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Sixty-eighth year

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New York

<i>President:</i>	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Argentina	Mrs. Perceval
	Australia	Ms. King
	Azerbaijan	Mr. Sharifov
	China	Mr. Bo Shen
	France	Mr. Briens
	Guatemala	Mr. Briz Gutiérrez
	Luxembourg	Mr. Maes
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Republic of Korea	Ms. Sohn Sung-Youn
	Russian Federation	Mr. Zagaynov
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: It is with a deep sense of frustration, even despair, that my Office presents its seventeenth briefing to the Council on the situation in Darfur, the Sudan, since the Council referred this situation to my Office in 2005, in accordance with resolution 1593 (2005). Regrettably, each briefing has been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse.

My Office's deep sense of disappointment should come as no surprise to the Council, given the serious concerns shared within the United Nations about the situation in Darfur. In particular, my Office shares the concerns of the head of the Office for the Coordination of Humanitarian Affairs, Valerie Amos, that 300,000 people were displaced in the first five months of 2013 alone — more than were displaced in the past two years. Her warning that the international community cannot let Darfur slip off the radar must be seriously heeded.

As set out in resolution 2091 (2013), adopted 14 February 2013, the ongoing aerial bombardments in Darfur, which can be attributed to only one party in the conflict; the use of sexual violence as a weapon of war; the deliberate imposition of restrictions on the delivery of humanitarian aid even in the face of an urgent humanitarian crisis; and the ongoing impunity for those crimes are major problems for Darfur and for all of us who care about what happens to the Darfuri victims who suffer the brunt of those crimes.

My Office shares the concern of the Council that business relations with the Sudan, if not monitored carefully, could have the effect of facilitating, funding and supporting crimes against civilians. The normalization of relations with the Sudan should not come at such a high price to victims.

I have noted in particular the Council's concern about the actions of some individuals affiliated with the Government of the Sudan and armed groups, who continue to commit violence against civilians, impede the peace process and disregard the demands of the Council. I believe that the link between those different actions is critical. I would submit that those individuals who commit crimes are inherently uninterested in the peace process or the demands of this Council. They do not put the true interests of the Sudan first, and as long as they enjoy impunity for the crimes they commit, they will continue to represent a threat to international peace and security. It is for this reason that the Council referred the situation in Darfur to the International Criminal Court (ICC) in order to address individual criminal responsibility for the most serious crimes of concern to the international community, with a view to ending impunity.

We have done our part, and it is up to the Council to live up to the legitimate expectations of Darfur's victims that individuals alleged to be responsible for their daily sufferings shall be brought to justice. Those individuals are just a few among a population of millions who continue to endure untold daily suffering at the hands of those few. We cannot ignore the disproportionate effects of their actions, which is why my Office is providing a briefing again today.

I echo the concerns of the African Union Peace and Security Council, which were publicized in March 2013, that the Government of the Sudan must end impunity in Darfur by bringing all criminals to justice, must arrest and try those suspected of crimes against the African Union-United Nations Hybrid Operation in Darfur, and must facilitate the work of humanitarian organizations and the delivery of aid by cancelling visa restrictions for staff, which has been described as a federal Government responsibility.

I encourage both the United Nations and the African Union to work together with my Office to monitor actual progress in this regard. We have repeated this call too many times without effect. We cannot simply repeat history in having these discussions. My Office has

taken note of some reports of the prosecution of rebels under the Government of the Sudan's Anti-Terrorism Act, but of no real prosecutions of systematic crimes committed by Government forces. This cannot be allowed to continue.

In my previous report, I expressed my commitment to working with regional organizations endeavouring to contribute to a comprehensive solution. The recommendations of the African Union High-level Panel on Darfur on justice, if implemented, would go a long way towards addressing the challenge of the deliberate imposition and tolerance of impunity not only in Darfur, but in the Sudan as a whole. I encourage the African Union to take up this invitation for dialogue on the justice recommendations of the High-level Panel with enthusiasm and conviction.

I also note reports of the ongoing involvement of ICC indictee Ali Muhammad Ali Abd-Al Rahman, also known as Ali Kushayb, with the Sudanese Central Reserve Police in clashes in Central Darfur in April 2013. According to recent reports, witnesses have placed Kushayb at the centre of an attack on 8 April on the town of Abu Jeradil, 30 kilometres south of Urn Dukhun, riding in a Government vehicle, together with units from the Central Reserve Police, border intelligence and other Government-affiliated militia. Reportedly, large numbers of heavily armed men, most wearing khaki uniforms, arrived in two phases, first on foot and then in vehicles. They shot indiscriminately, burned homes and shops, stole livestock and looted goods. More than 100 civilians were killed, with scores more injured, and more than 30,000 people, mostly women and children, were displaced into Chad. Although most of the refugees are of Salamat ethnicity, members of non-Arab ethnic groups such as Masalit, Kajaksa, Fur, Dajo and Tama also fled the fighting. As one witness said,

“They did not see any difference between communities, they just wanted people to leave. They stole our cows and burned our crops and took our clothes from our house and burned the house down. We saw them.”

