

ANNEXURE “KRK 11”

(SALC’S LETTER OF 9 JULY 2015 TO NDPP)

CITED IN SOUTHERN AFRICA LITIGATION CENTRE’S

REQUEST FOR LEAVE TO SUBMIT *AMICUS CURIAE*

IN

THE PROSECUTOR vs. OMAR HASSAN AHMAD AL BASHIR, NO. ICC-02/05-01/09

(Decision Convening a Public Hearing for the Purposes of a determination under article 87(7) of the Statute with respect to the Republic of South Africa)

SOUTHERN AFRICA LITIGATION CENTRE

9 July 2015

WITH PREJUDICE

To:

National Director of Public Prosecutions

Adv. Shaun Abrahams

skabrahams@npa.gov.za

Dear Sir,

**RE: IN THE MATTER OF SOUTHERN AFRICA LITIGATION CENTRE V THE
MINISTER OF JUSTICE AND CONSITITUTIONAL DEVELOPMENT AND
OTHERS: SUBMISSIONS PERTAINING TO BASHIR'S DEPARTURE FROM THE
REPUBLIC OF SOUTH AFRICA ON 15 JUNE 2015.**

1. The above matter refers.
2. As you are aware, on 14 June 2015, the High Court issued an interim order prohibiting President Omar al-Bashir of Sudan from leaving South Africa, and directed the respondents to take all necessary steps to prevent him from doing so, until a final order had been issued in the application. Despite that, President Bashir left South Africa during the course of 15 June 2015, before proceedings had been finalized.
3. A written judgment in the matter was handed down by the Full Bench of the High Court on 24 June 2015. For ease of reference, a copy is enclosed. Paragraph 39 thereof expressly invites you to consider whether criminal proceedings should appropriately be brought in respect of the apparent contempt of the court's interim order.

Second Floor, President Place, 1 Hood Avenue/148 Jan Smuts Avenue (corner Bolton Road), Rosebank, 2196,
Johannesburg, South Africa

PO Box 122 Parklands 2121 South Africa

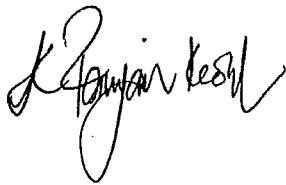
| T: +27 (0) 10 596 8538 |

www.southernafricalitigationcentre.org

an initiative of the International Bar Association and the Open Society Initiative of Southern Africa
NPO 138-655

4. As the applicant in the above application, the Southern African Litigation Centre has an interest in any contempt proceedings and regards itself as the complainant in respect thereof. As such, we request that you keep us apprised of, and engage with us in respect of, any decision to bring (or not to bring) contempt charges. We also wish to offer our assistance, should you deem it appropriate.
5. As a starting point, we request that you inform us of the steps that your office intends to take in relation to potential contempt charges. In particular, please advise us who within the National Prosecuting Authority has been tasked to handle this matter and to whom we can direct further correspondence.
6. We look forward to hearing from you.

Yours faithfully,



Kaajal Ramjathan-Keogh
Executive Director