

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/09
Date: 23 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
with one confidential annex**

Registry's transmission of the response from the State of Kuwait pursuant to the
"Decision Regarding Omar Al-Bashir's Potential Travel to the State of Kuwait"
dated 18 November 2013

Source: Registry

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr James Stewart

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

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

NOTING the warrants of arrest against Omar Hassan Ahmad Al-Bashir dated 4 March 2009 and 12 July 2010;²

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

NOTING the *“Decision regarding Omar Al-Bashir’s potential travel to the State of Kuwait”* (the “Decision”) dated 18 November 2013;⁴

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

NOTING the *“Report of the Registry on the “Decision regarding Omar Al-Bashir’s potential travel to the State of Kuwait”* dated 4 December 2013;⁶

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 and 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.

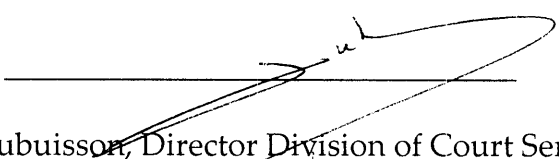
⁶ ICC-02/05-01/09-171.

CONSIDERING that in the Decision Pre-Trial Chamber II ordered the Registrar 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 on 18 November 2013 the Registry notified to the State of Kuwait the "*Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir*";⁸

CONSIDERING that on 23 December 2013 the Registry has received a note verbale, dated 18 December 2013, from the Embassy of the State of Kuwait to the Kingdom of the Netherlands transmitting to the Registry the information the Embassy has received from the competent authorities of the State of Kuwait concerning the nature of the attendance of Omar Hassan Ahmad Al-Bashir at the Third African Arabs Summit on 18 and 19 November 2013;

TRANSMITS respectfully to Pre-Trial Chamber II in Annex 1 the above-mentioned response from the competent authorities of the State of Kuwait confidentially considering that the State of Kuwait did not specify that such communication can be registered publicly in the case file of the present case.


 Marc Dubuisson, Director Division of Court Services
per delegation of Herman von Hebel, Registrar

Dated this 23 December 2013

At The Hague, The Netherlands

⁷ ICC-02/05-01/09-169, page 6.

⁸ ICC-02/05-01/09-171, paras 1 and 2.