

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 August 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno TARFUSSER, Presiding Judge
Judge Marc Pierre PERRIN DE BRICHAMBAUT
Judge Chang-Ho CHUNG

SITUATION IN DARFUR, SUDAN

IN THE CASE OF
THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR ("OMAR AL BASHIR")

Public Document

With 1 public annex and 2 confidential annexes

Report of the Registry on Omar Al Bashir's travels to the Kingdom of Saudi Arabia, the State of Qatar and the Arab Republic of Egypt

Source: The 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, 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

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (“The Court”)

NOTING the Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” (the “Orders”) issued by Pre-Trial Chamber II on 15 April 2015;¹

NOTING articles 87(5) (a), 89 and 91 of the Rome Statute (“the Statute”), rules 117, 176, 179, 184 and 187 of the Rules of Procedures and Evidence (“the Rules”) and regulations 23bis, 31 and 111 of the Regulations of the Court (“the Regulations”);

CONSIDERING that in the “Orders”, the Chamber ordered the Registrar *“each and every time that information of travel, whether planned or ongoing, as regards persons at large who are the subject of a warrant of arrest issued by the Court is relayed to the Court or one of its organs, to notify any and all States not Parties to the Statute affected by such travel, to which a request for arrest and surrender of the relevant person has already been transmitted, with a Note verbale containing a reminder (i) that they may decide to provide assistance to the Court in accordance with article 87(5)(a) of the Statute with regard to the arrest and surrender of that person or, (ii) if information of travel regards a person who is the subject of a warrant of arrest issued in a case arising from a situation referred to it pursuant to article 13(b) of the Statute, the obligations stemming from the relevant resolution of the Security Council of the United Nations”*²;

NOTING the Requests for cooperation to arrest and surrender M. Omar Al-Bashir submitted to the Kingdom of Saudi Arabia on 10 October 2013³, the State of Qatar on 7 July 2014⁴ and the Arab Republic of Egypt on 15 October 2014⁵;

¹ ICC-02/05-01/09-235-Corr

² ICC-02/05-01/09-235-Corr, page 5

³ ICC-02/05-01/09-165

⁴ ICC-02/05-01/09-205

⁵ ICC-02/05-01/09-212

CONSIDERING that in the “Orders”, the Chamber ordered the Registrar “to prepare a report on the information received as regards travels, whether planned or ongoing, by persons at large for whom a warrant of arrest has been issued by the Court and the action taken in respect of it, as well as on any follow-up which might be received from States, to be filed in the relevant case record, as appropriate;”⁶

INFORMS the Chamber as follows:

Visits of Omar Hassan Ahmad Al-Bashir to the Kingdom of Saudi Arabia:

1. As reported by the media, M. Omar Al-Bashir travelled to the Kingdom of Saudi Arabia from 20 to 23 May 2015 and held talks with King Salman Bin Abdelaziz on bilateral relations along with regional and international issues of mutual concern. He visited again the Kingdom of Saudi Arabia from 11 to 15 July 2015; M. Al-Bashir was reported to have performed the Umrah pilgrimage and met with representatives of the Saudi Arabia, including the Saudi King.
2. On 20 May 2015, the Registry transmitted to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands by way of personal service a *note verbale* and the “Orders” for urgent onward transmission to the relevant authorities.
3. In that *note verbale*, the said State was reminded of the Request for the arrest and surrender of M. Omar Al-Bashir (ICC-02/05-01/09-165) transmitted to the competent authorities of Saudi Arabia on 10 October 2013 and of the United Nations Security Council Resolution 1593 (2005) and was also invited to provide information regarding the visit and to cooperate with the arrest and surrender of M. Al-Bashir, should he be present on the territory of the Kingdom of Saudi Arabia.
4. On 14 July 2014, another similar *note verbale* was sent by the Registry to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands to remind to the Saudi authorities in relation to the ongoing visit of M. Al-Bashir in the Kingdom of Saudi Arabia.

⁶ ICC-02/05-01/09-235-Corr, page 6

5. To the date of this report, no reply to the two above-mentioned *notes verbales* dated 20 May and 14 July 2015 has been received from the authorities of the Kingdom of Saudi Arabia.

Visit of Omar Hassan Ahmad Al-Bashir to the State of Qatar:

6. On 24 May 2015, the day after his return from Saudi Arabia, M. Omar Al-Bashir traveled to the State of Qatar for a one day visit. The Registry did not take action with regard to the travel of M. Omar Al-Bashir to Qatar, having been informed of that trip on 25 May 2015, after he had already left the country.

Visit of Omar Hassan Ahmad Al-Bashir to the Arab Republic of Egypt:

7- The Registry's attention was drawn by articles published in *Sudan Vision* on 6 and 7 June 2015 making reference to a potential visit of M. Omar Hassan Al Bashir to Egypt to the city of Sharm el Sheikh to participate in the Summit of the Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC) and Southern African Development Community (SADC) ("Third Tripartite Summit").

8- The Registry transmitted on 9 June 2015 a *note verbale* to the Embassy of the Arab Republic of Egypt for transmission to the relevant authorities, reminding the authorities of the Request for the arrest and surrender of M. Omar Al-Bashir (ICC-02/05-01/09-212) dated 15 October 2014 and the United Nations Security Council Resolution 1593 (2005). In that *note verbale*, the Arab Republic of Egypt was also invited to provide information regarding the visit and to cooperate with the arrest and surrender of M. Omar Hassan Ahmad Al-Bashir should the visit take place.

9- On 10 June 2015, the presence of President Omar al-Bashir was reported by the media in Sharm el Sheik. The media reported that he was one of the African leaders to sign a "26 nation free trade pact to create a common market".

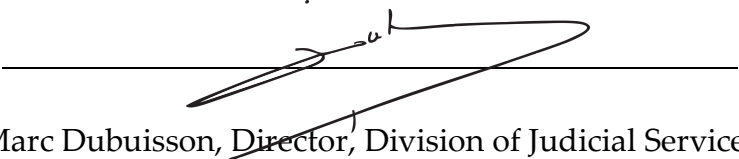
10- As of today, the authorities of the Arab Republic of Egypt have not given any information on that visit to the Registry.

11-The present report is filed public in line with the classification of the Orders. Pursuant to regulation 23*bis*(1) of the Regulations, Annexes 2 and 3 are submitted as confidential as they refer to the names of staff members of the Court and of the Embassy of the two requested States.

TRANSMITS in annexes:

1. News reports regarding the visits of M. Omar Al Bashir to the Kingdom of Saudi Arabia as of 20 May 2015 and as of 11 July 2015, to Qatar on 24 May 2015 and to the Arab Republic of Egypt on 10 June 2015 (Annex 1 - public);
2. The *notes verbales* to the Embassy of the Kingdom of Saudi Arabia dated 20 May 2015 and 14 July 2015 and their memoranda of notification (Annex 2 - confidential);
3. The *note verbale* to the Embassy to the Arab Republic of Egypt on 9 June 2015 and the memorandum of notification (Annex 3 - confidential).

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director, Division of Judicial Services
on behalf of
Herman von Hebel, Registrar

Dated this 12 August 2015

At The Hague, the Netherlands