

28 March 2017

Excellency,

We just learned with dismay that Sudan President Omar al-Bashir, who has been charged with the most serious crimes in international law by the International Criminal Court, has arrived in Amman for the 28th League of Arab States Summit. **We are urging the authorities of Jordan to arrest al-Bashir without any delay and we are calling all States Parties to the Rome Statute attending the League of Arab State Summit to avoid contact with President Al-Bashir.**

The Hashemite Kingdom of Jordan is a State Party to the Rome Statute and thereby bound to uphold the unequivocal commitments set out in said Statute to bring to justice perpetrators of crimes that shock the conscience of humanity. The presence of an ICC fugitive in Amman demeans the reputation of the Kingdom of Jordan as leading state in the advancement of international law in the Arab region. It is Jordan's legal obligation set out in both the Rome Statute and in Security Council Resolution 1593 to fully cooperate with the Court and arrest President al-Bashir without any delay.

President al-Bashir must face justice

President al-Bashir is subject to two outstanding arrest warrants issued by the ICC in 2009 and 2010 on charges of war crimes, crimes against humanity, and genocide committed in Darfur, Sudan. These arrest warrants resulted from United Nations (UN) Security Council Resolution 1593 which referred the situation in Darfur to the Court – a situation the Security Council deemed a threat to international peace and security. According to United Nations reports, approximately 300,000 people were killed, and over two million people were forced to leave their homes between 2003 and 2008, as part of the Government of Sudan's counter-insurgency campaign in Darfur. In authorizing the arrest warrants for al-Bashir, the independent ICC judges agreed that there are substantial reasons to believe al-Bashir is responsible for the alleged crimes.

Avoid contact with President al-Bashir

Assembly of States Parties Resolution ICC-ASP/13/Res.3 of December 17, 2014 urges ICC state parties to “avoid contact with persons subject to a warrant of arrest issued by the Court, unless such contact is deemed essential by the State Party.” While the resolution does not define what constitutes an essential contact, contact for occasions that are ceremonial with individuals subject to outstanding arrest warrants are inconsistent with the concept of essential contacts. Assembly of States Parties Resolution ICC-ASP/13/Res.3 also provides that states parties “may, on a voluntary basis, advise the ICC of their own contacts with persons subject to a warrant of arrest,” which they have deemed to be essential.

Non-essential contacts with individuals subject to outstanding ICC warrants contravene the spirit and purpose of the Rome Statute to end impunity for grave crimes and bring justice to victims. It risks lending credibility to suspects at liberty who should instead be in ICC custody and sends a message of indifference and disregard for victims of alleged crimes and their families.

Avoiding contact with persons subject to an ICC arrest warrant is also essential to long-term strategies of arrest. It signals that there should be no “business as usual” with those seeking to evade justice and affirms the integrity of the ICC’s arrest warrants and the importance of cooperation with the Court. Over time, this helps maintain the validity of the arrest warrants and may contribute to the marginalization of individuals that is, at times, a prerequisite to eventual arrest.

For European Union (EU) member ICC states parties, a specific EU policy on avoiding non-essential contacts is also in effect.

The ICC represents one of the most significant opportunities to address major and devastating crimes and to contribute to restoration of peace. However, the success of the ICC depends on the strong support of those who brought it into existence: governments.

The Coalition looks forward to continuing to work with your government in the future as well as with the ICC and all states toward ending impunity for genocide, crimes against humanity and war crimes, regardless of where or by whom they are committed.

Sincerely,

A handwritten signature in black ink that reads "William R. Pace". The signature is written in a cursive, slightly slanted style.

William R. Pace
Convenor, Coalition for the International Criminal Court