

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 December 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.* OMAR HASSAN AHMAD AL BASHIR**

Public Document

With two confidential annexes and one public annex

**Report of the Registry on the "Decision Regarding Omar Al-Bashir's Potential
Travel to the State of Kuwait"**

Source: The 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

Competent authorities of the State of
Kuwait

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Deputy Registrar

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 “Prosecution’s urgent notification of travel in the case of *The Prosecutor v Omar Al Bashir*”³ dated 18 November 2013;

NOTING the “Decision Regarding Omar Al-Bashir’s Potential Travel to the State of Kuwait”⁴ (“the Decision”) issued by Pre-Trial Chamber II (“the Chamber”) dated 18 November 2013;

NOTING the “Request for Arrest and Surrender for Omar Hassan Ahmad Al-Bashir”⁵ issued by the Registrar on 18 November 2013;

NOTING articles 87(1)(a) and (5), 89(1) and 91 of the Rome Statute and rule 176(2) of the Rules of Procedure and Evidence and regulation 23 *bis* of the Regulations of the Court;

¹ S/RES/1593 (2005)

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

³ ICC-02/05-01/09-168

⁴ ICC-02/05-01/09-169

⁵ ICC-02/05-01/09-170

CONSIDERING that the Chamber ordered the Registrar *inter alia* “to transmit to the State of Kuwait the requests for arrest and surrender”⁶, and “to send a Note Verbale to the State of Kuwait, enquiring about said visit, reminding said State of the SC Resolution 1593 (2005) and inviting it to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir to the Court”⁷;

CONSIDERING that the Chamber ordered the Registrar “to notify the present decision, to the competent authorities of the State of Kuwait”⁸;

CONSIDERING that the Chamber ordered the Registrar “to prepare a report to be filed with the Chamber in due course concerning the said visit”⁹;

INFORMS the Chamber as follows:

1. On 18 November 2013, a note verbale and the request for arrest and surrender against Omar Al-Bashir were sent electronically to the Permanent Mission of the State of Kuwait to the United Nations (Annex 1).
2. On 19 November 2013, the Permanent Representation of Kuwait to the United Nations acknowledged the receipt of the note verbale in an email and confirmed that they had sent the document to the capital (Annex 1).
3. On 19 November 2013, the original of the note verbale was sent to the Embassy of the State of Kuwait to the Kingdom of the Netherlands, transmitting the request for arrest and surrender against Omar Al-Bashir, the arrest warrants as well as the Arabic translation of the arrest warrants and the relevant provisions of the Rome Statute (Annex 2).
4. As of today, 4 December 2013, no further reply has been received by the Embassy of the State of Kuwait.

⁶ ICC-02/05-01/09-169

⁷ ICC-02/05-01/09-169

⁸ ICC-02/05-01/09-169

⁹ ICC-02/05-01/09-169

5. Several articles reported that President Omar Al-Bashir arrived on 18 November in Kuwait and attended the third Arab-African Summit until 20 November 2013 (Annex 3).
6. The present filing is classified public in line with the level of classification of the Decision. Annex 1 and 2 are classified confidential as they make reference to names and contact details of staff members of the Court and of public servants of Kuwait.

TRANSMITS in annex:

- The note verbale sent electronically to the Permanent Mission of the State of Kuwait to the United Nations on 18 November 2013 and the email by the Permanent Representation of Kuwait acknowledging its receipt (Annex 1 – Confidential);
- The note verbale and the memorandum of notification sent on 19 November 2013 by the Registry to the Embassy of the State of Kuwait to the Kingdom of the Netherlands (Annex 2 - Confidential);
- The articles reporting Al-Bashir's presence in Kuwait from 18 November to 20 November 2013 (Annex 3 – Public).

RESPECTFULLY SUBMITTED.



Herman von Hebel

Registrar

Dated this 4 December 2013

At The Hague, The Netherlands