PRESS RELEASE

AFRICAN UNION COMMISSION MAKES SUBMISSIONS TO ICC ON THE APPEAL OF THE KINGDOM OF JORDAN IN THE CASE OF PRESIDENT OMAR AL-BASHIR

Geneva, Switzerland 9-10 July 2018 - The Office of the Legal Counsel of the African Union has submitted an Amicus Curiae Brief before the International Criminal Court (ICC) on 16 July 2018, in the case of the Hashemite Kingdom of Jordan’s appeal against the ‘Decision under article 87(7) of the Rome Statute on the non-compliance by Jordan with the request made by the Court for the arrest and surrender of Omar Al-Bashir.

President Omar Al Bashir of Sudan is accused of genocide and other crimes committed in Darfur. The United Nations Security Council referred the situation in Darfur to the ICC
in 2005, stating that “the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor”, S/RES/1593 (2005). However, some States, including the Hashemite Kingdom of Jordan, failed to arrest President Al Bashir when he was on her territory, similar to what took place in the case of the Republic of South Africa. Consequently, on 11 December 2017, the ICC Pre-Trial Chamber II rendered a decision on the non-compliance by Jordan with the request by the Court, where it ruled that the immunities of Omar Al Bashir as Head of State cannot be invoked to justify a failure to comply to the Court’s request of his arrest. Jordan appealed of this decision.

In this regard, the AU legal team met twice in preparation of the Amicus Curiae. The first meeting was held in New York in May 2018, where under the leadership of the Director of the AU Commission Office of the Legal Counsel, Amb. Dr. Negm the team worked with the African Group to the United Nations in New York to coordinate their efforts in mobilising states within the General Assembly of the United Nations to request an Advisory Opinion from the International Court of Justice to address the issue of immunities of Heads of State and Government in conjunction with the different legal systems and principles, including the legal system established by the Rome Statute establishing the ICC. This activity was undertaken in implementation of the January 2018. AU Assembly decision. *(Assembly/AU/ Dec. 672(XXX)).* The second meeting was held at the margins of the 70th Anniversary of the United Nations International Law Commission, and made final submissions to the ICC before the deadline of mid-July 2018.

**Note to Editors**

The Legal Team is consists of members approved by the Chairperson of the AU Commission, H.E.Mr. Moussa FakiMahamat. It is led by Amb. Dr. Namira Negm Director, Office of the Legal Counsel and two African Members of the International Law Commission; from South Africa, Prof. Dr. Dire Tladi, Professor of Public International Law in the University of Pretoria and from Sierra Leone, Prof. Dr. Charles Jalloh, Professor of Public International Law at the International University of Florida.
For enquiries, contact:

Tefesehet Sime | Office of the Legal Counsel | African Union Commission | Tel: +251 (0) 913495760 | Email: tefesehets@africa-union.org

Esther Azaa Tankou | Head of Information Division | African Union Commission | Tel: (251) 11 551 77 00 | E-mail: Yamboue@africa-union.org

For further information:
Directorate of Information and Communication | African Union Commission | E-mail: DIC@african-union.org | Web Site: www.au.int | Addis Ababa | Ethiopia

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