

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 19 March 2015

**PRE-TRIAL CHAMBER II**

**Before:**

**Judge Cuno Tarfusser  
Judge Marc Perrin de Brichambaut  
Judge Chang-ho Chung**

**SITUATION IN DARFUR, SUDAN**

**IN THE CASE OF  
*THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR***

**Public Document**

**With 1 Public Annex and 4 Confidential Annexes**

**Report of the Registry on the Decision regarding Omar Al Bashir's Travel to the  
United Arab Emirates and his Potential Travel to the Kingdom of Saudi Arabia, the  
State of Kuwait and the Kingdom of Bahrain**

**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

**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** the “Decision regarding Omar Al Bashir’s Travel to the United Arab Emirates and his Potential Travel to the Kingdom of Saudi Arabia, the State of Kuwait and the Kingdom of Bahrain” (the “Decision”) delivered by the Pre-Trial Chamber II on dated 24 February 2015 in the Case of *The Prosecutor v Omar Al Bashir*;<sup>1</sup>

**NOTING** the “Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir to the United Arab Emirates” issued by the Registry on 24 February 2015;<sup>2</sup>

**NOTING** the “Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir to the Kingdom of Bahrain” issued by the Registry on 24 February 2015;<sup>3</sup>

**NOTING** articles 87(l)(5) (a), 89(1) and 92 of the Rome Statute, rule 176(2) of the Rules of Procedure and Evidence and regulation 23bis of the Regulations of the Court;

**CONSIDERING** that in relation to the United Arab Emirates and the Kingdom of Bahrain, the Chamber:

- a) invited the competent authorities of the United Arab Emirates to arrest Omar Hassan Ahmad Al-Bashir and to surrender him to the Court;
- b) invited the competent authorities of the Kingdom of Bahrain to arrest Omar Hassan Ahmad Al-Bashir and to surrender him to the Court;
- c) ordered the Registrar to transmit to the United Arab Emirates and the Kingdom of Bahrain, a request for arrest and surrender of Omar Hassan Ahmad Al-Bashir, or in

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<sup>1</sup> ICC-02/05-01/09-224

<sup>2</sup> ICC-02/05-01/09-225

<sup>3</sup> ICC-02/05-01/09-226

case of urgency, to request, in accordance with article 92 of the Statute, the provisional arrest of Omar Hassan Ahmad Al-Bashir;

d) ordered the Registrar to send a Note Verbale to the two States enquiring about the said visit, reminding them of the SC Resolution 1593 (2005) and inviting them to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir;

**CONSIDERING** that in relation to the Kingdom of Saudi Arabia and the State of Kuwait, the Chamber:

a) renewed its invitation to the competent authorities of the Kingdom of Saudi Arabia and the State of Kuwait to arrest Omar Hassan Ahmad Al-Bashir, in the event he enters their respective territory, and to surrender him to the Court;

b) ordered the Registrar to send a Note Verbale to the Kingdom of Saudi Arabia and the State of Kuwait, reminding them of the requests for the arrest and surrender of Omar Hassan Ahmad Al-Bashir as already transmitted to the competent authorities on 10 October 2013 and 18 November 2013, enquiring about the visit of Omar Hassan Ahmad Al-Bashir, reminding the competent authorities of those States of SC Resolution 1593 (2005) and inviting them once more to cooperate with the Court in the arrest of Omar Hassan Ahmad Al-Bashir and his surrender to the Court;

**CONSIDERING** that in relation to the United Arab Emirates, the Kingdom of Saudi Arabia, the State of Kuwait, the Kingdom of Bahrain, the Chamber ordered the Registrar:

a) to notify the Decision to the competent authorities of those countries and;

b) to prepare a report to be filed with the Chamber in due course concerning said visit.

**INFORMS** the Chamber as follows:

***Visits of Omar Hassan Ahmad Al-Bashir to the United Arab Emirates, the Kingdom of Saudi Arabia, the State of Kuwait and/or the Kingdom of Bahrain :***

Several articles reported Omar Hassan Ahmad Al-Bashir's presence in the United Arab Emirates but no information was found on trip undertaken at that period by Omar Hassan Ahmad Al-Bashir to the Kingdom of Saudi Arabia, the State of Kuwait or the Kingdom of Bahrain. On 25 February 2015, the "Sudan Tribune" mentioned that "the President al-Bashir concluded a four day visit to the United Arab Emirates", without mentioning the three other countries.

