

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 August 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul, Judge
Judge Cuno Tarfusser, Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

**With four public annexes and one confidential annex
Report of the Registry on the "Decision regarding Omar Al-Bashir's Visit to the
Federal Republic of Nigeria"**

Source: Registry

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

The Office of the Prosecutor
 Fatou Bensouda, Prosecutor
 James Stewart, Deputy Prosecutor

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

Mr Herman Von Hebel

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

THE REGISTRY of the International Criminal Court (the “Court”):

NOTING Resolution 1593 (2005) of the United Nations Security Council, referring the situation in Darfur to the Court¹;

NOTING the warrants of arrest against Omar Al-Bashir dated 4 March 2009 and 12 July 2010²;

NOTING the “Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir”³ dated 6 March 2009 and the “Supplementary request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir”⁴ dated 21 July 2010;

NOTING the “Prosecution’s notification of travel in the case of *The Prosecutor v. Omar Al Bashir*”⁵ dated 15 July 2013;

NOTING articles 86 and 89 of the Rome Statute and rule 176(2) of the Rules of Procedure and Evidence;

NOTING the “Decision Regarding Omar Al-Bashir’s Visit to the Federal Republic of Nigeria”⁶ (“the Decision”) issued by the Pre-Trial Chamber II (“the Chamber”) dated 15 July 2013;

¹ S/RES/1593 (2005)

² ICC-02/05-01/09-1; ICC-02/05-01/09-95

³ ICC-02/05-01/09-7

⁴ ICC-02/05-01/09-96

⁵ ICC-02/05-01/09-156

⁶ ICC-02/05-01/09-157

CONSIDERING that the Chamber instructed the Registry to “prepare a report to the Chamber concerning Omar Al-Bashir’s visit to the Federal Republic of Nigeria”⁷;

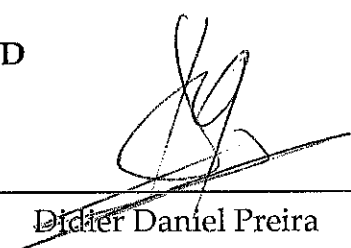
INFORMS the Chamber as follows:

1. On 15 July 2013, the Registry transmitted the Decision to the Federal Republic of Nigeria (memorandum of notification attached in Annex 1).
2. On 25 July 2013, the Registry sent a note verbale inquiring about the dates of transmission of the reply by the Republic of Nigeria and of the level of classification of such a reply (note verbale in Annex 2).
3. On the 1st August 2013, the Embassy of the Federal Republic of Nigeria acknowledged reception of the second note verbale (note verbale in Annex 3).
4. On 5 August 2013, the Registry received observations from the Attorney-General of the Federation and Minister of Justice of the Federal Republic of Nigeria on the visit of President Al Bashir to Nigeria (Observations in Annex 4).
5. The Embassy indicated by e-mail dated 6 August 2013 that the reply could be classified public (e-mail in Annex 5). Annex 5 will be filed confidential as it contains the names of officials of the Court and of the Embassy.

⁷ ICC-02/05-01/09-157

TRANSMITS in annex:

1. The note verbale sent by the Registry to the Federal Republic of Nigeria transmitting the Decision of the Chamber (Annex 1);
2. The note verbale sent by the Registry to the Federal Republic of Nigeria asking a date of transmission of the observations (Annex 2);
3. The acknowledgment of receipt of the note verbale by the Embassy of the Federal Republic of Nigeria (Annex 3);
4. The observations of the Federal Republic of Nigeria (Annex 4);
5. The e-mail advising that the reply will be treated as a public document (Confidential Annex 5).

RESPECTFULLY SUBMITTED

Didier Daniel Preira
Deputy Registrar

Dated this 13 August 2013

At The Hague, The Netherlands