

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 March 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**

**Confidential
With 2 confidential annexes**

**Report of the Registry on the execution of the "Decision Requesting Observations
on Omar Al-Bashir's Visit to the Republic of Chad"**

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
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
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)¹ 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"² issued by Pre-Trial Chamber I on 4 March 2009;

NOTING the "Second Decision on the Prosecution's Application for a Warrant of Arrest"³ issued by Pre-Trial Chamber I on 12 July 2010;

NOTING the warrants of arrest against Omar Al-Bashir dated 4 March 2009 and 12 July 2010;⁴

NOTING the "Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir"⁵ 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"⁶ dated 21 July 2010;

NOTING the "Decision pursuant to article 87(7) of the Rome Statute on the refusal of the Republic of Chad to comply with the cooperation requests issued by the Court

¹ S/RES/1593 (2005)

² ICC-02/05-01/09-3

³ ICC-02/05-01/09-94

⁴ ICC-02/05-01/09-1; ICC-02/05-01/09-95

⁵ ICC-02/05-01/09-7

⁶ ICC-02/05-01/09-96

with respect to the arrest and surrender of Omar Hassan Ahmad Al Bashir"⁷ dated 13 December 2011;

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 2013⁸

NOTING the "Order Regarding Omar Al-Bashir's Potential Visit to the Republic of Chad and to the State of Libya"⁹ issued by Pre-Trial Chamber II ("the Chamber") on 15 February 2013;

NOTING the "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'"¹⁰ ("the Report") dated 19 February 2013;

NOTING the "Decision Requesting Observations on Omar Al-Bashir's Visit to the Republic of Chad"¹¹ ("the Decision") issued by the Chamber on 22 February 2013;

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

CONSIDERING that the Chamber ordered the Registry to immediately transmit a copy of the Report to the Republic of Chad¹²;

⁷ ICC-02/05-01/09-140-tENG

⁸ ICC-02/05-01/09-144

⁹ ICC-02/05-01/09-145

¹⁰ ICC-02/05-01/09-146

¹¹ ICC-02/05-01/09-147

¹² *Ibid*, p. 6

CONSIDERING that the competent authorities of the Republic of Chad were requested by the Chamber "to submit no later than Thursday 14 March 2013, any observations with regard to: 1) the alleged failure to execute the requests for arrest and surrender of Omar-Al Bashir to the Court and; 2) the alleged failure to consult with the Court in case of any problems identified which might have impeded the execution of the requests for arrest and surrender of Omar-Al Bashir during his visit"¹³.

INFORMS the Chamber as follows:

Transmission of the documents

1. The Registry transmitted the Report and the Decision of the Chambers in its original English language to the authorities of Chad by way of a note verbale on 25 February 2013.
2. The Registry transmitted the French translation of the Report and the Decision to the authorities of Chad by way of a note verbale on 28 February 2013.
3. On 13 March 2013, the focal point of the Court at the Embassy of the Republic of Chad to the Kingdom of Belgium informed a representative of the Registry that the Government of Chad was likely to request the Court for an extension of time to submit its observations. It was agreed that the Embassy would provide more information on the request for extension the day after.
4. On 14 March in the morning, the focal point indicated that an official communication from the Chadian authorities would be transmitted to the Registry the same day or in the morning of 15 March 2013. On the same day the Registry sent an e-mail to the Embassy asking the authorities to provide a justification for missing the deadline of 14 March 2013, should the observations be transmitted to the Court on Friday.

¹³ Ibid

5. On 15 March, the focal point of the Embassy indicated that he would try to contact the authorities in Ndjamena again.
6. At the time of the filing, the Registry had not received any official communication from the Republic of Chad.

Level of confidentiality

7. The present report and its annexes are submitted as *confidential* as they refer to official correspondence between the Registry and Chad.

TRANSMITS in annexes:

- The note verbale sent to the Embassy of the Republic of Chad on 25 February 2013 and the fax receipt of transmission (Annex 1);
- The note verbale sent to the Embassy of the Republic of Chad on 28 February 2013 and the fax receipt of transmission (Annex 2).

RESPECTFULLY SUBMITTED.



Silvana Arbia, Registrar

Dated this 15 March 2013

At The Hague, The Netherlands