



Original: English

No.: ICC-02/05-01/12
Date: 10 September 2013

PRE-TRIAL CHAMBER II

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

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDEL RAHEEM MUHAMMAD HUSSEIN***

Public Document
with 3 confidential and 1 public annex

Report of the Registry on the "Order Regarding Abdel Raheem Muhammad Hussein's Potential Visit to the Republic of Chad"

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
Ade Omofade, Trial Lawyer

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

Herman von Hebel

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

NOTING Resolution 1593 (2005)¹ of the United Nations Security Council, referring the situation in Darfur to the Court;

NOTING the "Decision on the Prosecutor's application under article 58 relating to Abdel Raheem Muhammad Hussein"² issued by Pre-Trial I on 1 March 2012;

NOTING the Warrant of Arrest against Abdel Raheem Muhammad Hussein dated 1 March 2012³;

NOTING the "Request to all States Parties to the Rome Statute for the arrest and surrender of Abdel Raheem Muhammad Hussein"⁴ dated 13 March 2012;

NOTING the "Prosecution notification of possible travel in the case of The Prosecutor v. *Abdel Raheem Muhammad Hussein* pursuant to Article 97 of the Rome Statute"⁵ dated 25 April 2013;

NOTING the "Order Regarding Abdel Raheem Muhammad Hussein's Potential Visit to the Republic of Chad"⁶ ("the Order") issued by Pre-Trial Chamber II ("the Chamber") on 26 April 2013;

¹ S/RES/1593 (2005)

² ICC-02/05-01/12-I-Red.

³ ICC-02/05-01/12-2

⁴ ICC-02/05-01/12-5

⁵ ICC-02/05-01/12-11

⁶ ICC-02/05-01/12-12

CONSIDERING that the Chamber instructed the Registry to immediately transmit the Order to the Republic of Chad⁷;

CONSIDERING that the Chamber ordered the Registry to “prepare and send a note verbale to the competent authorities of the Republic of Chad enquiring about said visit, and reminding the State of its obligations with respect to the arrest and surrender of Mr. Hussein to the Court”, and “to prepare a report to be filed with the Chamber in due course concerning said visit”⁸;

INFORMS the Chamber as follows:

1. On 26 April 2013 the Registry prepared and transmitted by facsimile a note verbale, as instructed by the Chamber, and the original English version of the Order to the Embassy of the Republic of Chad to the Kingdom of Belgium (“the Embassy”), a designated channel of communication. The originals of the documents were transmitted to the Embassy on 27 April 2013 by courier services.
2. The French version of the Order was transmitted to the Embassy on 3 May 2013.
3. According to media sources, Abdel Raheem Muhammad Hussein visited Chad in order to participate at the “Forth Conference for Assessment of the Performance of the Joint Sudanese-Chadian Forces” on 24 and 25 April 2013.
4. On 17 and 18 July 2013, the Director of the Court services Division, Mr. Marc Dubuisson met the Prime Minister and Minister of Justice of the Republic of

⁷ Ibid, p.5

⁸ Ibid.

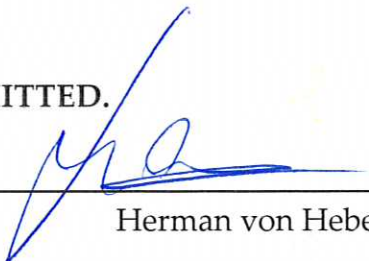
Chad, who informed Mr Dubuisson that they were not aware of this visit by Abdel Raheem Muhammad Hussein (memorandum attached in Annex 4).

5. On 9 September 2013, the Minister of Justice visited the ICC and confirmed in a conversation with the Registry representatives the statements made during the prior meeting with Mr Dubuisson. A note verbale confirming this information will be sent by the Embassy of the Republic of Chad to the Court.
6. The Registry files annexes 1, 2 and 4 to the present report as *confidential*, given that they contain the communication between the Registry and the Republic of Chad.

TRANSMITS in annexes:

- The note verbale sent by the Registry to the Embassy of the Republic of Chad on 26 April 2013 (Annex 1);
- The note verbale sent by the Registry to the Embassy of the Republic of Chad on 3 May 2013 transmitting the French version of the Order (Annex 2);
- A compilation of information from the media and NGO sources regarding the visit of Mr Abdel Raheem Muhammad Hussein to Chad (Annex 3); and
- The Internal Memorandum to Pre-Trial Chamber II dated 1 August 2013 (Annex 4).

RESPECTFULLY SUBMITTED.



Herman von Hebel

Dated this 10 September 2013

At The Hague, The Netherlands