

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 30 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”)**

Public Document

With 1 public annex and 8 confidential annexes

Report of the Registry on information received regarding Omar Al Bashir’s travels to Non States Parties from 28 November 2015 to 18 April 2016 and other efforts conducted by the Registry regarding purported visits

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. It also 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**⁴ 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.”*⁵

¹ Pre-Trial Chamber II, “Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects””, dated 15 April 2016, ICC-02/05-01/09-235-Corr.

² Emphasis added

³ The Orders, page 5

⁴ Emphasis added

⁵ The Orders, page 5

4. 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”*.⁶

II. Classification

5. Pursuant to regulation 23bis(1) of the Regulations of the Court (the “RoC”), annexes 2, 3, 4, 5 and 6 are submitted as confidential as they refer to the names of staff members from the International Criminal Court, the Embassy or the Permanent Missions of the requested States. Annexes 7 and 8 are classified as confidential as the travel plans therein have not yet taken place or have not been confirmed.

III. Applicable law

6. The Registrar notes the Orders referred to above.

IV. Submissions

Visit to Non-States Parties

Visit of Omar Hassan Ahmad Al-Bashir to the United Arab Emirates:

7. As reported by the media, Mr. Omar Hassan Ahmad Al Bashir travelled to the United Arab Emirates from 28 November 2015 to 4 December 2015 for bilateral meetings with H.E Mohamed bin Zayed Al Nahyan (Public Annex 1).
8. On 2 December 2015, the Registry transmitted a note verbale to the authorities of the United Arab Emirates (Confidential Annex 2).

⁶The Orders, page 6

9. In the note verbale, the United Arab Emirates was reminded of the Request to the United Arab Emirates for the arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir⁷ dated 24 February 2015 and was also invited to cooperate with respect to the immediate arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir to the Court.
10. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
11. To the date of this report, no reply to the above mentioned note verbale dated 2 December 2015 has been received from the authorities of the United Arab Emirates.

Visits of Omar Hassan Ahmad Al-Bashir to the Federal Democratic Republic of Ethiopia

12. As reported by the media, Mr. Omar Hassan Ahmad Al Bashir travelled to the Federal Democratic Republic of Ethiopia to participate in the tenth Ethiopian Nations, Nationalities and People's Day celebration taking place in the Gambella region and to meet with Ethiopian Prime Minister, H.E. Hailemariam Desalegn on 9 December 2015 (Public Annex 1).
13. On 9 December 2015, the Registry transmitted a note verbale reminding the said State of the Request to the Federal Democratic Republic of Ethiopia for the arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir⁸ dated 10 October 2013 and inviting it to cooperate with the immediate arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir to the Court (Confidential Annex 3).
14. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.

⁷ Registry, "Request for arrest and Surrender of Omar Hassan Ahmad Al Bashir to the United Arab Emirates", dated 24 February 2015, ICC-02/05-01/09-225.

⁸ Registry, "Request for Arrest and Surrender of Omar Hassan Ahmad Al Bashir", dated 10 October 2013, ICC-02/05-01/09-165.

15. On 21 January 2016, the Registry was alerted of a potential visit of Mr. Omar Hassan Ahmad Al Bashir to the Federal Democratic Republic of Ethiopia in the context of the 26th Ordinary Session of the Assembly of the Heads of State and Government of the African Union, taking place from 26 to 31 January 2016 in the Federal Democratic Republic of Ethiopia (Public Annex 1).
16. On 21 January 2016, the Registry transmitted a note verbale annexed to the present report (Confidential Annex 3).
17. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
18. On 14 April 2016, the Registry's attention was drawn on several articles according to which President Omar Hassan Al Bashir would lead a high-level delegation to participate in the Fifth Tana high-Level Forum on Security in Africa to be held in Bahir-Dar on 16-17 April, 2016 (Public Annex 1).
19. On 14 April 2016, the Registry transmitted a note verbale annexed to the present report (Confidential Annex 3).
20. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
21. To the date of this report, no reply to the above mentioned notes verbales dated 9 December 2015, 21 January 2016, 14 April 2016 respectively, has been received from the authorities of the Federal Democratic Republic of Ethiopia.

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

22. As reported by the media, Mr. Omar Hassan Ahmad Al Bashir travelled to the Arab Republic of Egypt to participate in the African Investment Forum from 20 to 21 February 2016 (Public Annex 1).
23. The Registry transmitted on 15 February 2016 a note verbale to the Embassy of the Arab Republic of Egypt for transmission to the relevant authorities (Confidential Annex 4).

