



Original: **French**

No.: ICC-02/05-01/09
Date: 21 September 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

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

Public Document

**Decision amending the time limit for the submission of observations on Omar
Al Bashir's recent visit to the Republic of Chad**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, 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 competent authorities of the
Republic of Chad

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I (“the Chamber”) of the International Criminal Court (“the Court”);

1. **NOTING** United Nations Security Council resolution 1593 (2005),¹ in which the Security Council referred the situation in Darfur to the Court and “urge[d] all States and concerned regional and other international organizations to cooperate fully” with the Court;
2. **NOTING** the warrants of arrest for Omar Hassan Ahmad Al Bashir (“Omar Al Bashir”) issued by the Chamber on 4 March 2009² and 12 July 2010³ (“warrants of arrest”), which remain outstanding;
3. **NOTING** the “Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Al Bashir”⁴ and the “Supplementary Request to all States Parties to the Rome Statute for the arrest and surrender of Omar Hassan Ahmad Al Bashir” (“cooperation requests”)⁵ transmitted by the Registry to all States Parties to the Rome Statute on 6 March 2009 and 21 July 2010 respectively;
4. **NOTING** the Registry’s “Report on the second visit of Omar Al Bashir to Chad” dated 9 August 2011 (“First Report of the Registry”),⁶ in which the Registrar informed the Chamber that, according to media reports, Omar Al Bashir had visited the Republic of Chad on 7 and 8 August 2011 for the purposes of attending the inauguration ceremony of Chad’s head of state, Idriss Deby Itno;
5. **NOTING** the *Decision requesting observations about Omar Al-Bashir’s recent visit to the Republic of Chad* issued by the Chamber on 18 August 2011 (“Decision of the

¹ S/RES/1593 (2005).

² ICC-02/02-01/09-1.

³ ICC-02/05-01/09-95.

⁴ ICC-02/05-01/09-7.

⁵ ICC-02/05-01/09-96.

⁶ ICC-02/05-01/09-131-Conf.

Chamber”),⁷ in which the Chamber requested the competent authorities of the Republic of Chad to submit observations no later than Friday, 9 September 2011, on the First Report of the Registry, in particular on their alleged failure to comply with the cooperation requests issued by the Court;

6. **NOTING** the confidential “*Rapport du Greffe relatif aux observations de la République du Tchad*” of 9 September 2011 (“Second Report of the Registry”),⁸ in which the Registry informed the Chamber (i) that the Embassy of Chad in Brussels submitted the observations of the Ministry of Foreign Affairs to the Registry on 7 September 2011; (ii) that the Republic of Chad’s observations proved to be in reference to the Registrar’s note verbale of 5 August 2011 transmitted in advance of President Omar Al Bashir’s visit to Chad and not to the Decision of the Chamber; (iii) and that, on 9 September 2011, the authorities of the Republic of Chad had indicated informally that they sought an extension of the time limit to respond to the Decision of the Chamber;

7. **NOTING** articles 86, 89 and 97 of the Statute;

8. **NOTING** rule 109(3) of the Rules of Procedure and Evidence of the Court, under which the Chamber shall hear from a State before making a finding that the State has failed to comply with a cooperation request;

9. **NOTING** regulation 35 of the Regulations of the Court;

10. **CONSIDERING**, therefore, that it is necessary for the authorities of the Republic of Chad to be granted a brief extension of time to enable them to submit their observations;

⁷ ICC-02/05-01/09-132.

⁸ ICC-02/05-01/09-133-Conf.

FOR THESE REASONS

DECIDES to extend until 30 September 2011 the time limit for the competent authorities of the Republic of Chad to submit their response to the Decision of the Chamber; and

ORDERS the Registrar to transmit this decision to the competent authorities of the Republic of Chad immediately through the proper channels of communication.

Done in both English and French, the French version being authoritative.

[signed]
Judge Sanji Mmasenono Monageng
Presiding Judge

[signed]
Judge Sylvia Steiner

[signed]
Judge Cuno Tarfusser

Dated this 21 September 2011

At The Hague, The Netherlands