

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/09
Date: 4 May 2016

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

Decision on the request of the Republic of South Africa for an extension of the time limit for submitting their views for the purposes of proceedings under article 87(7) of the Rome Statute" of 15 October 2015 (ICC-02/05-01/09)

Source: Embassy of the Republic of South Africa

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 Steward

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

Amicus Curiae

Republic of South Africa

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

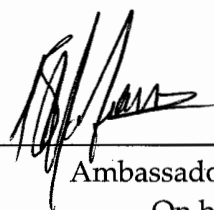
Other

The Government of the Republic of South Africa (hereinafter referred to as "the Government") makes the following submission on the –

"Decision on the request of the Republic of South Africa for an extension of the time limit for submitting their views for the purposes of proceedings under article 87(7) of the Rome Statute" of 15 October 2015 (ICC-02/05-01/09) of Pre-Trial Chamber II and transmitted via Note Verbale (Reference: 2015/ER/166/ebs/JCA) on 16 October 2015 (hereinafter referred to as "the Decision");

1. In accordance with the Decision, the Government submits the following report on developments in the currently ongoing judicial proceedings before the courts of South Africa:
 - 1.1 The Decision grants the Republic of South Africa an extension of the time limit to submit its views on the events surrounding Omar Al Bashir's attendance of the African Union Summit in Johannesburg on 13, 14 and 15 June 2015, until such time as the currently ongoing judicial proceedings before the courts of South Africa are finalised. It also ordered the Republic of South Africa to promptly report to the Chamber on any developments in the relevant domestic judicial proceedings as they occur and also orders the competent authorities of the Republic of South Africa, should no such developments occur prior to 15 December 2015, to submit a report detailing the status of the relevant domestic judicial proceedings no later than 31 December 2015.
 - 1.2 The Government made a submission on 21 December 2015 and a supplementary submission on 24 December 2015, informing about the latest developments in the domestic legal proceedings in the *Matter between the Southern African Litigation Centre and the Minister of Justice and Constitutional Development and Others, relating to the visit to South Africa of President Al-Bashir* (Case number 27740/2015). It was reported that the Government applied for leave to appeal to the Supreme Court of Appeal against the decision by the High Court of South Africa (Gauteng Division, Pretoria) of 24 June 2015.
 - 1.3 The matter was heard in the Supreme Court of Appeal on 12 February 2016 when arguments on the application for leave to appeal, applications for admission as *amici curiae* and on the merits were heard.
 - 1.4 The Supreme Court of Appeal delivered its finding in *The Minister of Justice and Constitutional Development v The Southern African Litigation Centre* (867/15 [2016]) on 15 March 2016. A copy of the finding is attached.
 - 1.5 The Minister of Justice and Constitutional Development and eleven other applicants on 7 April 2016 filed an affidavit applying to the Constitutional Court for leave to appeal this judgement and for the judgements of the Supreme Court of Appeal and the High Court to be set aside.
 - 1.6 On 20 April 2016 the Southern Africa Litigation Centre filed an affidavit opposing the application for leave to appeal.

1.7 The matter will be considered by the Constitutional Court in due time.



Ambassador VB Koloane
On behalf of
The Government of the Republic of South Africa

Dated this *4th* OF MAY 2016

At The Hague, Netherlands