

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

*No.: ICC-02/05-01/09
Date: 28 December 2017*

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

SITUATION IN DARFUR, SUDAN

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

Public

Request for leave to file a reply to the Prosecution's response to the Hashemite Kingdom of Jordan's notice of appeal against the article 87(7) decision, or in the alternative, application for leave to appeal the decision under article 82(1)(d)

Source: The Hashemite Kingdom of Jordan

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Julian Nicholls

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

Other

The Presidency

The Appeals Chamber

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 18 December, the Hashemite Kingdom of Jordan (“Jordan”) filed a notice of appeal of the Pre-Trial Chamber’s decision in this case 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; or, in the alternative, leave to seek such an appeal.¹
2. On 21 December, the Prosecution filed a response to Jordan’s notice of appeal.²
3. Pursuant to regulation 24(5) of the Regulations of the Court, Jordan requests leave from the Chamber to file a reply to the Prosecution’s response. The main purpose of the reply would be to challenge new points raised in the Prosecution’s response, which Jordan could not reasonably have anticipated, especially the assertion that Issues 2 and 3 meet the standards for an appeal, while the inescapably linked Issues 1 and 4 do not.



Ambassador Ahmad Jalal Said Al-Mufleh
on behalf of
The Hashemite Kingdom of Jordan



Dated 28 December 2017

At The Hague, The Netherlands

¹*Situation in Darfur, Sudan, Prosecutor v. Omar Hassan Ahmad Al Bashir*, “Hashemite Kingdom of Jordan’s notice of appeal of 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; or, in the alternative, leave to seek such an appeal”, ICC-02/05-01/09 (18 Dec. 2017).

²*Situation in Darfur, Sudan, Prosecutor v. Omar Hassan Ahmad Al Bashir*, “Prosecution’s response to the Hashemite Kingdom of Jordan’s notice of appeal against the article 87(7) decision, or in the alternative, application for leave to appeal the decision under article 82(1)(d)”, ICC-02/05-01/09 (21 Dec. 2017).