Observers have suggested that the Government of the Sudan wanted to appease members of the Misseriya and Ta'isha tribes who participated in the Janjaweed militia by helping them to seize the land of Salamat people, considered by some to be Chadian nationals, and forcibly displacing them in the process. My Office

has noted many other such incidents in the past. This is part of an ongoing pattern.

My Office has also pointed with concern to the ongoing involvement of the ICC indictees Ahmad Harun and Abdel Raheem Hussein in alleged crimes elsewhere in the Sudan. Those crimes are of concern to the international community and require urgent and concerted action. Again, this is a question of potential individual criminal responsibility, not of group or organizational responsibility. The repeated travels of President Al-Bashir, particularly to Chad, are also a matter of concern that should receive the attention of the Council. It is of great concern that the Council has failed to act on any of the seven formal communications from the Judges of the International Criminal Court on these matters.

I note the visit to Khartoum from 20 to 23 May of the Head of the Office for the Coordination of Humanitarian Affairs, Valerie Amos, which included a meeting with ICC indictees Omar Al-Bashir, Abdel Raheem Hussein and Ahmad Harun. My Office appreciates the prior notification of the meeting that it received from the United Nations and its assessment that the meeting was considered strictly necessary for carrying out essential United Nations-mandated duties. I strongly encourage the United Nations to conduct an ongoing critical analysis of such contacts in order to assess whether they have indeed contributed to the successful conduct of such duties. We must ask ourselves whether what the United Nations gains from them is worth their cost. We must be careful not to embolden fugitives from justice into thinking that they will be rewarded for manipulating their way into positions of indispensability even as they continue to commit crimes.

I encourage the Security Council to find creative ways to engage with all the relevant organizations dealing with the Darfur situation, including the ICC, to assess progress on shared goals, and particularly, where the ICC is concerned, on the goal of bringing to justice those alleged to have committed the most serious crimes of concern to the international community. Since the Guatemala initiative in October and the informal interactive dialogue last month, the relationship between the ICC and the Council has begun to strengthen in a positive way, and one that is much appreciated. More needs to be done, however, to unlock the potential of our two institutions to prevent and resolve conflicts and to stop the suffering of millions

of victims of crimes committed during such conflicts. We stand ready to continue doing our part, but the time is long past due for the Council to act with courage and conviction by adopting appropriate measures within its mandate to ensure that Sudanese fugitives are brought to justice sooner rather than later.

The President: I thank Prosecutor Bensouda for her briefing.

In accordance with paragraph 29 of presidential note S/2010/507 of July 2010, I encourage both Council and non-Council members to keep their statements to less than five minutes. I shall be closely monitoring this aspect of the Council's working methods during this month. I shall now give the floor to the members of the Security Council.

Mr. Maes (Luxembourg) (spoke in French): I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her detailed briefing and report on the situation in Darfur, as well as for the investigation and proceedings conducted by the Court. Since the Security Council decided, with its adoption of resolution 1593 (2005), on 31 March 2005, to refer the situation in Darfur, starting from 1 July 2002, to the Prosecutor of the ICC, the Office of the Prosecutor has been transparent in keeping the Council informed about its work, for which we are very grateful. We hope that we will soon be able to deepen the discussion in the framework of an informal interactive dialogue with the Prosecutor such as was held last month on the situation in Libya (see S/PV.6962).

The Prosecutor's semi-annual reports give the Council an opportunity to assess the Court's progress in fighting impunity, along with the obstacles and difficulties it encounters. Unfortunately, many of the concerns that the Council has previously expressed still exist. We therefore deplore the fact that the ICC's arrest warrants against Ahmad Harun, Ali Kushayb, Omar Al-Bashir and Abdel Raheem Hussein have still not been executed, despite the fact that they have been indicted for war crimes, crimes against humanity and, for one of them, genocide.

