

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 March 2009

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR ("OMAR AL
BASHIR")***

Public Document

**REQUEST TO ALL UNITED NATIONS SECURITY COUNCIL MEMBERS THAT
ARE NOT STATES PARTIES TO THE ROME STATUTE FOR THE ARREST AND
SURRENDER OF OMAR AL BASHIR**

Source: The Registrar

Document 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 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

Amicus Curiae

REGISTRY

Registrar
Ms Silvana Arbia

Defence 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 Al Bashir issued on 4 March 2009 by Pre-Trial Chamber I (the “Chamber”) under article 58 of the *Rome Statute*;³

NOTING articles 19, 20, 57 to 60, 67, 89 and 91 of the *Rome Statute*, rules 21, 117 to 119, 176, 184, 187 and 196 of the *Rules of Procedure and Evidence* and regulations 31 and 111 of the *Regulations of the Court*;

NOTING paragraph 2 of Security Council resolution 1593, in which the Security Council “*urges all States [...] to cooperate fully*” with the Court;

CONSIDERING that article 89(1) of the *Rome Statute* provides that the Court may transmit a request for the arrest and surrender of a person to any State on the territory of which that person may be found;

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.

CONSIDERING that the Chamber requested the Registry to prepare and transmit to all United Nations Security Council Members that are not States Parties to the *Rome Statute*, in accordance with rule 176(2) of the *Rules of Procedure and Evidence*, a request for the arrest and surrender of Omar Al Bashir;

REQUESTS that the following person be arrested and surrendered in accordance with the Decision and pursuant to the warrant of arrest:

- Name: Omar Hassan Ahmad Al Bashir ("Omar Al Bashir"), also spelled: Omar al-Bashir, Omer Hassan Ahmed El Bashire, Omar al-Beshir, Omar el-Bashir, Omer Albasheer, Omar Elbashir and Omar Hassan Ahmad el-Béshir,
- Date of Birth: 1 January 1944,
- Nationality: Sudanese,
- Occupation: President of the Republic of the Sudan,
- Charges: He is alleged to have committed war crimes under article 8 of the *Rome Statute* and crimes against humanity under article 7 of the *Rome Statute*, in the Darfur region;

In the event of arrest and surrender:

REQUESTS that the safety of Omar Al Bashir be ensured until his final surrender to the Registrar of the Court;

REQUESTS that the Court be notified of any application made by Omar Al Bashir to a national court under articles 59(3) or 89(2) of the *Rome Statute*;

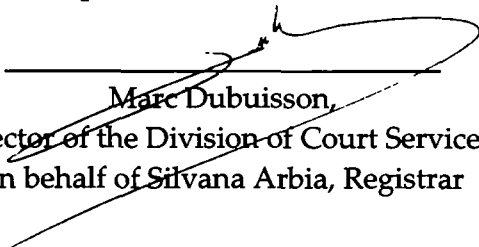
REQUESTS that the Court be notified, pursuant to article 91(2)(c) of the *Rome Statute*, of any documents, statements or information, other than the warrant of arrest, as may be necessary to meet the requirements for the surrender process;

REQUESTS that the Registrar of the Court be immediately informed, pursuant to rule 184 of the *Rules of Procedure and Evidence*, when Omar Al Bashir is available for surrender;

REQUESTS that Omar Al Bashir be delivered to the Court as soon as possible, once it is ordered that he be surrendered;

ATTACHES to this request, in accordance with article 91 of the *Rome Statute*, rule 187 of the *Rules of Procedure and Evidence* and regulation 111 of the *Regulations of the Court*, the following documents:

- i) a copy of the warrant of arrest for Omar Al Bashir issued on 4 March 2009;
- ii) a copy of the relevant provisions of the *Rome Statute* and the *Rules of Procedure and Evidence* in a language which Omar Al Bashir fully understands and speaks.



Marc Dubuisson,
Director of the Division of Court Services,
on behalf of Silvana Arbia, Registrar

Dated this 6 March 2009

At The Hague, The Netherlands