Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.: **ICC-02/05-01/09**
Date: **28 September 2018**

THE APPEALS CHAMBER

Before: **Judge Chile Eboe-Osuji, Presiding Judge**
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN DARFUR, SUDAN

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

Public

The Hashemite Kingdom of Jordan's submissions following the hearing of 10, 11, 12, 13 and 14 September 2018

Source: **The Hashemite Kingdom of Jordan**

PURL: http://www.legal-tools.org/doc/c7cbda/

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Ms Helen Brady

States' Representatives
Ambassador Mahmoud Hmoud
Professor Sean Murphy
Sir Michael Wood
Mr Alfredo Crosato Neumann
Mr Amer Hadid

Other
African Union
League of Arab States
Ms Annalisa Ciampi
Ms Paola Gaeta
Ms Yolanda Gamarra
Mr Claus Kress
Ms Flavia Lattanzi
Mr Konstantinos Magliveras
Mr Michael Newton
Mr Roger O'Keefe
Mr Darryl Robinson *et al.*
Mr Nicholas Tsagourias
Mr Andreas Zimmermann

REGISTRY

Registrar
Peter Lewis

PURL: http://www.legal-tools.org/doc/c7cbda/

Introduction

1. On 14 September 2018, the Appeals Chamber invited Jordan and the Prosecution, as well as the *amici curiae*, to make further written submissions on "matters that had not been submitted upon either in writing or orally". Jordan maintains in full its three grounds of appeal and its written and oral submissions, and will not repeat them here. Rather, it will elaborate on certain specific matters that arose in the course of the hearing.

2. The Appeals Chamber should adjudicate this matter on the basis of the three grounds of appeal before it. The Appeals Chamber has previously said that "appellate review is conducted on the basis of the grounds of appeal raised by an appellant";[1] that "the scope of appellate review is determined by the grounds of appeal raised and the alleged errors identified thereunder to impugn the decision concerned";[2] that "it is particularly important to adhere to this corrective role when reviewing decisions with respect to jurisdiction";[3] and that "proceedings on appeal do not constitute a mere continuation of proceedings before the Pre-Trial Chamber, but rather 'a separate and distinct stage of the proceedings'".[4]

Submissions

A. Matters Related to Jordan's First Ground of Appeal

3. The Rome Statute is a treaty and is to be interpreted in accordance with the rules contained in articles 31-32 of the Vienna Convention on the Law of Treaties. The central errors of fact and law at issue before the Appeals Chamber concern Jordan's cooperation

[1] *Situation in the Central African Republic, Prosecutor v. Jean-Pierre Bemba Gombo, Amié Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, "Judgment on Mr Mangenda's appeal against 'Decision on request for compensation for unlawful detention'", ICC-01/05-01/13-1964 (8 Aug. 2016), at para. 22.
[2] *Ibid.*, at para. 23.
[3] *Situation in the Democratic Republic of the Congo, Prosecutor v. Bosco Ntaganda*, "Judgment on the appeal of Mr Bosco Ntaganda against the 'Decision on the Defence's challenge to the jurisdiction of the Court in respect of Counts 6 and 9'", ICC-01/04-02/06-1225 (22 Mar. 2016), at para. 23.
[4] *Situation in the Republic of Kenya, Prosecutor v. Francis Kirim Muthaura, Uhuru Mugai Kenyatta and Mohammed Hussein Ali*, "Decision on the 'Filing of Updated Investigation Report by the Government of Kenya in the Appeal against the Pre-Trial Chamber's Decision on Admissibility'", ICC-01/09-02/11-202 (28 Jul. 2011), at para. 11. The Prosecution itself stated in its final submissions that "the Appeals Chamber should follow the course taken by the majority, not only as a matter of judicial economy, but also as a matter of best appellate practice (…)" (see ICC-02/05-01/09-T-8-ENG ET WT 14-09-2018 63/109 SZ PT OA2, at p. 63).

PURL: http://www.legal-tools.org/doc/c7cbda/

with the Court with respect to the arrest and surrender of a sitting foreign Head of State, which is regulated by Part 9 of the Rome Statute, entitled "International Cooperation and Judicial Assistance".

