



Original: English

No. ICC-02/05-01/09 OA2

Date: 29 March 2018

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN DARFUR, SUDAN

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

Public document

**Order inviting expressions of interest as *amici curiae* in judicial proceedings
(pursuant to rule 103 of the Rules of Procedure and Evidence)**

Order 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

States Representatives
Competent authorities of the Hashemite
Kingdom of Jordan

Competent authorities of the other States
Parties to the Rome Statute

Others
United Nations
African Union
European Union
League of Arab States
Organization of American States

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of the Hashemite Kingdom of Jordan against the decision of Pre-Trial Chamber II entitled ‘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 o[f] Omar Al-Bashir’ of 11 December 2017 (ICC-02/05-01/09-309),

Having before it ‘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”’ of 12 March 2018 (ICC-02/05-01/09-326) (hereinafter the ‘Jordan Referral re Al-Bashir Appeal’),

Pursuant to rule 103 of the Rules of Procedure and Evidence (hereinafter the ‘Rules’),

Issues the following

ORDER

1. The United Nations, the African Union, the European Union, the League of Arab States and the Organization of American States may, by 16h00 on 16 July 2018 submit observations, in no more than 30 pages, on the merits of the legal questions presented in the Jordan Referral re Al-Bashir Appeal.
2. States Parties may, by 16h00 on 30 April 2018, request leave to submit observations on the merits of the legal questions presented in the appeal. Any such request for leave shall be accompanied by summary initial observations, in no more than two pages, describing the interest of the State Party in the legal question presented.
3. Professors of International Law may, by 16h00 on 30 April 2018, request leave to submit observations on the merits of the legal questions presented in the appeal. Any such request for leave shall be accompanied by summary initial observations, in no more than four pages, describing the particular expertise of the Professor in the legal question presented, as well as summary conclusions as to those questions.

4. On the basis of the initial observations described in paragraphs 2 and 3 above, the Appeals Chamber shall render a further decision: (a) selecting the States Parties and Professors of International Law considered best placed to be invited to submit observations on the merits of the legal questions presented in the appeal; and (b) setting out any further processes in the appeal.

REASONS

1. The Jordan Referral re Al-Bashir Appeal raises legal issues that may have implications beyond the present case. In these circumstances, the Appeals Chamber considers it desirable to invite observations from international organisations, States Parties and Professors of International Law on these issues to assist the Appeals Chamber in its determination. The Appeals Chamber notes, however, that the proceedings must be conducted efficiently and expeditiously, and therefore considers it necessary to set out a procedure for such observations.

2. Consequently, the Appeals Chamber invites the United Nations and the African Union, the European Union, the League of Arab States and the Organization of American States, as international and regional organisations, to submit observations on the merits of the legal questions presented in the appeal, in no more than 30 pages, in accordance with rule 103 of the Rules, by 16 July 2018.

3. In view of the large number of States Parties to the Rome Statute, the Appeals Chamber considers it appropriate not to directly invite observations from them, but to first invite States Parties to express their interest by requesting leave to submit observations on the issues raised in Jordan's appeal, pursuant to rule 103 of the Rules, by 30 April 2018. Any such request for leave shall be accompanied by summary initial observations, in no more than two pages, describing the interest of the State Party in the legal question presented.


4. For similar considerations, the Appeals Chamber invites Professors of International Law to express their interest by requesting leave to submit observations on the merits of the legal questions presented in the appeal. Any such request for leave shall be accompanied by summary initial observations, in no more than four

pages, describing the particular expertise of the Professor in the legal question presented, as well as summary conclusions as to those questions, specifying the main lines of argument that he or she may wish to submit before the Appeals Chamber as to the merits of the legal questions presented in the appeal.

5. The Appeals Chamber shall subsequently determine which States Parties and Professors of International Law will be granted leave to submit observations. The Appeals Chamber will also specify the modalities for the submission of such observations and responses thereto, as well as for responses to any observations received from international and regional organisations, bearing in mind the need for an expeditious conduct of the proceedings.

6. The Appeals Chamber emphasises that all submissions mentioned in paragraphs 2, 3 and 4 above shall be filed in accordance with regulations 23, 33 and 36 of the Regulations of the Court and regulation 24 of the Regulations of the Registry to the extent applicable and practicable.

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



Judge Chile Eboe-Osuji
Presiding Judge

Dated this 29th day of March 2018

At The Hague, The Netherlands