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

Date: 10 January 2011

PRE-TRIAL CHAMBER I

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

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF**

The Prosecutor V Omar Hassan Ahmad AL BASHIR ("Omar Al Bashir")

Public

Prosecution notification of possible travel in the case of *The Prosecutor v Omar Al Bashir*, pursuant to Article 97 of the Rome Statute

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Introduction

1. The purpose of this filing is to notify the Chamber of the possibility of travel by President Omar Al Bashir to the Republic of Chad on 11 January 2010.

Procedural Background

2. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.¹
3. On 4 March 2009, the Chamber issued a warrant for the arrest of Omar Al Bashir for seven counts of crimes against humanity and war crimes. In the decision, the Chamber found that “under Article 58(1) of the Statute, the arrest of Omar Al Bashir appears necessary at this stage to ensure (i) that he will appear before the Court; (ii) that he will not obstruct or endanger the ongoing investigation into the crimes for which he is allegedly responsible under the Statute; and (iii) that he will not continue with the commission of the above-mentioned crimes.”²
4. On 5 and 6 March 2009, the Registry submitted 3 filings to the Chamber, detailing transmission of the warrant of arrest and the requests for its implementation to the Government of the Sudan³, to all Rome Statute States Parties⁴ and to the members of the UN Security Council.⁵

¹ ICC-02/05-157-AnxA

² ICC-02/05-01/09-3

³ ICC-02/05-01/09-5 REQUEST TO THE REPUBLIC OF THE SUDAN FOR THE ARREST AND SURRENDER OF OMAR AL BASHIR

⁴ ICC-02/05-01/09-7 REQUEST TO ALL STATES PARTIES TO THE ROME STATUTE FOR THE ARREST AND SURRENDER OF OMAR AL BASHIR

⁵ ICC-02/05-01/09-8 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

5. On 12 July 2010, the Chamber issued a second arrest warrant for Omar Al Bashir for three counts of genocide.
6. The Registry submitted additional filings on 15 September 2010, on the transmission of the requests and supplementary requests for the arrest and surrender of Omar Hassan Ahmad Al Bashir to States Parties, Non-States Parties Members of the United Nations Security Council and the Republic of the Sudan.
7. The Prosecution submitted a notification pursuant to Article 97 of the Rome Statute on 8 December 2010, to the Chamber informing of a possible travel of President Al Bashir to the Republic of Senegal and the Republic of Zambia. ⁶

Reports of Omar Al Bashir's possible travel to the Republic of Chad

8. State Party sources have indicated that Omar Al Bashir is on the guest list for the official Independence Day ceremony of the Republic of Chad scheduled for 11 January 2011.
9. Furthermore, the Prosecution understands that some States Parties are working bilaterally and within the framework of regional organizations to try to discourage the visit, and civil society organizations are endeavouring to ensure that the warrant will be executed, should Omar Al Bashir visit the Republic of Chad.
10. At the time of filing, there are also indications from the same State Party sources that Al Bashir has now cancelled his trip; however there is no way of verifying

⁶ ICC website - <http://www.icc-cpi.int/iccdocs/doc/doc981253.pdf> - last visited on 06/12/2010.

whether this is in fact the case. The Prosecution will further update the Chamber should it become aware of any public pronouncement to that effect.

Relief Sought

11. The Prosecution believes, in line with earlier submissions to the Chamber that this information may be of interest to the Chamber. The Prosecution will submit any additional confirmation it receives of Omar Al Bashir's planned visits to the Republic of Chad.



Luis Moreno-Ocampo,
Prosecutor

Dated this 10th day of January 2011.

At The Hague, the Netherlands