

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-01/09  
Date: 27 August 2010

**PRE-TRIAL CHAMBER I**

**Before:** Judge Cuno Tarfusser, Presiding Judge  
Judge Sylvia Steiner  
Judge Sabji Mmasenono Monageng

**SITUATION IN DARFUR, SUDAN**

***THE PROSECUTOR V. OMAR HASSAN AHMAD AL BASHIR***

**Public Document**

**Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Kenya**

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

**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**

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

**States Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**  
Ms Silvana Arbia

**Deputy Registrar**  
Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**PRE-TRIAL CHAMBER I** of the International Criminal Court (the “Chamber” and the “Court”, respectively);

**NOTING** that, according to public information available to the Chamber,<sup>1</sup> Omar Al-Bashir, as President of Sudan, has been invited by the Government of Kenya to attend the celebrations for the promulgation of the new Kenyan Constitution scheduled to take place in Kenya on 27 August 2010;

**NOTING** the warrants of arrest against Omar Al-Bashir issued by the Chamber respectively on 4 March 2009 and 12 July 2010 which are yet to be executed;<sup>2</sup>

**NOTING** that the Republic of Kenya has a clear obligation to cooperate with the Court in relation to the enforcement of such warrants of arrest, which stems both from the United Nations Security Council Resolution 1593(2005)<sup>3</sup>, whereby the United Nations Security Council “urge[d] all States and concerned regional and other international organizations to cooperate fully” with the Court, and from article 87 of the Statute of the Court, to which the Republic of Kenya is a State Party;

**CONSIDERING** it appropriate to inform the Security Council of the United Nations as well as the Assembly of States Parties to the Rome Statute about the expected attendance of Omar Al-Bashir at the celebration scheduled for Friday 27 August in order for them to take any action they may deem appropriate, should such attendance be confirmed;

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<sup>1</sup> <http://www.lefigaro.fr/flash-actu/2010/08/27/97001-20100827FILWWW00302-le-president-soudanais-a-nairobi.php>; <http://www.sudantribune.com/spip.php?article36085>; <http://www.alertnet.org/thenews/newsdesk/HRW/deb99149cd9be034a2c0f3c74b4a1a3b.htm>.

<sup>2</sup> ICC-02/05-01/09-1 ICC-02/05-01/09-95.

<sup>3</sup> S/RES/1593 (2005).

**FOR THESE REASONS**

**INFORMS** the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's presence on the territory of the Republic Kenya, in order for them to take any measure they may deem appropriate;

**ORDERS** the Registrar to immediately transmit the present decision to the Security Council, through the Secretary General of the United Nations, and to the Assembly of the State Parties to the Court.

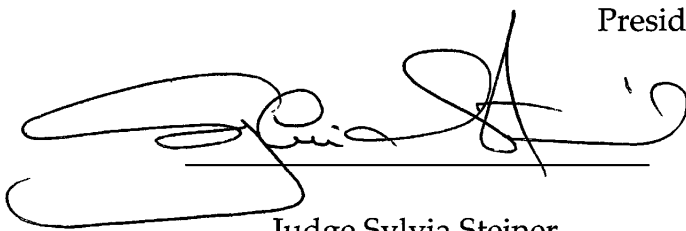
Done in both English and French, the English version being authoritative.

Dated this Friday, 27 August 2010

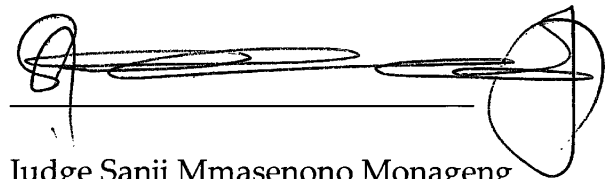
At The Hague, The Netherlands



Judge Cuno Tarfusser  
Presiding Judge



Judge Sylvia Steiner



Judge Sanji Mmasenono Monageng