

Pretoria in the dock over al-Bashir debacle

At an unprecedented hearing at the International Criminal Court (ICC) last week, South Africa attempted to deflect accusations that it had failed in its obligations to the very tribunal which it helped to found. **Legalbrief** reports that Pretoria stands accused of flouting international law when it failed to arrest ICC fugitive and Sudanese President Omar al-Bashir in 2015. Although this was the first public hearing of its type, last year the ICC referred Chad, Djibouti and Uganda to the UN for also failing to arrest al-Bashir. So far no action has been taken against them. Despite two international arrest warrants issued in 2009 and 2010, al-Bashir remains at large and in office amid the raging conflict in the western Sudanese region of Darfur. A report on the **eNCA** site notes that he faces 10 charges, including three of genocide as well as war crimes and crimes against humanity in the western Darfur region. At the same time, the ICC has faced a backlash from some African countries for issuing the arrest warrant for al-Bashir. Last year, South Africa, Burundi and Gambia announced they would withdraw from the court, the first countries to take such action. **Gambia has rescinded its withdrawal and South Africa is also re-examining its withdrawal, making Burundi the only country to have maintained its withdrawal.** And several countries, including Botswana, Burkina Faso, the DRC, Lesotho and Senegal have affirmed their commitment to remain in the ICC and to work for any reform as ICC members.