



Original: English

No.: ICC-02/05-01/09
Date: 11 November 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

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

PUBLIC

With confidential annexes

Transmission of the observations from the Republic of Malawi

Source: Registry

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

The Office of the Prosecutor

Mr. Luis Moreno Ocampo

Ms. Fatou Bensouda

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

Mme Silvana Arbia

Deputy Registrar

Mr. Didier Preira

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 Registry's "Report on the visit of Omar Al Bashir to Malawi" (the "Report") filed on 18 October 2011;¹

NOTING the "Decision requesting observations about Omar Al-Bashir's recent visit to Malawi" (the "Decision") issued by Pre Trial Chamber I on 19 October 2011;²

NOTING Rule 176(2) of the Rules of Procedure and Evidence and Regulation 23 *bis* of the Regulations of the Court;

CONSIDERING that the Chamber requested "the competent authorities of the Republic of Malawi to submit, no later than Friday, 11 November 2011, any observations on the Report, in particular with regard to the alleged failure by the Republic of Malawi to comply with the Cooperation Requests issued by the Court.;"³

INFORMS the Chamber as follows:

1. On 27 October 2011, the Registry transmitted by e-mail a note verbale requesting observations from the Republic of Malawi as well as the Decision of the Chamber and its Report. These documents were also shipped and delivered at the Embassy of Malawi in Belgium on 28 October 2011;
2. On 10 November 2011, the Embassy of Malawi transmitted the observations of the Republic of Malawi;
3. The Registry files the annexes to this report confidential as the first annex contains the name of staff members of the Registry (annex 1) and as the

¹ ICC-02/05-01/09-136-Conf.

² ICC-02/05-01/09-137

³ ICC-02/05-01/09-137 Page 5

Republic of Malawi did not indicate that its observations could be made public (annex 2).

TRANSMITS in annexes

1. The note verbale sent by the Registry to the Embassy of Malawi and the corresponding memorandum of notification (Annex 1);
2. The note verbale sent by the Embassy of Malawi (Annex 2).



Silvana Arbia, Registrar

Dated this 11 November 2011

At The Hague, Kingdom of the Netherlands