

# **ANNEXURE “Krk 12”**

(SALC'S LETTER OF 6 AUGUST 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

6 August 2015

**WITH PREJUDICE**

**To:**

**National Director of Public Prosecutions**

**Adv. Shaun Abrahams**

[skabrahams@npa.gov.za](mailto:skabrahams@npa.gov.za)

**And to:**

**Senior Deputy Director of the Priority Crimes Litigation Unit**

**Adv. Torie Pretorius**

[jppretorius@npa.gov.za](mailto:jppretorius@npa.gov.za)

Dear Sirs,

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

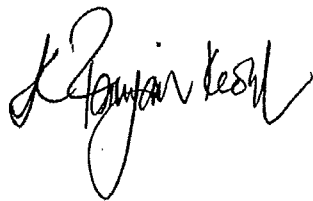
1. The above matter, and our letter of 9 July 2014, refer. A copy of that letter is attached for your convenience. We are yet to receive a response to it.
2. As you are aware, on 14 June 2015, the High Court issued an interim order prohibiting President Omar al-Bashir of Sudan from leaving South Africa, and directed the respondents to take all necessary steps to prevent him from doing so, until a final order had been issued

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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. 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.
4. We reiterate that the Southern African Litigation Centre (SALC) is the complainant in respect of the complaint of criminal contempt. If you disagree or if there are further steps that you consider necessary for SALC to be regarded as the complainant, please advise us accordingly and notify us of what further steps that SALC should to take.
5. We also request, once again, 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 with whom we can engage in relation to the contempt complaint and its investigation.
6. We look forward to hearing from you soon.

Yours faithfully,



Kaajal Ramjathan-Keogh  
Executive Director