4. Part 9 begins with article 86, which contains a general obligation of a State Party to cooperate with the Court, but only "in accordance with the provisions of this Statute". Article 89(1) then provides that a State Party shall "in accordance with this Part and the procedure under their national law" comply with requests for arrest and surrender. The obligation to arrest and surrender in compliance with a request from the Court is predicated on that request being "in accordance with" Part 9.

5. Article 98 addresses the situation when a State Party is requested to arrest and surrender a person in contravention of obligations under international law with respect to a "third State" or a "sending State". The text of the provision is clear. Paragraph 1 addresses obligations, customary or conventional, relating specifically to immunity that are owed by any "third State". Paragraph 2 addresses obligations arising under international agreements pursuant to which consent of any "sending State" is required. Under both situations, the Court "may not proceed" with a request for surrender unless it has first obtained a waiver or consent from the third State or sending State. Article 98 is a conflict-avoidance rule. It imposes a procedural obligation upon the Court so as to preclude imposing upon States Parties irreconcilable obligations under international law.

6. In Jordan's view, these provisions speak directly to the issue of the visit of the President of Sudan to Jordan on 29 March 2017. With respect to paragraph 1 of article 98, Jordan had obligations under customary international law to respect the immunity of Sudan's Head of State and under treaty law to respect the immunity of Sudan's representative to the League of Arab States 2017 summit. Under paragraph 2, Jordan had obligations under treaty law that were inconsistent with the surrender of Sudan's Head of State to the Court. In light of those obligations, the Court was supposed to first seek waiver of such immunity before proceeding with its request.

***

7. In paragraph 27 of the December 2017 Decision, Pre-Trial Chamber II was "unable to identify a rule in customary international law that would exclude immunity for Heads of State when their arrest is sought for international crimes by another State, even

PURL: http://www.legal-tools.org/doc/c7cbda/

when the arrest is sought on behalf of an international court, including, specifically, this Court".[5] Neither Jordan nor the Prosecution appealed this finding.

8. Nevertheless, in the course of the oral hearing, the Prosecution urged the Appeals Chamber to overturn paragraph 27 of the December 2017 Decision based on an extraordinary use of article 27(2) of the Rome Statute. In an attempt to find a way round its plain words ("shall not bar the Court from *exercising its jurisdiction*"), the Prosecution adopts a novel theory that States Parties are mere "agents", "organs" or "proxies" of the Court when they cooperate with the latter. This in turn leads the Prosecution to say that States Parties are absolved from their obligations under the rules of international law on immunity, since they do not exercise their own criminal jurisdiction, but rather the Court's jurisdiction.

9. The Prosecution's theory that States Parties are mere "agents", "organs" or "proxies" of the Court, or that the Court is a "supranational body",[6] finds no support in the Rome Statute. Indeed, a cardinal aspect of the Rome Statute is the concept of complementarity, which recognizes the continued existence (and even precedence) of national criminal jurisdiction over the crimes at issue; the Court's jurisdiction in this sense is secondary. Part 9 of the Rome Statute makes it clear that, when the Court is exercising its own jurisdiction, States cooperate with the Court in accordance with their national law; that is, in the exercise their own criminal jurisdiction. Indeed, articles 88, 89, 91(2)(c), 91(4), 92(3), 93(1), 94(1), 96(2)(e), 96(3) and 99(1) are replete with references to States Parties engaging in cooperation with the Court through the exercise of their national laws and regulations, not as simply an agent delivering a warrant of the Court or a temporary "deputy" affecting an arrest by the Court. Article 98 itself points to this fact. If the States that negotiated the Statute had intended to become mere "proxies" of the Court, and to exercise the Court's enforcement jurisdiction (which, according to the Prosecution, is subject to no rules of immunity, and perhaps to no rule of international law at all), article 98 would have not been needed.

10. During the hearing, reference was also made to articles 59(4) and 4(2) of the Statute as possible evidence of States being mere "proxies" of the Court. Yet Article 59 demonstrates the autonomous exercise of national criminal jurisdiction in the context of arrest and surrender, by leaving to the custodial State discretion to order interim release

[5] *Situation in Darfur, Sudan, Prosecutor v. Omar Hassan Ahmad Al Bashir*, "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", ICC-02/05-01/09-309 (11 Dec. 2017), at para. 27 (hereinafter "December 2017 Decision").
[6] ICC-02/05-01/09-T-4-ENG CT WT 10-09-2018 72/141 SZ PT OA2, at p. 72.

