

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 5 May 2014

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 annexes 1, 2, 3, 4 confidential and annex 5 public Report of the Registry on the "Decision regarding Omar Al-Bashir's Potential Visit to the Republic of Chad"
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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

States' Representatives

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 "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 ;

NOTING the "Supplementary Request To All Parties To The Rome Statute For The Arrest And Surrender Of Omar Hassan Ahmad Al Bashir"⁴ dated on 21 July 2010;

NOTING the "Prosecution's urgent notification of travel of Suspect Omar Hassan Al-Bashir in the case of *The Prosecutor v Omar Al Bashir*, pursuant to article 97 of the Rome Statute" dated 25 March 2014, in which the Prosecution informed the Chamber on the planned travel of President Omar Al Bashir to Um Jaras, Chad, to address a forum of tribes living in the border area⁵;

NOTING the "Decision Regarding Omar Al-Bashir's Potential Visit to the Republic of Chad"⁶ ("the Decision") issued by the Pre-Trial Chamber II ("the Chamber") on 25 March 2014;

NOTING rule 176 of the Rules of Procedure and Evidence, regulation 23bis 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-02/05-01/09-7

⁴ ICC-02/05-01/09-96

⁵ ICC-02/05-01/09-193

⁶ ICC-02/05-01/09-194

CONSIDERING that the Chamber instructed the Registry “to immediately transmit the present decision to the Republic of Chad”⁷;

CONSIDERING that the Chamber ordered the Registry “to prepare a report to be filed with the Chamber in due course concerning said visit”⁸;

INFORMS the Chamber as follows:

1. On 25 March 2014, the Registry sent a note verbale to the Embassy of the Republic of Chad in the Kingdom of Belgium and an e-mail on 27 March 2014 to the Chef de Cabinet of the Ministry of Justice of the Republic of Chad (“Chef de Cabinet”) requesting the authorities to arrest and surrender Omar Al Bashir to the Court and subsequently transmitting the Decision issued by the Chamber (Annex 1 - Confidential).
2. On 31 March 2014, the Registry sent a note verbale to the Embassy of the Republic of Chad in the Kingdom of Belgium and an e-mail on 28 March to the Chef de Cabinet transmitting the French version of the Decision. The Chef de Cabinet acknowledged receipt of the documents transmitted to him by e-mail on 30 March 2014 (Annex 2 –Confidential).
3. On 14 April 2014, the Registry sent a reminder to the Embassy of the Republic of Chad in the Kingdom of Belgium and an e-mail to the Chef de Cabinet requesting to provide the updates on this issue. The Chef de Cabinet acknowledged receipt of the e-mail on 16 April 2014 (Annex 3 – Confidential).
4. On 30 April 2014, the Registry sent an e-mail to the Chef de Cabinet reminding the Chadians authorities on their obligation to provide a reply for further transmission to the Chamber (Annex 4 – Confidential).
5. No communication was received since 16 April 2014.

⁷ Ibid., p.6

⁸ Ibid., p.6

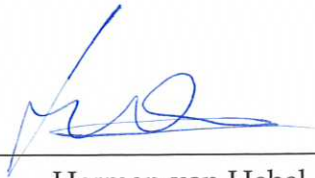
6. According to the media reports President Al Bashir went to Chad on 25 to 29 March 2014 to attend the second tributes' forum in Um-Jaras (Annex 5 – Public).
7. The present filing is classified public as the Decision. The annexes 1, 2, and 3, 4 are classified confidential as they refer to staff from the Court and to Chadian authorities. The annex 5 is classified as public as it contains information from open media sources.

TRANSMITS in annexes:

1. The note verbale sent by the Registry to the Embassy of the Republic of Chad in the Kingdom of Belgium on 25 March 2014, the courier proof of receipt, and the e-mail sent to the Chef de Cabinet on 27 March 2014 (Annex 1 – Confidential);
2. The note verbale sent by the Registry to the Embassy of the Republic of Chad in the Kingdom of Belgium on 31 March 2014, the courier proof of receipt, and the e-mail sent to the Chef de Cabinet on 31 March 2014 and the acknowledgment of receipt (Annex 1 – Confidential);
3. The reminder sent by the Registry to the Embassy of the Republic of Chad in the Kingdom of Belgium on 14 April 2014, the e-mail sent to the Chef de Cabinet on 14 April 2014 and the acknowledgment of receipt (Annex 3 – Confidential);
4. The reminder sent by e-mail by the Registry on 30 April 2014 to the Chef de Cabinet (Annex 4 – Confidential).

5. The different media reports on the visit of the President Al-Bashir to Chad from 25 March to 29 March 2014 (Annex 5 – Public).

RESPECTFULLY SUBMITTED



Herman von Hebel
Registrar

Dated this 5 May 2014

At the Hague, The Netherlands