

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-01/09
Date: 22 February 2017

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc 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
With one annex

**Transmission of a note verbale from the Embassy of the Republic of South Africa
dated 20 February 2017**

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

Authorities of the Republic of South
Africa

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry hereby transmits as an annex to this filing, a note verbale from the Embassy of the Republic of South Africa dated 20 February 2017 and with reference number NV 09/2017.

II. Procedural History

2. In a decision issued on 8 December 2016, Pre-Trial Chamber II (“Chamber”) convened “a public hearing on 7 April 2017, in order to discuss any issues relevant to the Chamber's determination of whether to make a finding of non-compliance by South Africa with the Court's request for arrest and surrender of Omar Al Bashir and refer the matter to the Assembly of States Parties and/or the Security Council of the United Nations under article 87(7) of the Statute”.¹
3. The Chamber also invited the Prosecutor, representatives of South Africa and representatives of the United Nations to make, if they so wish, written submissions prior to the hearing, by 17 March 2017.²

III. Applicable law

4. This submission is made on the basis of rules 13(1) and 176(2) of the Rules of Procedures and Evidence (“Rules”).

¹ Pre-Trial Chamber II, “Decision convening a public hearing for the purposes of a determination under article 87(7) of the Statute with respect to the Republic of South Africa”, dated 8 December 2016, ICC-02/05-01/09-274, p. 8.

² *Id.*

IV. Submission

5. On 21 February 2017, the Registry received the annexed note verbale from the Embassy of the Republic of South Africa, in which the South African authorities request an extension of the page limit for their written submissions, in accordance with Regulation 37 (2) of the Regulations of the Court.



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

Dated this 22 February 2017

At The Hague, the Netherlands