24. In the note verbale, the Arab Republic of Egypt was reminded of the Request to the Arab Republic of Egypt for the arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir⁹ dated 15 October 2014 and was also invited to cooperate with respect to the immediate arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir to the Court.
25. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
26. To the date of this report, the authorities of the Arab Republic of Egypt have not given any information on the above mentioned visit to the Registry.

Visit of Omar Hassan Ahmad Al-Bashir to Republic of Indonesia:

27. As reported by the media, Mr. Omar Hassan Ahmad Al Bashir travelled to the Republic of Indonesia to participate in the fifth Extraordinary Islamic Summit on 5 March 2016 (Public Annex 1).
28. The Registry transmitted on 4 March 2016 a note verbale to the Embassy of the Republic of Indonesia for transmission to the relevant authorities annexed to the present report (Confidential Annex 5).
29. In the note verbale, the Republic of Indonesia was reminded of the Request to the Republic of Indonesia for the arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir¹⁰ dated 16 April 2015 and was also invited to cooperate with respect to the immediate arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir to the Court.
30. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
31. To the date of this report, the authorities of the Republic of Indonesia have not given any information on that visit to the Registry.

⁹ Registry, "Request for Arrest and Surrender of Omar Hassan Ahmad Al Bashir", dated 15 October 2014, ICC-02/05-01/09-212

¹⁰ Registry, "Request for arrest and Surrender of Omar Hassan Ahmad Al Bashir to the Republic of Indonesia", dated 16 April 2015, ICC-02/05-01/09-236.

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

32. As reported by the media, Mr. Omar Hassan Ahmad Al Bashir travelled to the Kingdom of Saudi Arabia on 9 March 2016 to attend the end of the joint military drills “North’s Thunder” (Public Annex 1).
33. On 8 March 2016, the Registry transmitted to the authorities of Saudi Arabia a note verbale annexed to the present report (Confidential Annex 6).
34. 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 Hassan Ahmad Al Bashir¹¹ dated 10 October 2013 and was also invited to cooperate with respect to the immediate arrest and surrender of Mr. Omar Hassan Ahmad Al Bashir to the Court.
35. Media reports indicated that the above mentioned visit of President Omar Hassan Al Bashir took place.
36. To the date of this report, no reply to the above-mentioned note verbale dated 8 March 2016 has been received from the authorities of the Kingdom of Saudi Arabia.

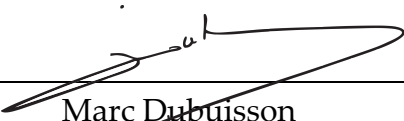
V. Conclusion

37. In compliance with the Orders, the Registry has hereby prepared the present report on the information received regarding the travels, whether planned or ongoing, of Mr. Omar Hassan Ahmad Al Bashir to the United Arab Emirates, the Federal Democratic Republic of Ethiopia, the Arab Republic of Egypt, the Republic of Indonesia and the Kingdom of Saudi Arabia as well as the efforts made by the Registry with respect to the information concerning purported visits for the period running from 28 November 2015 to 18 April 2016.

¹¹ Registry, “Request for Arrest and Surrender of Omar Hassan Ahmad Al Bashir”, dated 10 October 2013, ICC-02/05-01/09-165

TRANSMITS in annexes:

- News reports regarding the travels, whether planned or ongoing, of Mr. Omar Hassan Ahmad Al Bashir to the United Arab Emirates, the Federal Democratic Republic of Ethiopia, the Arab Republic of Egypt, the Republic of Indonesia and the Kingdom of Saudi Arabia (Annex 1 Public);
- The note verbale to the Embassy of the United Arab Emirates (Annex 2 Confidential);
- The notes verbales to the Embassy of Federal Democratic Republic of Ethiopia (Annex 3 Confidential);
- The note verbale to the Embassy of the Arab Republic of Egypt (Annex 4 Confidential);
- The note verbale to the Embassy of the Republic of Indonesia (Annex 5 Confidential);
- The note verbale to the Embassy of the Kingdom of Saudi Arabia (Annex 6 Confidential);
- Information received by the Registrar regarding potential travel to a State not Party to the Statute (Annex 7 Confidential);
- Information received by the Registrar regarding potential travel to a State Party to the Statute (Annex 8 Confidential).

RESPECTFULLY SUBMITTED,

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

Dated this 30 May 2016

At The Hague, the Netherlands