PURL: http://www.legal-tools.org/doc/c7cbda/

of the person pending surrender, even if that is not the Court's preference. Indeed, the Court is relegated to a role of merely making "recommendations" to the custodial State in that regard. Likewise, article 4(2) of the Statute is totally irrelevant for purposes of the arguments advanced by the Prosecution,[7] and Jordan agrees with what Professor O'Keefe said during the hearing on that point.[8]

***

11. During the hearing, Jordan noted that the Prosecution appeared to selectively suggest that the "horizontal effect" of article 27(2) applies only to article 98(1) of the Statute, but not to article 98(2).[9] This is an inconsistent proposition because, if the Prosecution was right about the effect of article 27(2) at the inter-State level (*quod non*), then it must apply equally to both paragraphs of article 98.

12. On the final day of the hearing, the Prosecution responded, after hesitation,[10] that they believed that article 27(2) would indeed have the effect of removing immunities that would be applicable under article 98(2).[11] The Prosecution was, however, cautious, perhaps sensing that their aggressive interpretation of the effects of article 27(2) upon article 98 would be viewed by States Parties as overreach. They said that the Court "may well decide that no inconsistency arises" between article 98(2) agreements and the Rome Statute,[12] apparently hoping that the Court would find that, in these proceedings, no article 98(2) agreements exist. This hesitant and uncertain approach is in stark contrast to the firmer position that the Prosecution adopts with respect to article 98(1), where all immunities are confidently and swiftly removed by article 27(2), and suggests that the sweeping claims with respect to article 27(2) are not correct.

13. As Jordan explained before, article 98(2), by its terms, is not limited to status of forces agreements, and the Pact of the League of Arab States and the 1953 Convention fall within its scope. The Prosecution concedes that article 98(2) has a broad reach, saying that its coverage "may include status of forces agreements, status of mission agreements, and similar agreements if they fall within the definition".[13] Since the Prosecution puts so much emphasis on the term "sending State", they also presumably believe that the Vienna

[7] In fact, it was not the Prosecution, but the President of the Appeals Chamber who first raised the question of article 4(2) (see ICC-02/05-01/09-T-4-ENG CT WT 10-09-2018 72/141 SZ PT OA2, at p. 43; ICC-02/05-01/09-T-7-ENG ET WT 13-09-2018 24/129 NB PT OA2, at p. 24).
[8] ICC-02/05-01/09-T-7-ENG ET WT 13-09-2018 24/129 NB PT OA2, at p. 31.
[9] *Ibid.*, at p. 118.
[10] *Ibid.*, at p. 125.
[11] ICC-02/05-01/09-T-8-ENG ET WT 14-09-2018 72/109 SZ PT OA2, at pp. 72-73.
[12] *Ibid.*, at p. 73.
[13] *Ibid.*, at p. 72.

PURL: http://www.legal-tools.org/doc/c7cbda/

Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention on Special Missions of 1969, and other important agreements governing inter-State intercourse fall under article 98(2). As such, the Prosecutions' claim would have to be that States joining the Rome Statute agree that all such immunities from foreign criminal jurisdiction would fall in the face of a request for surrender from the Court.

14. Jordan does not view article 27(2) having such a "horizontal effect" on article 98(2). First, article 98(2), by its plain text, covers both agreements between States Parties themselves and agreements between States Parties and non-party States.[14] If article 27(2) had the effect of automatically removing all immunities under such agreements for purposes of surrender, article 98(2) would have been limited to agreements between States Parties and non-party States. Second, waiver of immunity (or consent to surrender) under those agreements must be express (see, for example, article 32(2) of the Vienna Convention on Diplomatic Relations). Article 27(2) by no means constitutes an express waiver of immunity. Third, just as with respect to article 98(1), there is no evidence in the *travaux* of the Rome Statute that States intended article 27(2) to have such a powerful effect on article 98(2) agreements. In fact, the *travaux* show States' intention to fully maintain applicable immunities under article 98(2) without any distinction with respect to States that are or are not party to the Rome Statute.

