

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/09
Date: 29 October 2010

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR,SUDAN

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

**Public
with confidential annexes
Transmission of the reply from the Republic of Kenya**

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
Mr Essa Faal

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Silvana Arbia
Deputy Registrar
Didier Preira

Counsel Support Section

The Registrar of the International Criminal Court (the “Court”);

NOTING the “Decision requesting observations from the Republic of Kenya” dated 25 October 2010 (the “Decision”); ¹

CONSIDERING that the Chamber requested “the Republic of Kenya to inform the Chamber, no later than 29 October 2010, about any problem which would impede or prevent the arrest and surrender of Omar Al Bashir in case he visits the Republic of Kenya on 30 October 2010”; ²

INFORMS the Chamber as follows:

1. The Registry notified the Decision to the Embassy of Kenya on 26 October 2010 (Annex 1).
2. The same day, the Registry also sent the Decision by e-mail to the Attorney general in order to accelerate the procedure (Annex 2).
3. The Attorney General sent a reply on 28 October 2010 (Annex 3) in which he indicated that “[t]he IGAD Meeting will not be held in Kenya and therefore H. E. Mr. Omar Hassan Ahmad Al Bashir will not be in Kenya on 30th October 2010”.
4. The embassy confirmed that the said e-mail was to be considered as the official reply from the Republic of Kenya.

¹ ICC-02/05-01/09-117

² Ibis, page 4.

ANNEXES to the present filing

- The note verbale and the memorandum of notification to the Republic of Kenya (Annex 1);
- The e-mail sent to the Attorney general (Annex 2);
- The e-mail sent by the Attorney general (Annex 3).



On behalf of the Registrar
Didier Preira, Deputy Registrar

Dated this 29 October 2010

At The Hague, The Netherlands