

**Cour
Pénale
Internationale**

No.: ICC-02/05

**International
Criminal
Court**

Date: 21 April 2005

Original: English

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge Elizabeth Odio Benito, Second Vice-President

Registrar: Mr Bruno Cathala

SITUATION IN DARFUR, SUDAN

Public Document

**DECISION ASSIGNING THE SITUATION IN DARFUR, SUDAN TO PRE-
TRIAL CHAMBER I**

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor

THE PRESIDENCY of the International Criminal Court (the "Court");

NOTING article 38 of the Rome Statute of the International Criminal Court (the "Statute");

NOTING the Decision Constituting Pre-Trial Chambers, issued by the Presidency on 23 June 2004;

NOTING the Security Council Resolution 1593 (2005) of 31 March 2005 transmitted by the Secretary General of the United Nations to the Prosecutor in accordance with Article 17 of the Relationship Agreement between the International Criminal Court and the United Nations, and the transmittal letter, annexed to this decision;

NOTING the letter from the Prosecutor, dated 4 April 2005, and numbered OTP/050404/LMO-dr, annexed to this decision, in which the Prosecutor formally informed the President of the Court of the referral by the Security Council of the situation in Darfur since 1 July 2002;

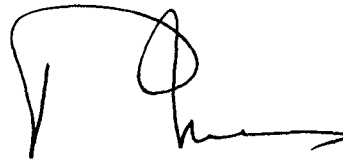
NOTING articles 11, 12 and 13 of the Statute;

CONSIDERING regulation 46(2) of the Regulations of the Court (the "Regulations"), pursuant to which the Presidency shall assign a situation to a Pre-Trial Chamber as soon as the Prosecutor has informed the Presidency in accordance with regulation 45;

NOTING regulation 45 of the Regulations, pursuant to which the Prosecutor shall, *inter alia*, inform the Presidency in writing as soon as a situation has been referred to the Prosecutor by the Security Council under article 13, sub-paragraph (b) of the Statute; and provide the Presidency with any other information that may facilitate the timely assignment of a situation to a Pre-Trial Chamber;

HEREBY DECIDES that the situation in Darfur, Sudan be assigned to Pre-Trial Chamber I, with immediate effect.

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

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a long horizontal stroke extending to the right.

Judge Philippe Kirsch
President

Dated this twenty first day of April 2005

At The Hague

The Netherlands

United Nations

S/RES/1593 (2005)



Security Council

Distr. General
31 March 2005

Resolution 1593 (2005)

Adopted by the Security Council at its 5158th meeting,
on 31 March 2005

The Security Council,

Taking note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (S/2005/60),

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute and encouraging States to contribute to the ICC Trust Fund for Victims,

Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;*

2. *Decides 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;*

3. *Invites the Court and the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;*

4. *Also encourages the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;*

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5. *Also emphasizes* the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary;

6. *Decides* that nationals, current or former officials or personnel from a contributing State outside Sudan which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction has been expressly waived by that contributing State;

7. *Recognizes* that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

8. *Invites* the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

9. *Decides* to remain seized of the matter.



THE SECRETARY-GENERAL

1 April 2005

Dear Mr. Moreno-Ocampo,

I have the honour to transmit, pursuant to Article 17, paragraph 1, of the Relationship Agreement between the United Nations and the International Criminal Court, Security Council Resolution 1593 (2005) of 31 March 2005 referring the situation in Darfur since 1 July 2002 to you.

The United Nations will continue to support your work and assist you under the terms of the Relationship Agreement. In that regard I shall be forwarding to you early next week documents and other materials that are pertinent to the decision of the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Annan', written in a cursive style.

Kofi A. Annan

Mr. Luis Moreno-Ocampo
Prosecutor
International Criminal Court
The Hague

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Office of the Prosecutor

OTP/050404/LMO-dr

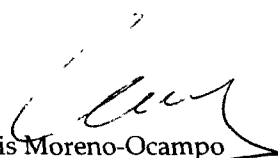
The Hague, 4 April 2005

Dear President Kirsch,

In accordance with Regulation 45, I have the honour to formally notify you that, on 31 March 2005, the Security Council referred to my Office the situation in Darfur since 1 July 2002. The Secretary General of the United Nations has transmitted the resolution in accordance with Article 17 of the UN-ICC Relationship Agreement. For your convenience, I attach the transmittal letter and the text of the resolution.

I am conducting analysis and seeking additional information in accordance with Article 53 of the Statute and Rule 104 of the Rules of Procedure and Evidence.

Respectfully yours,


Luis Moreno-Ocampo
Prosecutor

Philippe Kirsch
President
International Criminal Court

Cc: Bruno Cathala
Registrar

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cc
Date:
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