requests; and
- consult with the Court without delay should it identify problems which may impede or prevent the execution of the request.

THE REGISTRAR TRANSMITS the following documents:

- Copy of the Warrant of Arrest dated 4 March 2009 in its original version;
- Copy of the Warrant of Arrest dated 12 July 2010 in its original version;
- Copies of the two Warrants of Arrest and of the relevant provisions of the Statute and the Rules in Arabic, a language that Mr Al-Bashir fully understands and speaks, for transmission to Mr Al-Bashir; and
- Copy of the Corrigendum of "Orders to the Registrar concerning actions to be taken in the case of information relating to travel of suspects", issued on 15 April 2015.



Marc Dubuisson, Director of the Division of Judicial Services

On behalf of

Herman von Hebel, Registrar

Dated this 31 August 2017

At The Hague, the Netherlands