

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 July 2010

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

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

Public Document

**SUPPLEMENTARY REQUEST TO THE REPUBLIC OF THE SUDAN FOR THE
ARREST AND SURRENDER OF OMAR HASSAN AHMAD 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

Mr Nicholas Kaufman
Ms Wanda M. Akin
Mr Raymond Brown

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Didier Preira

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 first 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 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 Ahmad Al Bashir* dated 12 July 2010;⁵

NOTING articles 89 and 91 of the Rome Statute (“the Statute”), rules 117, 176, 184 and 187 of the Rules of Procedure and Evidence (“the Rules”) and regulations 31 and 111 of the Regulations of the Court (“the Regulations”);

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.

NOTING paragraph 2 of United Nations 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 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;

CONSIDERING that 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 thus remain in effect”;⁶

CONSIDERING that the Chamber requested the Registry to:

- (i) prepare a supplementary request for cooperation seeking the arrest and surrender of Omar Al Bashir for the counts contained in both the first and the second warrant of arrest, and containing the information and documents required by articles 89(1) and 91 of the Statute, and by rule 187 of the Rules; and (ii) transmit such request to competent Sudanese authorities in accordance with rule 176(2) of the Rules, to all States Parties to the Statute and all the United Nations Security Council members that are not States Parties to the Statute;⁷

CONSIDERING that the Chamber recalled in its first Decision that:

- (i) the obligations of the Government of the Sudan, pursuant to United Nations Security Council Resolution 1593, to cooperate fully with and provide any necessary assistance to the Court, prevail over any other obligations that the State of Sudan may have undertaken pursuant to “any other international agreement”; and

⁶ ICC-02/05-01/09-94, page 28.

⁷ Idem.

- (ii) if the Government of the Sudan continues to fail to comply with the above-mentioned cooperation obligations with the Court, the competent Chamber, pursuant to article 87(7) of the Rome Statute, “may make a finding to that effect” and decide to “refer the matter [...] to the Security Council” to take appropriate measures pursuant to the Charter of the United Nations;⁸

REQUESTS that the following person be arrested and surrendered in accordance with the the warrants of arrest:

- Last name: Al Bashir;
- First name(s): Omar Hassan Ahmad;
- First and last names 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;
- Date of Birth: 1 January 1944;
- Place of birth: Hoshe Bannaga, Shendi Governorate, Republic of the Sudan;
- Nationality: Sudanese
- 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.

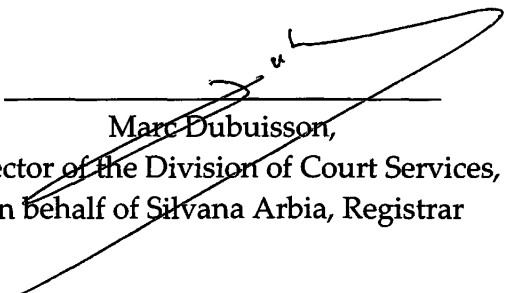
⁸ ICC-02/05-01/09-3, page 94.

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 Omar Hassan Ahmad Al Bashir 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 for Omar Hassan Ahmad Al Bashir* issued on 4 March 2009 (Annex 1);
- ii) a copy of the *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir* issued on 12 July 2010 (Annex 2);
- iii) a copy of the relevant provisions of the Statute and the Rules in a language which Omar Hassan Ahmad Al Bashir fully understands and speaks (Annex 3).



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

Dated this 21 July 2010

At The Hague, The Netherlands