

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 11 April 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 two confidential annexes**

**Report of the Registry on the "Decision Regarding Omar Al-Bashir's Potential  
Travel to the State of Kuwait"**

**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**

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**Registrar**

Herman von Hebel

**Deputy Registrar**

**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 Court<sup>1</sup>;

**NOTING** the warrants of arrest against Omar Al-Bashir dated 4 March 2009 and 12 July 2010<sup>2</sup>;

**NOTING** the Registry’s “Request for Arrest and Surrender for Omar Hassan Ahmad Al-Bashir”<sup>3</sup> dated 18 November 2013;

**NOTING** the “Report of the Registry on the ‘Decision Regarding Omar Al-Bashir’s Potential Travel to the State of Kuwait’ ”<sup>4</sup> dated 4 December 2013;

**NOTING** the “Prosecution’s urgent notification of travel in the case of *The Prosecutor v Omar Al Bashir*”<sup>5</sup> dated 24 March 2014;

**NOTING** the “Decision Regarding Omar Al-Bashir’s Potential Travel to the State of Kuwait”<sup>6</sup> (“the Decision”) issued by Pre-Trial Chamber II (“the Chamber”) on 24 March 2014;

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<sup>1</sup> S/RES/1593 (2005)

<sup>2</sup> ICC-02/05-01/09-1; ICC-02/05-01/09-95

<sup>3</sup> ICC-02/05-01/09-170

<sup>4</sup> ICC-02/05-01/09-171

<sup>5</sup> ICC-02/05-01/09-191

<sup>6</sup> ICC-02/05-01/09-192

**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 the Chamber ordered the Registrar *inter alia* "to remind the State of Kuwait of the request for the arrest and surrender and the two warrants of arrest as already transmitted to the competent authorities of that country on 18 November 2013"<sup>7</sup>, and "to send a Note Verbale to the State of Kuwait, enquiring about Omar Hassan Ahmad Al-Bashir's visit"<sup>8</sup>;

**CONSIDERING** that the Chamber ordered the Registrar "to notify the present decision, to the competent authorities of the State of Kuwait"<sup>9</sup>;

**CONSIDERING** that the Chamber ordered the Registrar "to prepare a report to be filed with the Chamber in due course concerning said visit"<sup>10</sup>;

**INFORMS** the Chamber as follows:

1. On 24 March 2014, a note verbale and the Chamber's Decision were sent electronically by the Registry to the Permanent Mission of the State of Kuwait to the United Nations (Annex 1). In its note verbale the Registry requested the authorities of Kuwait to provide the information regarding Omar Al-Bashir's visit and reminded them of the arrest warrants against Mr. Al-Bashir.
2. On 24 March 2014, a note verbale containing similar request was sent to the Embassy of the State of Kuwait to the Kingdom of the Netherlands (Annex 2).
3. As of today, 11 March 2014, no reply has been received from the authorities of the State of Kuwait.

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<sup>7</sup> *Ibid*, p. 6

<sup>8</sup> *Ibid*

<sup>9</sup> *Ibid*

<sup>10</sup> *Ibid*

4. The present filing is classified *public* in line with the level of classification of the Decision. Annex 1 and 2 are classified *confidential* as they make reference to names and contact details of staff members of the Court and of civil servants of Kuwait.

**TRANSMITS** in annexes:

- The note verbale sent electronically to the Permanent Mission of the State of Kuwait to the United Nations on 24 March 2014 and the memorandum of notification (Annex 1 – Confidential);
- The note verbale sent on 24 March 2014 by the Registry to the Embassy of the State of Kuwait to the Kingdom of the Netherlands (Annex 2 - Confidential);

**RESPECTFULLY SUBMITTED.**



Herman von Hebel

Registrar

Dated this 11 April 2014

At The Hague, The Netherlands