ICC to Report Jordan to UN Security Council for Failing to Arrest Sudanese President

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By Reuters

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The International Criminal Court said on Monday it would refer [Jordan](https://www.haaretz.com/middle-east-news/jordan) to the [UN Security Council](https://www.haaretz.com/misc/tags/un-security-council-1.477676) for failing to arrest Sudanese President Omar al-Bashir when he visited Amman in March.

The court issued arrest warrants for Bashir in 2009 and 2010 over his alleged role in war crimes including genocide in Sudan's Darfur province. Jordan, as a member of the ICC, is obliged to carry out its arrest warrants.

Sudan is not a member of the Hague-based permanent international war crimes court, and the ICC therefore does not have automatic jurisdiction to investigate alleged war crimes there.

However, the UN Security Council referred the case to the international court in March 2005.

The Security Council has the power to impose sanctions for a failure to cooperate with the ICC, but has so far not acted on court referrals.   
A diplomatic row broke out when Bashir visited South Africa in 2015 and Pretoria failed to arrest him.

South Africa's government argued that doing so would have been a violation of the immunity Bashir enjoys as a head of state. That argument was rejected by South African courts as well as the ICC.

The ICC ultimately did not refer South Africa to the Security Council, however, saying it was not clear that doing so would have any effect.   
Kenya and South Africa have threatened to withdraw from the ICC over perceived bias against African countries. Burundi, which is under ICC investigation, has actually withdrawn.

Bashir is accused by ICC prosecutors of five counts of crimes against humanity including murder, extermination, forcible transfer, torture and rape, as well as two counts of war crimes for attacking civilians and pillaging. He faces three counts of genocide allegedly committed against the Fur, Masalit and Zaghawa ethnic groups in Darfur, Sudan, from 2003 to 2008.