



Original: English

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

Date: 5 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 THE REPUBLIC OF THE SUDAN 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**

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**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;<sup>1</sup>

**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”);<sup>2</sup>

**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*;<sup>3</sup>

**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;

**CONSIDERING** that the Chamber requested the Registry to prepare and transmit to the competent Sudanese authorities, in accordance with rule 176(2) of the *Rules of Procedure and Evidence*, a request for the arrest and surrender of Omar Al Bashir;

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<sup>1</sup> United Nations Security Council resolution 1593, S/RES/1593 (2005), adopted on 31 March 2005.

<sup>2</sup> ICC-02/05-01/09-3.

<sup>3</sup> ICC-02/05-01/09-1.

**CONSIDERING** that the Chamber recalled 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 that
- (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;<sup>4</sup>

**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;

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<sup>4</sup> 02/05-01/09-3, page 94.

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;

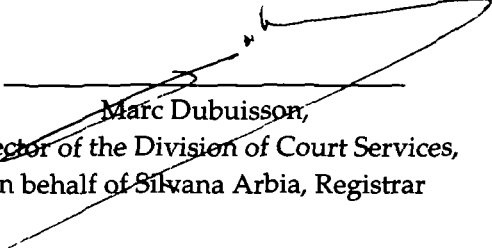
**REQUESTS** that the Registrar of the Court be immediately informed, pursuant to rule 184 of the *Rules of Procedure and Evidence*, when Omar Al Bashir is available for surrender;

**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 5 March 2009

At The Hague, The Netherlands