

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 23 October 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
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
("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 Islamic Republic of Mauritania, the Federal Democratic Republic of Ethiopia, the People's Republic of China and the Republic of South Sudan

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 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 23bis, 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

NOTING the Request for cooperation to arrest and surrender Mr. Omar Al-Bashir submitted to the Islamic Republic of Mauritania in the form of a *note verbale* on 27 July 2015³, the request for cooperation to arrest and surrender submitted to the People’s Republic of China dated 5 March 2009⁴ and 16 August 2010⁵, the requests for arrest and Surrender submitted to the Federal Republic of Ethiopia on

¹ ICC-02/05-01/09-235-Corr

² ICC-02/05-01/09-235-Corr, page 5

³ See annex 2 : Note verbale referenced NV/2015/ER/91/ab/MD

⁴ ICC-02/05-01/09-1

⁵ ICC-02/05-01/09-95

10 October 2013⁶, 30 January 2014⁷, 17 February 2014⁸, 30 April 2014⁹ and the request for cooperation to arrest and surrender submitted to the Republic of South Sudan dated 7 January 2014¹⁰;

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;”*¹¹

INFORMS the Chamber as follows:

Visits of Omar Hassan Ahmad Al-Bashir to the Islamic Republic of Mauritania:

1. As reported by the media, Mr. Omar Al-Bashir travelled to the Islamic Republic of Mauritania on 26 July 2015 in order to participate the following day in the fourth summit of Great Green Wall of the Sahara and the Sahel Initiative.
2. On 27 July 2015, the Registry transmitted to the Embassy of the Islamic Republic of Mauritania 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) and the pertinent provisions of the Rome Statute in Arabic for urgent onward transmission to the relevant authorities.
3. The *note verbale* invited said State to cooperate with the immediate arrest of Mr. Omar Al-Bashir and surrender to the Court at the earliest convenience.

⁶ ICC-02/05-01/09-165

⁷ NV/2014/3196/AB

⁸ NV/2014/3218/AB)

⁹ NV/2014/3297/gm/AK

¹⁰ ICC-02/05-01/09-175-conf

¹¹ 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 27 July 2015 has been received from the authorities of the Republic of Mauritania.

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

5. According to the media reports, Mr. Omar Al-Bashir visited Addis Ababa after his trip to Mauritania. The Registry did not take any actions with regards to the travel of Mr. Al-Bashir to Ethiopia, having been informed of that trip only after it was concluded.

Visits of Omar Hassan Ahmad Al-Bashir to the People's Republic of China

6. As reported by the media, Mr. Omar Al-Bashir visited the People's Republic of China to attend the "Commemoration of 70th Anniversary of Victory of Chinese People's Resistance against Japanese Aggression and World Anti-Fascist War" on 3 September 2015.
7. The Registry transmitted on 31 August 2015 a *note verbale* to the Embassy of the People's Republic of China for transmission to the relevant authorities, reminding the authorities of the 'Request to all United Nations Security Council Members that are not states parties to the Rome Statute for the Arrest and Surrender of Mr. Omar Al-Bashir',¹² the 'Supplementary Request to all United Nations Security Council Members that are not states parties to the Rome Statute for the Arrest and Surrender of Omar Al-Bashir'¹³ and the United Nations Security Council Resolution 1593 (2005). In the *note verbale*, the People's Republic of China was also invited to provide information regarding the visit and to cooperate with the arrest and surrender of Mr. Omar Al-Bashir should the visit take place.

¹² ICC-02/05-01/09-8-tCMN

¹³ ICC-02/05-01/09-97-tCMN

8. To the date of this report, no reply to the above-mentioned *note verbale* dated 31 August 2015 has been received from the authorities of the People's Republic of China.

Visits of Omar Hassan Ahmad Al-Bashir to South Sudan

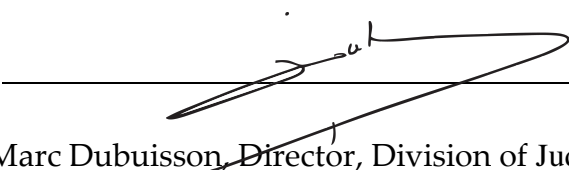
9. The Registry's attention was drawn by media reports making reference to a potential visit of Mr. Omar Al-Bashir to the Republic of South Sudan on 26 August 2015 to attend in Juba the signing of a Peace Accord.
10. On 25 August 2015, the Registry transmitted to the Permanent Mission of the Republic of South Sudan to the United Nations a *note verbale* for onward transmission to the relevant authorities of South Sudan.
11. In the *note verbale*, the Republic of South Sudan was reminded of the Request to the Republic of South Sudan for the arrest and surrender of Mr. Omar Al-Bashir (ICC-02/05-01/09-175-Conf) dated 7 January 2014 and was also invited to cooperate with the arrest and surrender of Mr. Omar Ahmad Al-Bashir should the visit take place.
12. To the date of this report, no reply to the above-mentioned *note verbale* dated 25 August 2015 has been received from the authorities of the Republic of South Sudan.
13. The media reported the presence of the First Vice-President of Sudan, Lt. Gen. Bakri Hassan Salih, in Juba on 26 August 2015 at the signing of the peace agreement, but did not mention the presence of Mr. Omar Ahmad Al-Bashir.

Level of confidentiality

14. The present report is filed public in line with the classification of the Orders. Pursuant to regulation 23bis(1) of the Regulations, 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 Islamic Republic of Mauritania to the People's Republic of China and the signature of the Peace Agreement in South Sudan;¹⁴
- The *note verbale* to the Embassy of the Islamic Republic of Mauritania;¹⁵
- The *note verbale* to the Embassy of the People's Republic of China;¹⁶
- The *note verbale* to the Permanent Mission of the Republic of South Sudan to the United Nations;¹⁷

RESPECTFULLY SUBMITTED,


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

Dated this 23 October 2015

At The Hague, the Netherlands

¹⁴ Annex I¹⁵ Annex II Confidential¹⁶ Annex III Confidential¹⁷ Annex IV Confidential