

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 May 2016

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")**

URGENT

Public document

With public annex 1 and confidential annex 2

**Report of the Registry on information received regarding Omar Al Bashir's travel
to the Republic of Uganda on 12 May 2016**

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

I. Introduction

1. This report is submitted in implementation of 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
2. 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 Parties to the Statute**² 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 of their obligation to cooperate with the Court in the arrest and surrender of that person in accordance with articles 86 and 89 of the Statute.”*³
3. The Registry files this report in accordance with the instructions of the Chamber *“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”*⁴.

II. Procedural History

4. The Registry recalls the “Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Al Bashir”⁵ dated 6 March 2009 and the “Supplementary request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir”⁶ dated 21 July 2010. These

¹ ICC-02/05-01/09-235-Corr

² Emphasis added

³ ICC-02/05-01/09-235-Corr, page 5

⁴ Idem., page 6

⁵ ICC-02/05-01/09-7

⁶ ICC-02/05-01/09-96

requests for cooperation were notified to the competent authorities of Uganda on 18 March 2009 and 18 August 2010 respectively.

III. Classification

5. The present report is filed public in line with the classification of the Orders. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (the “Regulations”), Annex 2 is submitted as confidential as it refers to the names of staff members of the Court and of that of the Embassy of the requested State.

IV. Applicable law

6. The Registrar notes articles 86, 87(1)(a) and 89(1) of the Rome Statute (the “Statute”), rules 176 and 184 of the Rules of Procedures and Evidence (the “Rules”) and regulations 23*bis*(2) of the Regulations.

V. Submissions

Visit of Omar Hassan Ahmad Al-Bashir to the Republic of Uganda:

7. As reported by the media, Omar Hassan Ahmad Al Bashir travelled to the Republic of Uganda, on 11 May 2016 in order to attend the inauguration ceremony of President Yoweri Museveni (Public Annex 1).
8. On 11 May 2016, the Registry transmitted a note verbale to the Ugandan authorities, whereby it reminded them of their obligations, as a State Party, to cooperate with the immediate arrest and surrender of Omar Hassan Ahmad Al Bashir to the Court, pursuant to article 89(1) of the Statute, in the event that he attends said ceremony (Confidential Annex 2).
9. On 12 May 2016, media reports suggested that Omar Al Bashir had indeed travelled to the Republic of Uganda and had attended the inauguration of President Yoweri Museveni in Kampala (Public Annex 1).

10. To the date of this report, no reply to the above-mentioned note verbale dated 11 May 2016, has yet been received from the authorities of the Republic of Uganda.


VI. Conclusion

11. The Registry requests guidance from the Chamber on the steps to be taken with respect to the visit of Omar Al Bashir to the Republic of Uganda.

TRANSMITS in annexes:

- News reports regarding the travel of Omar Hassan Ahmad Al Bashir to the Republic of Uganda;⁷
- The note verbale dated 11 May 2016 sent to the Ugandan authorities.⁸

RESPECTFULLY SUBMITTED,



Mare Dubuisson
Director of the Division of Judicial Services
per delegation of
Herman von Hebel, the Registrar

Dated this 12 May 2016

At The Hague, the Netherlands

⁷ Public Annex 1.

⁸ Confidential Annex 2.