

The Legal Challenge of Implementing the Heads of State's Non-immunity Rule before the International Criminal Court: with Emphasis on the Omar al-Bashir Case

Massumeh Emamian¹
Dr. Satar Azizi²✉

Received: 2017/07/07

Accepted: 2018/10/31

The non-immunity of heads of states against the international criminal jurisdiction is a well-established rule emphasized in Article 27 of the Statute of the International Criminal Court (ICC). The issuance of an indictment and an arrest warrant for the Sudanese president has raised questions about the implementation of these warrants and the cooperation between the Statute's member and non-member states. The travel of the Sudanese president to various member and non-member states of the ICC has raised important questions about the connection between the articles 27 and 98 and the basis for the implementation or otherwise of the Court's arrest warrant for Omar al-Bashir. This article scrutinizes the challenges of the non-immunity rule of heads of states according to the ICC Statute and its connection to the customary rule of heads of states' immunity from foreign criminal jurisdiction.

Key words: *Immunity of Heads of State, International Criminal Court, Omar al-Bashir, Immunity of Heads of State from Foreign Criminal Jurisdiction, Articles 27 and 98 of the ICC Statute.*

1. Phd. student , Buai Sina University

2. Associate prof. Buai Sina University

satarazizi@ymail.com ✉