

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 14 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 Document

With annexes 1, 3, 4 confidential and annexes 2, 5 public

**Report of the Registry on the visits of Omar Al Bashir to the Federal Democratic
Republic of Ethiopia**

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

Amicus Curiae

REGISTRY

Registrar
 Herman von Hebel

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 for Arrest and Surrender for Omar Hassan Ahmad Al-Bashir"³ dated 10 October 2013;

NOTING the "Prosecution's Urgent Notification of Travel in the Case of *The Prosecutor v Omar Al Bashir*"⁴, dated 17 February 2014

NOTING the "Decision on the 'Prosecution's Urgent Notification of Travel in the Case of The Prosecutor v Omar Al Bashir'"⁵ issued by Pre-Trial Chamber II ("the Chamber") on 17 February 2014;

NOTING the "Prosecution's Urgent Notification of Travel in the Case of *The Prosecutor v Omar Al Bashir*"⁶ dated 29 April 2014;

¹ S/RES/1593 (2005)

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

³ ICC-02/05-01/09-165

⁴ ICC-02/05-01/09-183

⁵ ICC-02/05-01/09-184

⁶ ICC-02/05-01/09-198

NOTING the “Decision Regarding the Visit of Omar Hassan Ahmad Al Bashir to the Federal Republic of Ethiopia”⁷ dated 29 April 2014;

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

CONSIDERING that in its decisions of 17 February 2014 and 29 April 2014 the Chamber ordered the Registrar to remind the Federal Republic of Ethiopia of the request for arrest and surrender of Omar Hassan Ahmad Al Bashir transmitted to the competent authorities of that country on 10 October 2013⁸;

CONSIDERING that the Chamber ordered the Registrar to send a Note Verbale to the Federal Republic of Ethiopia, enquiring about the visit of Omar Hassan Ahmad Al Bashir, reminding it of the SC Resolution 1593(2005) and inviting said State to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al Bashir to the Court⁹;

CONSIDERING that the Chamber ordered the Registrar to notify the Chamber’s decisions, to the competent authorities of the Federal Republic of Ethiopia¹⁰;

CONSIDERING that the Chamber ordered the Registrar to prepare a report to be filed with the Chamber in due course concerning Al Bashir’s visit¹¹;

⁷ ICC-02/05-01/09-199

⁸ *Ibid.* p. 7; ICC-02/05-01/09-184 p.7

⁹ *Ibid.*

¹⁰ *Ibid.* p.8

¹¹ *Ibid.*

INFORMS the Chamber as follows:

Visit of Omar Al-Bashir to the Federal Democratic Republic of Ethiopia (FDRE) in February 2014

1. On 17 February 2014 the Registry sent a note verbale and the Decision ICC-02/05-01/09-184 to the Embassy of the FDRE in Brussels. The documents were transmitted by e-mail and by fax. (Annex 1).
2. From the media reports it follows that Omar Al Bashir arrived to Mekele on 17 February 2014 to attend celebrations commemorating the establishment of the Tigrayan People's Liberation Front, on the invitation of the Ethiopian Prime Minister, Haile-Mariam Desalegn. Al Bashir attended the celebrations on 18 February 2014 (Annex 2).
3. To the date of this filing the Registry has not received any reply to its request from the Ethiopian authorities.

Visit of Omar Al-Bashir to the FDRE in April 2014

1. In accordance with the Chamber's Decision ICC-02/05-01/09-199 the Registry sent a note verbale as well as the said Decision to the Ethiopian authorities.
2. The note verbale and the Decision were transmitted to the Permanent Mission of the FDRE to the United Nations by way of personal service on 30 April 2014 (Annex 3).
3. On the same day the Registry transmitted the above-mentioned documents to the Embassy of the FDRE in Brussels by courier service and by fax (Annex 4).
4. From the media reports it follows that Omar Al Bashir visited FDRE and returned to the Sudan on 30 April 2014. He took part at the Third Tana Forum on Security and Stability in Africa and a symposium of Ethiopian intellectuals held in Ethiopia's northern city of Bahirdar.
5. To the date of this filing the Registry has not received any reply to its request from the Ethiopian authorities.

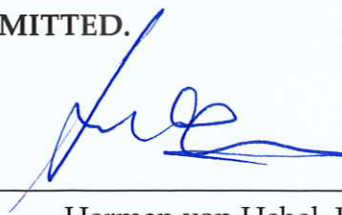
Confidentiality

The annexes 1, 3 and 4 are submitted as confidential as they refer to the staff of the Court. Annex 3 also refers to the staff of the Embassy of FDRE in Brussels.

TRANSMITS in annexes:

- The note verbale sent on 17 February 2014 to the Embassy of the FDRE in Brussels, the e-mail and the fax report of transmission (Annex 1 - Confidential);
- News reports regarding the visit of Omar Al Bashir to the FDRE in February 2014 (Annex 2 - Public);
- The note verbale transmitted to the Embassy of the FDRE on 30 April 2014, the courier proof of receipt and the fax report of transmission (Annex 3 - Confidential);
- The note verbale transmitted to the Permanent Mission of the FDRE to the United Nations on 30 April 2014 and the memorandum of notification (Annex 4 - confidential)
- News reports regarding the visit of Omar Al Bashir to the FDRE in April 2014 (Annex 5 - Public);

RESPECTFULLY SUBMITTED.



Herman von Hebel, Registrar

Dated this 14 May 2014

At The Hague, The Netherlands