



Original: **English**

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

Date: **16 June 2017**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Cuno Tarfusser, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Chang-ho Chung

**SITUATION IN DARFUR, SUDAN**

**IN THE CASE OF *THE PROSECUTOR v. OMAR HASSAN AHMAD AL-BASHIR***

**Public**

**Order convening a hearing for the delivery of the Chamber's decision under article  
87(7) of the Statute**

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

**The Office of the Prosecutor**

Fatou Bensouda

James Stewart

**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**

Competent authorities of the  
Republic of South Africa

**Others**

United Nations

Secretariat of the Assembly of States  
Parties to the Rome Statute

**REGISTRY**

---

**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**Pre-Trial Chamber II** (“Chamber”) of the International Criminal Court (“Court”), acting under article 87(7) of the Rome Statute (“Statute”), issues this order convening a hearing.

1. On 7 April 2017, the Chamber held a hearing where it received submissions from representatives of the Republic of South Africa (“South Africa”) and from the Prosecutor, for the purpose of a determination under article 87(7) of the Statute, in particular on the issues of:
  - (i) whether South Africa failed to comply with its obligations under the Statute by not arresting and surrendering Omar Hassan Ahmad Al-Bashir to the Court while he was on South Africa’s territory despite having received a request by the Court under articles 87 and 89 of the Statute for the arrest and surrender of Omar Hassan Ahmad Al-Bashir; and, if so,
  - (ii) whether circumstances are such that a formal finding of non-compliance by South Africa in this respect and referral of the matter to the Assembly of States Parties to the Rome Statute and/or the Security Council of the United Nations within the meaning of article 87(7) of the Statute are warranted.<sup>1</sup>
2. At the conclusion of the hearing, the Chamber announced that it would deliver its decision before the summer recess in a public hearing.<sup>2</sup>

---


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

<sup>2</sup> *Ibid.*, p. 91.

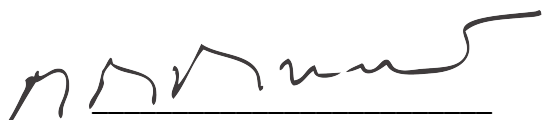
**THE CHAMBER HEREBY**

**CONVENES** a public hearing on 6 July 2017 at 14.00 hours for the delivery of its decision under article 87(7) of the Statute and **INVITES** representatives of South Africa and the Prosecutor to attend.

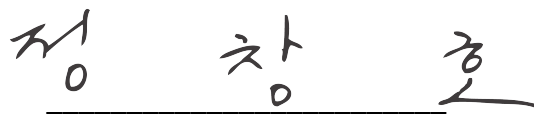
Done in both English and French, the English version being authoritative.



**Judge Cuno Tarfusser**  
**Presiding Judge**



**Judge Marc Perrin de Brichambaut**



**Judge Chang-ho Chung**

Dated 16 June 2017

At The Hague, The Netherlands