***

15. Frequent reference was made at the hearing to the *Arrest Warrant* case,[15] and in particular to paragraph 61 of the Judgment, to the Joint Separate Opinion of Judges Higgins, Kooijmans and Buergenthal, and to the Dissenting Opinion of Judge Al-Khasawneh. Jordan explained fully why the Prosecution and some professors' reliance on paragraph 61 is misguided.[16] In short, the Court's indication that a senior official "may be subject to criminal proceedings before certain international criminal courts, where they have jurisdiction" is clearly not a reference to a person being subject to proceedings conducted under national law or the immunity *ratione personae* of a foreign official from national criminal jurisdiction, which are addressed in other parts of the paragraph.

---

[14] See also Claus Kreß and Kimberly Prost, "Article 98", in O. Triffterer and K. Ambos (eds.), *Rome Statute of the International Criminal Court. A Commentary*, 3rd Edition (Beck, Hart, Nomos, 2016), at p. 2143.

[15] *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium), Judgment, I.C.J. Reports 2002*, p. 3.

[16] ICC-02/05-01/09-T-5-ENG ET WT 11-09-2018 65/139 SZ PT OA2, at pp. 65-70; 83-84.

PURL: http://www.legal-tools.org/doc/c7cbda/

16. Moreover, the Court reaffirmed at paragraph 54 that a senior official when abroad enjoys full immunity from criminal jurisdiction and inviolability, and that such immunity and inviolability protect the individual concerned against "any act of authority of another State" which would hinder him or her in the performance of his or her duties, making no distinction when that authority is exercised in cooperation with an international criminal court. The Court also found no exception to immunity *ratione personae* when it said that "the Court has carefully examined State practice (…) It has been unable to deduce from this practice that there exists under customary international law *any form* of exception to the rule according immunity from criminal jurisdiction and inviolability to incumbent Ministers for Foreign Affairs, where they are suspected of having committed war crimes or crimes against humanity".[17] The Court went on to state that it has "examined the rules concerning the immunity or criminal responsibility of persons having an official capacity contained in the legal instruments creating international criminal tribunals", *including article 27 of the Rome Statute*, and that such rules "do not enable it to conclude that any such exception exists in customary international law in regard to national courts".[18]

17. The Joint Separate Opinion of Judges Higgins, Kooijmans and Buergenthal (at paras. 80-82), like the Judgment of the Court, considered the immunity of a sitting Head of State to be absolute; that he or she enjoys immunity from criminal jurisdiction in all criminal matters regardless of their gravity. It thus affirmed that there is no exception to immunity *ratione personae* of a sitting Head of State, even for the most serious crimes of international concern, including war crimes and crimes against humanity.

18. Judge Al-Khasawneh's opinion was a dissent, and therefore does not reflect the view of the Court. Further, as explained at the hearing, he was principally focused on the situation of a Minister for Foreign Affairs. Among other things, he distinguished a Foreign Minister from a Head of State, saying that while "a Foreign Minister is undoubtedly an important personage of the State and represents it in the conduct of its foreign relations, he does not, in any sense, personify the State" (at para. 2). Moreover, to the extent that anything more is to be read into his dissent, nothing has occurred in the 16 years that have passed to suggest that the law as identified by the Court has changed; to the contrary, the Judgment of the Court has been universally supported by States. Finally,

[17] *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium), Judgment, I.C.J. Reports 2002*, p. 3, at para. 58 (emphasis added).
[18] *Ibid.*

PURL: http://www.legal-tools.org/doc/c7cbda/

all of the judges appear to have agreed that the senior officials concerned must enjoy immunity during their official visits in the exercise of their functions. Thus, even Judge Al-Khasawneh stated: "A Minister for Foreign Affairs is entitled to immunity from enforcement when on official mission for the unhindered conduct of diplomacy would suffer if the case was otherwise (...)" (at para. 4). As such, there is nothing in the opinions of any of the judges to suggest that President Al-Bashir could have been denied immunity from arrest when traveling to Jordan to attend the 28th Arab League Summit.