***United Arab Emirates:***

On 24 February 2015, the Registry issued a Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir to the United Arab Emirates<sup>4</sup>, which was transmitted to the Permanent Mission of the United Arab Emirates to the United Nations by way of personal service together with a note verbale, the Decision, the two arrest warrants both in English and Arabic and the Relevant Provisions of the Rome Statute in Arabic to be notified to President Omar Al Bashir. In that note verbale, the State, whose attention was drawn on the United Nations Security Council Resolution 1593 (2005), was invited to provide information on the said visit and to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir.

To the date of this filing, the Registry has not received a reply to its request from the United Arab Emirates authorities.

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<sup>4</sup> See footnote 4

*Kingdom of Bahrain:*

On 24 February 2015, the Registry issued Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir to the Kingdom of Bahrain<sup>5</sup>, that was transmitted the day after to the Permanent Mission of the Kingdom of Bahrain to the United Nations by way of personal service together with a note verbale, the Decision the two arrest warrants both in English and Arabic and the Relevant Provisions of the Rome Statute in Arabic to be notified to Omar Hassan Ahmad Al-Bashir. In that note verbale, the Registry drew the attention of the competent authorities of the Kingdom of Bahrain on the United Nations Security Council Resolution 1593 (2005) and invited them to provide information on potential visit to the Kingdom in the following days and to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir.

To the date of this filing, the authorities of the Kingdom of Bahrain have not answered to this request.

*State of Kuwait:*

On 25 February 2015, the Registry transmitted to the Embassy of the State of Kuwait to the Kingdom of the Netherlands a note verbale with the Decision for urgent onward transmission to the relevant authorities. In that note verbale, the State of Kuwait was reminded of the request for the arrest and surrender of Omar Hassan Ahmad Al-Bashir transmitted to the competent authorities 18 November 2013 and of the SC Resolution 1593 (2005) and was invited to provide information on potential visit to Kuwait in the following days and to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir.

To the date of this filing the Registry has not received a reply to its request from the authorities of the State of Kuwait.

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<sup>5</sup> See footnote (ICC-02/05-01/09-226)

***Kingdom of Saudi Arabia:***

On 25 February 2015, the Registry transmitted to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands a note verbale with the Decision for urgent onward transmission to the relevant authorities of the Kingdom of Saudi Arabia. In that note verbale, the Registry reminded to the Kingdom of Saudi Arabia the request for the arrest and surrender of Omar Hassan Ahmad Al-Bashir transmitted to the competent authorities dated 10 October 2013, and of the SC Resolution 1593 (2005), and invited the relevant authorities to provide information on a potential visit to the Kingdom of Saudi Arabia in the following days and to cooperate with the Court in the arrest and surrender of Omar Hassan Ahmad Al-Bashir.

To the date of this filing the Registry has not received a reply to its request from the authorities of the Kingdom of Saudi Arabia.

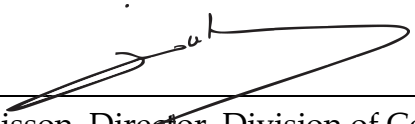
The present report is filed public in line with the classification of the Decision. Annexes 2-5 are submitted as confidential as they refer to the names of staff of the Court and of the Permanent Missions of the requested States.

**TRANSMITS in annexes:**

1. News reports regarding the visit of Omar Al Bashir to the United Arab Emirates from 21 to 25 February 2015 (Annex 1 - Public);
2. The note verbale dated 24 February 2015 to the Permanent Mission of the United Arab Emirates to the United Nations and the memorandum of notification (Annex 2 - confidential).
3. The note verbale dated 25 February 2015 to the Permanent Mission of the Kingdom of Bahrain to the United Nations and the memorandum of notification (Annex 3- confidential).

4. The note verbale dated 25 February 2015 to the Embassy of the State of Kuwait to the Kingdom of the Netherlands and the memorandum of notification (Annex 4- confidential).
5. The note verbale dated 25 February 2015 to the Embassy of the Kingdom of Saudi Arabia to the Kingdom of the Netherlands and the memorandum of notification (Annex 5- confidential).

**RESPECTFULLY SUBMITTED.**

  
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Marc Dubuisson, Director, Division of Court Services  
on behalf of  
Herman von Hebel, Registrar

Dated this 19 March 2015

At The Hague, The Netherlands