



Original: English

No.: ICC-02/05-01/09
Date: 28 February 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 two confidential annexes**

**Report of the Registry on the "Decision Regarding Omar Al-Bashir's visit to the
Democratic Republic of the Congo"**

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

Competent authorities of the Democratic
Republic of Congo

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 to all States Parties to the Rome Statute for the Arrest and Surrender of Omar Ahmad Al Bashir” issued by the Pre-Trial Chamber II (“the Chamber”) dated 6 March 2009³;

NOTING the “Supplementary Request to all States Parties to the Rome Statute for the Arrest and Surrender of Omar Ahmad Al Bashir” issued by the Chamber dated 21 July 2010⁴;

NOTING the “Prosecution’s urgent notification of travel in the case of *The Prosecutor v Omar Al Bashir*”⁵ dated 17 February 2014;

NOTING the “Decision Regarding Omar Al-Bashir’s Potential Travel to the Democratic Republic of the Congo”⁶ (“the Decision”) issued by the Chamber dated 26 February 2014;

NOTING articles 87(1)(a) and (5), 89(1) and 91 of the Rome Statute and Rule 176(2) of the Rules of Procedure and Evidence;

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-02/05-01/09-183

⁶ ICC-02/05-01/09-186

CONSIDERING that the Chamber ordered the Registry *inter alia* “to transmit the Decision to the Democratic Republic of the Congo”⁷, and “to prepare a report to the Chamber concerning Omar Hassan Ahmad Al-Bashir’s visit to the Democratic Republic of the Congo in due course”⁸;

INFORMS the Chamber as follows:

1. On 26 February 2014, the Registry sent a note verbale to the Parquet Général of the Democratic Republic of the Congo reminding the Congolese authorities of their obligation of arrest and surrender of Mr Al-Bashir (Annex 1).
2. On 27 February 2014, the Registry sent a note verbale to the Parquet Général of the Democratic Republic of the Congo transmitting the French translation of the Decision (Annex 2).
3. The Congolese authorities have informed the Registry that Mr Al-Bashir left Kinshasa in the morning of 27 February 2014 at 10.30 am.
4. Annexes 1 and 2 are classified confidential as they make reference to the names and contact details of staff members of the Court as well as of the public servants of the Democratic Republic of the Congo and are official correspondences between a State and the Court.

TRANSMITS in annexes:

- The note verbale sent to the Parquet Général of the Democratic Republic of the Congo on 26 February 2014 and the memorandum of notification (Annex 1 – Confidential);

⁷ ICC-02/05-01/09-186

⁸ ICC-02/05-01/09-186

- The note verbale sent to the Parquet Général of the Democratic Republic of the Congo on 27 February 2014 and the memorandum of notification (Annex 2 – Confidential).

RESPECTFULLY SUBMITTED



Herman von Hebel
Registrar

Dated this 28 February 2014

At The Hague, The Netherlands