B. Matters Related to Jordan's Second Ground of Appeal

19. Sudan is not a party to the Rome Statute, so the alleged powerful effect of article 27(2) on article 98 with respect to States Parties is irrelevant, unless Sudan is regarded as having been essentially transformed into a State Party. The Prosecution argues that Security Council resolution 1593, by its paragraph 1 or paragraph 2, or some combination of the two, transformed Sudan from a non-Party into the status of "analogous-to-a-State-Party", yet such a position is unsustainable. The mere referral of a "situation" by the Council to the Prosecutor has no direct effect upon any State. Further, whatever effects a Council decision may have with respect to Sudan's cooperation with the Court, it has no binding legal effect with respect to Jordan.

20. In its final submissions, the Prosecution stated that paragraph 1 of Security Council resolution 1593 (2005) was sufficient to bind Sudan to the obligations in the Statute, or to "make it akin to a State Party". Paragraph 1 alone, in the Prosecution's view, "invoked the cooperation obligations under Part 9 and other relevant cooperation provisions, including Article 27(2)".[19]

21. At the same time, the Prosecution also said that paragraph 2 of the resolution shows "the Security Council's intention that immunities would be disapplied".[20] They further suggested that paragraph 2 is "confirmatory" of the effect of making Sudan a quasi-State Party to the Statute, and that it would be odd "if in a resolution referring a situation in that country that there was not a clause specifically directed at it".[21]

[19] ICC-02/05-01/09-T-8-ENG ET WT 14-09-2018 72/109 SZ PT OA2, at p. 65. Jordan notes, in passing, that no explanation has been given as to why article 27(2) of the Statute, being placed where it is, and in light of its terms, should be regarded as a "cooperation provision".
[20] *Ibid.*
[21] *Ibid.*, at p. 66.

PURL: http://www.legal-tools.org/doc/c7cbda/

22. Jordan views these statements as completely unsupported. At the outset, the Prosecution's muddled view - that either paragraph 1 or paragraph 2 of the resolution is sufficient,[22] but that they are also "mutually supportive and reaffirming" - reflects considerable uncertainty, suggesting an approach of "make all possible arguments and hope that one sticks".

23. But in any event, neither paragraph 1 nor 2 supports the Prosecution's claims. By conceding that only paragraph 2 of the resolution is directed at Sudan,[23] the Prosecution recognizes that paragraph 1 is *not* directed at Sudan. This is crucial, because it confirms Jordan's argument that all paragraph 1 of the resolution does is refer a *situation* to the Prosecutor (not a State), in accordance with article 13(b) of the Rome Statute. Paragraph 1 cannot have the effect of changing Sudan's position vis-à-vis the Rome Statute because it is simply not directed at Sudan in any way. It does not impose on it any obligations.

24. Paragraph 2 of the resolution is the only provision that is directed at Sudan (specifically, the government of Sudan), but it only imposes on it an obligation to cooperate fully with the Prosecutor and the Court (an obligation that would not have been needed if paragraph 1 had the effect of making Sudan essentially a "State Party", since Part 9 of the Statute would automatically apply). Paragraph 2 at best can be used to argue that there is an implicit removal of the immunity of the President of Sudan from the *Court's* jurisdiction. It is a much greater leap to assert that paragraph 2 also is an implicit removal of his immunity from foreign criminal jurisdiction. As Jordan and many *amici curiae* have explained, that proposition is wrong; a proper interpretation of the resolution simply does not allow for such an outcome. And Jordan reiterates that the "implicit waiver" theory is not on appeal; this theory was explicitly rejected by Pre-Trial Chamber II in its December 2017 Decision.

25. There was much debate at the hearing about whether the Security Council could only lift immunity by express words, or whether it could do so 'by necessary implication'. However one frames the matter, the Council's intention must be clear. That was not the case with resolution 1593.

---

[22] *Ibid.* (maintaining that the Appeals Chamber "could rely on either one on its own").
[23] *Ibid.*

PURL: http://www.legal-tools.org/doc/c7cbda/

C. Matters Related to Jordan's Third Ground of Appeal

26. Jordan strongly urges the Appeals Chamber to allow its Third Ground and set aside the Pre-Trial Chamber's decision on referral. The circumstances surrounding the interactions of Jordan and the Court at the time of the visit were uncontested at the oral hearing: that Jordan sent two *notes verbales* to the Court seeking consultation in advance of the visit; that the Prosecution recognized that Jordan was seeking consultations and urged the Pre-Trial Chamber to initiate those consultations; and that the Pre-Trial Chamber did nothing.

