

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05
Date: 23 February 2009

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

SITUATION IN DAFUR, SUDAN

Public Document

**Public notice of the Decision on the Prosecution's Application under article 58 of
the Statute**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of 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

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court” respectively);

NOTING the “Prosecution’s Application under Article 58” (“the Prosecution Application”) filed by the Prosecution on 14 July 2008 in the record of the Darfur situation, whereby a request was made for the issuance of a warrant of arrest against Omar Hassan Ahmad Al Bashir (referred to hereinafter as “Omar Al Bashir”) for genocide, crimes against humanity and war crimes;¹

NOTING the supporting material and other information submitted by the Prosecution;²

NOTING articles 58 and 68 of the Rome Statute (“the Statute”);

CONSIDERING that there have been numerous rumors over the past weeks on a possible date and outcome of the decision that this Chamber shall issue on the Prosecution Application; that the Chamber is deeply concerned about such rumors; and that it will publicly issue the said decision on the date set out in the present decision

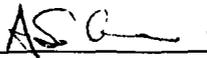
FOR THESE REASONS

¹ ICC-01/05-15 I-US-Exp; and ICC-02/05-151-US-Exp-Anxs1-89; Corrigendum ICC-02/05-151-US-Exp-Corr and Corrigendum ICC-02/05-151-US-Exp-Corr-Anxs1 & 2; and the Public redacted version ICC-02/05-157 and ICC-02/05-157-AnxA.

² ICC-02/05-161 and ICC-02/05-161-Conf-AnxsA-J; ICC-02/05-179 and ICC-02/05-179-Conf-Exp-Anxs1-5, ICC-02/05-183-US-Exp and ICC-02/05-183-Conf-Exp-AnxsA-E.

DECLARES that the decision of the Chamber on the Prosecution Application shall be issued on 4 March 2009 and filed publicly on the same date.

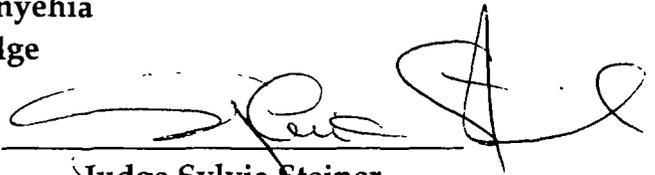
Done in English, Arabic and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Tuesday, 23 February 2009

At The Hague, The Netherlands