

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 22 May 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 1 confidential annex

**Report of the Registry on Omar Al Bashir's potential travel
to the Republic of Indonesia**

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

The Republic of Indonesia

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 Prosecution’s Notification of Travel of Suspect Omar Al Bashir in the Case of The Prosecutor v Omar Al Bashir (Prosecution’s notification) dated 2 April 2015¹;

NOTING the Corrigendum of “Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects” (the “Orders”) dated 15 April 2015²;

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 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 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 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;

CONSIDERING that it appeared from the Prosecution’s notification that President Omar Al Bashir was to travel to Indonesia to attend the 60th anniversary of the 1955 Asian-African Conference planned to take place during the period of 19 to 24 April 2015;

¹ ICC-02/05-01/09-234

² ICC-02/05-01/09-235-Corr

³ Idem , pages 5 and 6

CONSIDERING that Omar Al Bashir has not travelled to Indonesia since the issuance of the first arrest warrant against him;

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;"⁴

INFORMS the Chamber as follows:

1. On 16 April 2015, the Registry issued a Request for Arrest and Surrender for Omar Hassan Ahmad Al Bashir to the Republic of Indonesia⁵, which was transmitted the following day to the Embassy of the Republic of Indonesia in the Kingdom of the Netherlands and to the Permanent Mission of the Republic of Indonesia to the United Nations by way of personal service together with a note verbale, the Orders, the two arrest warrants both in English and Arabic and the Relevant Provisions of the Rome Statute in Arabic to be notified to Omar Al Bashir in case of arrest.
2. In that note verbale, the State, whose attention was drawn on the United Nations Security Council Resolution 1593 (2005), was invited to implement the request for arrest and surrender of Omar Hassan Ahmad Al-Bashir, should he travel to the Republic of Indonesia. To the date of this report, no reply had yet been received by the Republic of Indonesia.
3. As reported by the media, the planned visit of Omar Al Bashir to Indonesia on 20 April 2015 to attend the 2015 Asian African Summit was cancelled at the last minute. While an official source of the Government mentioned that the President had to stay in the country to monitor the post-elections operations, the *Sudan Tribune* wrote on 21

⁴ ICC-02/05-01/09-235-Corr, page 6

⁵ ICC-02/05-01/09-236

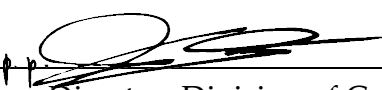
April 2015 that according to its “Government sources told (...) on condition of anonymity (...) Bashir’s trip was scrapped after several countries denied permission for him to fly over their airspace en route to Jakarta. The names of these nations and reasons behind their decision were not disclosed”.

4. The present report is filed public in line with the classification of the Orders, Annex 2 is submitted as confidential as it refers to the names of staff members of the Court and of the Permanent Mission and Embassy of the requested State.

TRANSMITS in annexes:

1. News reports regarding the visit of Omar Al Bashir to the Republic of Indonesia 2015 (Annex 1 - Public);
2. The note verbale dated 16 April 2015 to the Permanent Mission of the Republic of Indonesia to the United Nations and the memorandum of notification to this Permanent Mission as well as to the Embassy of the Republic of Indonesia to the Kingdom of the Netherlands (Annex 2 - confidential).

RESPECTFULLY SUBMITTED.



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

Dated this 22 May 2015

At The Hague