

Press Release

The Appeals Chamber of the International Criminal Court Concludes Hearings in Jordan's Appeal Case

The Hague, 14 September 2018 – The Appeals Chamber of the International Criminal Court



(“ICC”) concluded hearing of oral submissions in 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 by the Court for the Arrest and Surrender of Omar Al-Bashir*”.

The African Union, represented by Ambassador (Dr.) Namira Negm, Legal Counsel of the AU Commission, and two external counsels, Prof. Dire Tladi and Prof. Charles Jalloh, both African Members of the International

Law Commission, made its *amicus curiae* submission in support of Jordan’s case at the five-day hearing, which took place from 10 to 14 September 2018 at the seat of Court in The Hague, Netherlands.

In delivering the African Union’s closing statement, Amb. Negm reiterated the Union’s commitment to the fight against impunity for genocide, crimes against humanity and others, in line with the mandate of the ICC as stipulated in the Rome Statute. She cautioned, however, against the use of the Rome Statute to break the current international legal system, noting that,

“We [the African Union] are of the view that the intention of the drafters of the Rome Statute was very clear, for the sake of justice, and in case of failure by a state to prosecute perpetrators in the most heinous crimes, an international court may take this job, while at the same time taking into



consideration that this court will not in any way, threaten international peace and security or be used as a political tool to initiate vendettas between political rivals.”

The AU Legal Counsel also reemphasised the general rule that “*all states and not some States have unanimously affirmed that under international law, there are no exceptions for immunity from foreign criminal jurisdiction.*” She further noted that the only fora that have held otherwise are the various Pre-Trial

Chambers of the ICC, reiterating that “it cannot be that the whole world except the ICC is wrong.”

The Appeals Chamber hearing, which was presided over by Judge Chile Eboe-Osuji, President of the Court, was conducted in the form of counsels and international law professors, responding to questions pre-posed by the Chamber. The Court adjourned proceedings on 14 September 2018, as the parties await the outcome of the appeal, which is likely to have major implications for the African Union and its Member States, in particular, those that are also States Parties to the ICC Rome Statute on the question of immunities of Heads of State under the Rome Statute.

The Public hearing can be viewed on <https://www.youtube.com/watch?v=TQz16EPTVNs&feature=youtu.be>.

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