

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 25 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 annex 1 confidential and annex 2 public**

**Second 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** the "Report of the Registry on the 'Decision Regarding Omar Al-Bashir's Potential Travel to the State of Kuwait' "<sup>7</sup> ("the first Registry report"), dated 11 April 2014;

**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>8</sup>, and "to send a Note Verbale to the State of Kuwait, enquiring about Omar Hassan Ahmad Al-Bashir's visit"<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>;

**CONSIDERING** that in its First report the Registry informed the Chamber that no reply was received from the authorities of Kuwait to the date of the filing<sup>11</sup>;

**INFORMS** the Chamber as follows:

1. On 23 April 2013 the Registry received observations from the Embassy of the State of Kuwait regarding Omar Al-Bashir's visit to Kuwait. (Annex 1).
2. According to the news reports Omar Al-Bashir attended the Arab League Summit in Kuwait city on 25 and 26 March 2014 (Annex 2).

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<sup>7</sup> ICC-02/05-01/09-196

<sup>8</sup> ICC-02/05-01/09-192, p. 6

<sup>9</sup> *Ibid*

<sup>10</sup> *Ibid*

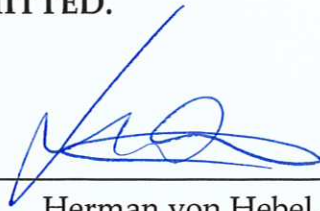
<sup>11</sup> ICC-02/05-01/09-196, p. 4

3. Annex 2 is submitted confidentially as the State of Kuwait did not specify that such communication can be registered publicly in the case file of the present case.

**TRANSMITS in annexes:**

- The note verbale of the Embassy of the State of Kuwait to the Kingdom of the Netherlands (Annex 1 – Confidential);
- News reports regarding the visit of Omar Al-Bashir to the State of Kuwait (Annex 2 - Public);

**RESPECTFULLY SUBMITTED.**



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Herman von Hebel, Registrar

Dated this 25 April 2014

At The Hague, The Netherlands