

Reference: C.N.121.2017.TREATIES-XVIII.10 (Depositary Notification)

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT
ROME, 17 JULY 1998

SOUTH AFRICA: WITHDRAWAL OF NOTIFICATION OF WITHDRAWAL ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 7 March 2017, with:

(Original: English)

“Reference is made to the Instrument of Withdrawal from the Rome Statute of the International Criminal Court and its Declaratory Statement that was deposited to you by the Permanent Mission of the Republic of South Africa to the United Nations under cover of Note No. 568/2016 on 19 October 2016.

I wish to inform you that the Gauteng High Court of the Republic of South Africa has on 22 February 2017 issued a judgement in the matter between the *Democratic Alliance and the Minister of International Relations and Cooperation and others* and found that the approval of the Parliament of South Africa had to be obtained before the Instrument of Withdrawal from the Rome Statute of the International Criminal Court can be deposited with the United Nations as provided for in Article 127(1) of the Rome Statute of the International Criminal Court. Consequently, the abovementioned depositing of the Instrument of Withdrawal was found to be unconstitutional and invalid.

In order to adhere to the said judgement, I hereby revoke the Instrument of Withdrawal from the Rome Statute of the International Criminal Court with immediate effect.”

7 March 2017



¹ Refer to depositary notification C.N.786.2016.TREATIES-XVIII.10 of 25 October 2016 (Withdrawal: South Africa).