

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/09
Date: 27 November 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Pierre 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 Document

With 1 public annex and 3 confidential annexes

Report of the Registry on Omar Al Bashir's travels to the People's Democratic Republic of Algeria, the Republic of India and the Kingdom of Saudi Arabia

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

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

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 Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” (the “Orders”) issued by Pre-Trial Chamber II (the “Chamber”) on 15 April 2015;¹

NOTING articles 87(5)(a), 89 and 91 of the Rome Statute (“the Statute”), rules 117, 176, 179, 184 and 187 of the Rules of Procedures and Evidence (“the Rules”) and regulations 23*bis*, 31 and 111 of the Regulations of the Court (“the Regulations”);

CONSIDERING that in the Orders, the Chamber ordered the Registrar *“each and every time that information of travel, whether planned or ongoing, as regards persons at large who are the subject of a warrant of arrest issued by the Court is relayed to the Court or one of its organs, to notify any and all States not Parties to the Statute affected by such travel, to which a request for arrest and surrender of the relevant person has already been transmitted, with a Note verbale containing a reminder (i) that they may decide to provide assistance to the Court in accordance with article 87(5)(a) of the Statute with regard to the arrest and surrender of that person or, (ii) if information of travel regards a person who is the subject of a warrant of arrest issued in a case arising from a situation referred to it pursuant to article 13(b) of the Statute, the obligations stemming from the relevant resolution of the Security Council of the United Nations”*;²

CONSIDERING that in the Orders, the Chamber ordered the Registrar, *“each and every time that information of travel, whether planned or ongoing, as regards persons at large who are the subject of an arrest warrant issued by the Court is relayed to the Court or one of its organs and such travel is related to a State to which no request for arrest and surrender of the relevant person has yet been transmitted, to prepare and transmit such request to the relevant State in accordance with articles 89 and 91 of the Statute, or, in*

¹ ICC-02/05-01/09-235-Corr.

² ICC-02/05-01/09-235-Corr, page 5.

*urgent cases, to request the provisional arrest of that person in accordance with article 92 of the Statute pending the presentation of the request for arrest and surrender”;*³

NOTING the Requests for arrest and Surrender submitted to the Kingdom of Saudi Arabia on 10 October 2013;⁴

CONSIDERING that in the Orders, the Chamber ordered the Registrar: *“to prepare a report on the information received as regards travels, whether planned or ongoing, by persons at large for whom a warrant of arrest has been issued by the Court and the action taken in respect of it, as well as on any follow-up which might be received from States, to be filed in the relevant case record, as appropriate;”*⁵

INFORMS the Chamber as follows:

Visit of Omar Hassan Ahmad Al-Bashir to the People’s Democratic Republic of Algeria:

1. As reported by the media, Mr. Omar Al-Bashir travelled to the People’s Democratic Republic of Algeria from 11 to 13 October 2015 at the invitation of the President Bouteflika.
2. On 7 October 2015, the Registry transmitted to the Embassy People’s Democratic Republic of Algeria to the Kingdom of the Netherlands by way of *note verbale* the Requests for the arrest and surrender of Mr. Omar Al-Bashir dated 4 March 2009 (ICC-02/05-01/09-1) and 12 July 2010 (ICC-02/05-01/09-95) in English and Arabic, the Orders and the relevant provisions of the Rome Statute for urgent onward transmission to the relevant authorities.
3. The *note verbale* invited said State to cooperate with the immediate arrest and surrender of Mr. Al-Bashir to the Court at the earliest convenience.

³ Idem, pages 5 and 6.

⁴ ICC-02/05-01/09-165-Conf.

⁵ ICC-02/05-01/09-235-Corr, page 6.

4. To the date of this report, no reply to the above mentioned *note verbale* dated 7 October 2015 has been received from the authorities of the People's Democratic Republic of Algeria.

Visit of Omar Hassan Ahmad Al-Bashir to the Republic of India

5. The Registry's attention was drawn on several articles making reference to a potential visit of Mr. Omar Hassan Al Bashir to the Republic of India on 29 October 2015 to participate in the India-Africa Forum Summit (IAFS) taking place from 26 to 29 October 2015.
6. On 26 October 2015, the Registry issued a Request for cooperation to arrest and surrender submitted to the Republic of India (ICC-02/05-01/09-252), which was transmitted to the Embassy of the Republic of India to the Kingdom of the Netherlands the following day by way of personal service. Such a request was transmitted together with a *note verbale*, the Orders, the First and the Second Warrant of Arrest for Mr. Al-Bashir dated 4 March 2009 (ICC-02/05-01/09-1) and 12 July 2010 (ICC-02/05-01/09-95) respectively in English and Arabic and the relevant provisions of the Rome Statute in Arabic to be notified to Mr. Al Bashir in case of arrest.
7. To the date of this report, no reply to the above mentioned *note verbale* dated 27 October 2015 has been received from the authorities of the Republic of India

Visit of Omar Hassan Ahmad Al-Bashir to the Kingdom of Saudi Arabia

8. As reported by the media, Mr. Omar Hassan Al Bashir visited the Kingdom of Saudi Arabia on 3 November 2015 for a bilateral meeting with H.E. King Salman Abdulaziz Al Saud. Shortly after, on the 9 and 10 November 2015, Mr. Omar Hassan Al Bashir visited the Kingdom of Saudi Arabia again, this time to participate in the 4th Arab-Latin American Summit taking place on said dates.

9. On 4 November 2015, the Registry transmitted to the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands a *note verbale* for onward transmission to the relevant authorities of Saudi Arabia.
10. In the *note verbale*, the Kingdom of Saudi Arabia was reminded of the Request to the Kingdom of Saudi Arabia for the arrest and surrender of Mr. Omar Al-Bashir (ICC-02/05-01/09-165-Conf) dated 10 October 2013 and was also invited to cooperate with the arrest and surrender of Mr. Omar Hassan Ahmad Al-Bashir should the visits take place.
11. To the date of this report, no reply to the above-mentioned *note verbale* dated 4 November 2015 has been received from the authorities of the Kingdom of Saudi Arabia.

Level of confidentiality

12. The present report is filed public in line with the classification of the Orders. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annexes 2, 3 and 4 are submitted as confidential as they refer to the names of staff members of the Court and of the Embassy or Permanent Missions of the requested States.

TRANSMITS in annexes:

- News reports regarding the visits of Mr. Omar Al Bashir to the People's Democratic Republic of Algeria, to the Republic of India and to the Kingdom of Saudi Arabia;⁶
- The *note verbale* to the Embassy of People's Democratic Republic of Algeria;⁷
- The *note verbale* to the Embassy of the Republic of India;⁸


⁶ Annex I.

⁷ Annex II Confidential.

⁸ Annex III Confidential.

- The *note verbale* to the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands;⁹

RESPECTFULLY SUBMITTED,



Marc Dubuisson
Director of the Division of Judicial Services
On behalf of the Registrar

Dated this 27 November 2015

At The Hague, the Netherlands

⁹ Annex IV Confidential.