

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-01/09  
Date: 19 February 2013

**PRE-TRIAL CHAMBER II**

**Before:** Judge Ekaterina Trendafilova, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Cuno Tarfusser

**SITUATION IN DARFUR, SUDAN**

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

**Public Document**

**With confidential annexes 1-5 and public annex 6**

**Report of the Registry on the execution of the "Order Regarding Omar Al-Bashir's  
Potential Visit to the Republic of Chad and to the State of Libya"**

**Source:** 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

**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**  
Ms Silvana Arbia

**Counsel Support Section**

**Deputy Registrar**  
Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**THE REGISTRY** of the International Criminal Court (the “Court”):

**NOTING** Resolution 1593 (2005)<sup>1</sup> of the United Nations Security Council, referring the situation in Darfur to the Court;

**NOTING** the “Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir”<sup>2</sup> issued by Pre-Trial Chamber I on 4 March 2009;

**NOTING** the “Second Decision on the Prosecution’s Application for a Warrant of Arrest”<sup>3</sup> issued by Pre-Trial Chamber I on 12 July 2010;

**NOTING** warrants of arrest against Omar Al-Bashir dated 4 March 2009 and 12 July 2010;<sup>4</sup>

**NOTING** the “Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir”<sup>5</sup> 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”<sup>6</sup> dated 21 July 2010;

**NOTING** the “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”<sup>7</sup> dated 6 March 2009 and the “Supplementary Request to all United Nations Security

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<sup>1</sup> S/RES/1593 (2005)

<sup>2</sup> ICC-02/05-01/09-3

<sup>3</sup> ICC-02/05-01/09-94

<sup>4</sup> ICC-02/05-01/09-1; ICC-02/05-01/09-95

<sup>5</sup> ICC-02/05-01/09-7

<sup>6</sup> ICC-02/05-01/09-96

<sup>7</sup> ICC-02/05-01/09-8

Council members that are not States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir"<sup>8</sup> dated 21 July 2010;

**NOTING** the "Prosecution notification of possible travel in the case of *The Prosecutor v Omar Al Bashir*, pursuant to Article 97 of the Rome Statute" dated 14 February 2013<sup>9</sup>

**NOTING** the "Order Regarding Omar Al-Bashir's Potential Visit to the Republic of Chad and to the State of Libya"<sup>10</sup> ("the Order") issued by Pre-Trial Chamber II ("the Chamber") on 15 February 2013;

**NOTING** articles 86, 87(7), 89(1) and 91 of the Rome Statute, rule 176(2) of the Rules of Procedure and Evidence, Regulation 23bis of the Regulations of the Court;

**CONSIDERING** that Pre-Trial Chamber II instructed the Registry to immediately transmit the Order to the Republic of Chad and to the State of Libya and "to prepare a report to be filed with the Chamber in due course concerning the said visit"<sup>11</sup>;

**INFORMS** the Chamber as follows:

*Notes verbales sent by the Registry*

1. Once information from the Media on a possible visit of Al-Bashir to the Republic of Chad and Libya became available to the Registry, the latter immediately transmitted notes verbales to the authorities of Chad and Libya.
2. The Registry transmitted a note verbale to the Embassy of the Republic of Chad to the Kingdom of Belgium on 12 February 2013. In this note verbale, the Registry requested the authorities to confirm that President Al Bashir was

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<sup>8</sup> ICC-02/05-01/09-97

<sup>9</sup> ICC-02/05-01/09-144

<sup>10</sup> ICC-02/05-01/09-145

<sup>11</sup> *Ibid.*, p. 6

to visit Chad on 16 February 2013. The note verbale also indicated that the request for arrest and surrender concerning Omar Al-Bashir was still valid.

3. On 13 February 2013 the Embassy of Chad acknowledged receipt of the note verbale sent by the Registry.
4. A note verbale was sent to the focal point of the Court in Libya on 14 February 2013. The Registry invited the Libyan authorities to confirm whether a visit of President Al Bashir was to take place in Libya and made reference to the requests for arrest and surrender concerning Omar Al-Bashir transmitted to Libya in 2009 and 2010 in its capacity as member and former member of the United Nations Security Council.
5. No acknowledgement of receipt of this e-mail has been received so far.

*Order of the Chamber*

6. Following the Chamber's instructions, the Registry transmitted the Order via note verbale to the Embassy of Chad on 15 February 2013. Both documents were notified by fax to the Embassy of the Republic of Chad to the Kingdom of Belgium and by e-mail to the Court focal point in Chad.
7. The French version of the Order will be transmitted today to the Embassy of the Republic of Chad to the Kingdom of Belgium.
8. The Registry also transmitted the Order of the Chamber and note verbale of transmission by e-mail to the Court focal point in Libya on the same day, 15 February 2013.
9. At the moment, the Registry has not received a written confirmation of receipt of the Order of the Chamber by the Libyan and Chadian authorities.

*Media reports on the visit of President Al Bashir*

10. According to the Media, President Al-Bashir was in Chad on 15 February and on 16 February 2013. There is no press report indicating that President Al-Bashir visited Libya.
11. The annexes to the present report are filed as *confidential* as they are confidential correspondences between the Registry and States. Annex 6 is public as it contains publicly available information.

**TRANSMITS** in annexes:

- The note verbale sent to the Embassy of the Republic of Chad on 12 February 2013 (Annex 1);
- The note verbale received from the Embassy of Chad on 13 February 2012 (Annex 2);
- The note verbale sent to the Court's focal point in Libya on 14 February 2013 (Annex 3);
- The note verbale dated 15 February 2013 transmitting the Order of the Chamber to the Embassy of the Republic of Chad as well as the automatically generated confirmation of receipt (Annex 4);
- The note verbale dated 15 February 2013 transmitting the Order of the Chamber to the Court's focal point in Libya (Annex 5);
- Reports and web-links from the Media (Annex 6).

**RESPECTFULLY SUBMITTED.**



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Silvana Arbia, Registrar

Dated this 19 February 2013

At The Hague, The Netherlands