

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/12

Date: 13 March 2012

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDEL RAHEEM MUHAMMAD HUSSEIN***

Public Document

**Request to the Republic of the Sudan for the arrest and surrender of
Abdel Raheem Muhammad Hussein**

Source: The Registry

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

Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Counsel Support Section

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 on 1 July 2002 by the United Nations Security Council in resolution S/RES/1593 of 31 March 2005;¹

NOTING the public redacted version of the *Decision on the Prosecutor’s Application under article 58 relating to Abdel Raheem Muhammad Hussein* (“the Decision”), dated 1 March 2012;²

NOTING the *Warrant of Arrest for Abdel Raheem Muhammad Hussein* issued by Pre-Trial Chamber I (“the Chamber”) on 1 March 2012;³

NOTING articles 13 (b), 57 to 60, 66, 67, 87, 89, 91, and 97 of the Rome Statute (“the Statute”), rules 117, 176, 178, 184, 187 and 196 of the Rules of Procedure and Evidence (“the Rules”) and regulations 31 and 111 of the Regulations of the Court;

CONSIDERING that the United Nations Security Council decided that “the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully”;⁴

CONSIDERING that in the Decision, the Chamber recalled that the obligations of the Government of the Republic of the Sudan, pursuant to United Nations Security Council resolution 1593, to cooperate fully with and provide any necessary assistance

¹ Resolution 1593 (2005) adopted by the Security Council at its 5158th meeting on 31 March 2005

² ICC-02/05-01/12-1

³ ICC-02/05-01/12-2

⁴ Supra footnote 1

to the Court, prevail over any other obligations that the Republic of the Sudan may have undertaken pursuant to any other international agreement;⁵

CONSIDERING that the Chamber also recalled that if the Government of the Republic of 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 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 United Nations Charter;⁶

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;

CONSIDERING that the Chamber requested the Registry to (a) prepare a request for cooperation seeking the arrest and surrender of Abdel Raheem Muhammad Hussein and containing the information and documents required by article 89(1) and 91 of the Statute and rule 187 of the Rules of procedure and Evidence; and (b) transmit such request, in accordance with rule 176(2) of the Rules of Procedure and Evidence, to the competent Sudanese authorities;

⁵ ICC-02/05-01/12-1, p. 32

⁶ *Ibid.*

REQUESTS the Sudanese authorities to arrest and surrender the following person to the Court:

Last name: Hussein
Middle name: Muhammad
First names: Abdel Raheem
Age: around 60 years
Place of birth: in or around Dankla, Karma city, north Khartoum
Nationality: Sudanese
Occupation: Minister of National Defence
Probable location: Sudan, Khartoum
Description: picture attached

REQUESTS the Sudanese authorities to comply with the procedures provided for in articles 59, 89(2) and 89(4) of the Statute and rule 117 of the Rules;

REQUESTS the Sudanese authorities to notify the Court of any application made under articles 59(3) and 89(2) of the Statute;

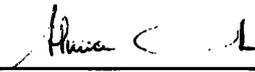
REQUESTS the Sudanese authorities to inform the Court, pursuant to article 97 of the Statute, of any problem which may impede or prevent the execution of this request;

REQUESTS the Sudanese authorities immediately to inform the Registry when the person sought by the Court is available for surrender pursuant to rule 184 of the Rules;

ATTACHES to this request, in accordance with articles 87(2) and 91(2) of the Statute and rule 187(1) of the Rules, the following documents:

- a copy of the original of the arrest warrant;
- a picture of Abdel Raheem Muhammad Hussein;

- two copies of the arrest warrant in Arabic, one for the Sudanese authorities and one for the person subject to the arrest warrant;
- a copy of the relevant provisions of the Statute in Arabic, the language that the person subject to the arrest warrant fully understands and speaks.



Silvana Arbia, Registrar

Dated this 13 March 2012

At The Hague, The Netherlands