27. While the Pre-Trial Chamber has discretion as to whether to refer non-compliance to the Assembly of States Parties or to the Security Council, its discretion in this regard is not unlimited; it can be corrected if it is based on errors of fact or law, or constitutes an abuse of discretion.

28. Most *amici* have supported Jordan's position that the Pre-Trial Chamber's explanation for referring Jordan, which consists of just four sentences, is based on errors of fact or law, and was an abuse of discretion. The Pre-Trial Chamber erred as a matter of fact in concluding that Jordan took a clear legal position regarding its ability to arrest and "did not expect from the Court anything further". Such reasoning is also based on an erroneous interpretation of law: the Appeals Chamber has previously found that a decision of non-compliance should not result in an automatic referral. Rather, the totality of the circumstances of the case must be considered.

29. The Pre-Trial Chamber also erred as a matter of fact in concluding that - at the time of President Al-Bashir's visit - the Chamber had already expressed in unequivocal terms that South Africa had, in analogous circumstances, the obligation to arrest President Al-Bashir. Actually, the proceedings concerning the legality of South Africa's actions were ongoing at the time of the March 2017 visit to Jordan. Only in July 2017 (four months after the visit to Jordan) did the Chamber say that "should there have existed any doubt in this regard, it has now been unequivocally established, both domestically and by this Court, that South Africa must arrest Omar Al-Bashir and surrender him to the Court". Moreover, regardless of what was going on with respect to South Africa, there was no unequivocal expression of anything *to Jordan* regarding those proceedings. Such reasoning was also based on an erroneous interpretation of the law, which is that the Pre-Trial Chamber assumed that the law as applied to one set of facts concerning one State

PURL: http://www.legal-tools.org/doc/c7cbda/

Party automatically applies in the same way to a different set of facts involving a different State Party.

30. In addition to these manifest errors of law and fact, the Appeals Chamber should set aside the Pre-Trial Chamber's referral since it constituted an abuse of discretion. In the first instance, it was an abuse of discretion given the Chamber's differential treatment as between South Africa and Jordan. In particular, the Chamber's legal views of 12-13 June 2015 had been "unequivocally expressed" directly to South Africa prior to President Al-Bashir's visit to South Africa, but that fact did not merit referral of South Africa's non-compliance. Yet those very same legal views, which were not expressed directly to Jordan, were viewed by the Chamber as meriting referral of Jordan's non-compliance. Such differential treatment of like circumstances is, almost by definition, unfair and unreasonable.

31. The Pre-Trial Chamber's decision to refer was also an abuse of discretion because it failed to give any weight to relevant considerations in reaching its decision on referral, and thereby abused its discretion. Notably, the Chamber failed to consider: (1) Jordan's effort at consultations with the Court; (2) the multiple changes in legal interpretation issued by the Pre-Trial Chambers, and whether those conflicting views were relevant for Jordan's understanding of the law at the time of the visit; (3) the likelihood of any action by the Assembly of States Parties or the Security Council that might facilitate Jordanian cooperation in the event that a referral was made; and (4) that a referral must not be punitive in nature.

32. Despite certain claims made during the oral proceedings, it is not appropriate to use Jordan for some broader policy purposes relating to sending a message to States Parties or, even worse, punishing Jordan. If the ultimate objective is to secure cooperation from States Parties, the most effective way for doing so in this proceeding would not be for a referral. Rather, it would be for the Appeals Chamber simply to reach a soundly-based decision on any unresolved legal issues before it, as a means of guiding States Parties in the years to come.

D. Conclusion

33. Having considered carefully the arguments advanced at the oral hearing in this matter, Jordan remains of the view that the Pre-Trial Chamber erred with respect to

PURL: http://www.legal-tools.org/doc/c7cbda/

matters of fact and law in its December 2017 Decision. Consequently, Jordan confirms the requests made at paragraph 115 of its Appeal's Brief.

Nawaf Wasfi Tell
Ambassador Extraordinary and Plenipotentiary of the Hashemite Kingdom of Jordan to the Netherlands
on behalf of
The Hashemite Kingdom of Jordan

Dated 28 September 2018

At The Hague, Netherlands

PURL: http://www.legal-tools.org/doc/c7cbda/