As Ms. Bensouda recalls in her report, the Sudanese Government forces and armed militias active in Darfur have continued in total impunity with their indiscriminate attacks on the ground on or affecting the civilian population and obstructing humanitarian aid, as well as abductions of and attacks

on humanitarian personnel and peacekeepers from the African Union-United Nations Hybrid Operation in Darfur (UNAMID). We are also concerned about the continuing restrictions that the Sudanese authorities are imposing on UNAMID's work and movement. They regularly prevent UNAMID from accessing combat scenes and in particular investigating reported cases of sexual violence.

One particularly disturbing aspect that the Prosecutor's report brings up is the indiscriminate aerial bombardments by the Sudanese Air Force, which have resulted in numerous civilian victims, and the resurgence of inter-community violence, which has produced massive population displacements since the beginning of the year. We condemn the acts of sexual and gender-based violence referred to in the recent report of the Secretary-General on sexual violence in conflict (S/2013/149), as well as violence against children. All those elements constitute violations of resolution 1591 (2005) and other Security Council resolutions on the Sudan, most recently resolution 2091 (2013), adopted on 14 February.

As Ms. Bensouda's report points out, it is the Government of the Sudan's responsibility to comply with Council resolutions, cooperate with the Court and hand over indictees to it. So far, contrary to repeated claims made by the Sudanese authorities, the Sudan has launched no judicial proceedings at all. We must therefore not waver in our determination to ensure that the indictees are made accountable for their actions. There will be no lasting peace in Darfur if we allow crimes against civilians to go unpunished.

Essentially, we are asking all States, whether or not they are parties to the Rome Statute, and every regional and international organization concerned, to cooperate fully with the ICC, as resolution 1593 (2005) demands. In our view, we believe that the Council should reflect on what it can do to help the ICC, in particular in responding to cases of non-cooperation. In that regard, we deplore Chad's non-compliance with the requests for cooperation addressed to it by the Court. That non-compliance was the subject of a decision on 26 March by the Pre-Trial Chamber II of the Court, which President Song transmitted to the Security Council.

Although the Security Council must be consistent, Member States and the Secretariat must also do the same. That is especially true of contact with defendants.

In that regard, we welcome the new guidelines issued by the Secretary-General on 3 April concerning non-essential contact on the part of members of the Secretariat with individuals subject to ICC arrest warrants. We call on all States to follow that example.

In conclusion, I would like to reiterate our thanks to Ms. Bensouda and assure her of Luxembourg's full support for the resolute efforts that her Office continues to make in the fight against impunity. The entire international community must act together to ensure justice for the victims of the conflict in Darfur. Investigating the situation in Darfur has presented an enormous challenge for the Office of the Prosecutor and a huge sacrifice for the witnesses and the victims. That sacrifice must not have been made in vain.

Mr. DeLaurentis (United States of America): I would like to thank Prosecutor Bensouda for her briefing. The United States welcomes the continued role of the International Criminal Court (ICC) in the fight against impunity for atrocities committed in Darfur. We note the progress made in the proceedings in the *Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* case and we hope that trial will be the first of several concerning the situation in Darfur.

At the same time, it remains clear that the Government of the Sudan is still not cooperating with the ICC to execute the outstanding arrest warrants in the Darfur cases, despite its obligations under resolution 1593 (2005). The subjects of those warrants remain at large in the Sudan and continue to cross international borders. The United States stands with the many States that refuse to admit those individuals to their countries and commends those who have spoken out against President Al-Bashir's continued travel. We oppose invitations, facilitation or support for travel by those subject to ICC arrest warrants in Darfur, and we urge other States to do the same.

As the Prosecutor notes, there have been continued instances of non-cooperation. On 26 March, the Court issued a decision that the Republic of Chad had failed to comply with its obligations when it welcomed President Al-Bashir for a visit, his fourth visit to Chad since the ICC issued a warrant for his arrest, on 4 March 2009. Then, on 25 and 26 April, Chad hosted Minister of Defence, Abdel Raheem Hussein and, on 11 May, Chad again hosted President Al-Bashir without any attempt to arrest him. The United States would welcome

discussion of follow-up on the ICC's decision, which was referred to the Council.

The Prosecutor's report comes amid ongoing developments related to Darfur that are of great concern to the United States. The United Nations independent expert on the situation of human rights in the Sudan has noted that the Government of the Sudan has not upheld its commitments in the Doha Document for Peace in Darfur to establish credible local justice and accountability mechanisms, nor has it made the Special Court for Darfur operational or requested international observers from the African Union and the United Nations for the Court.

Despite the conviction in February of six Popular Defence Forces soldiers accused of killing a community leader in Abu Zereiga, the latest report (S/2013/225) of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID) expresses serious concern about the lack of accountability for violations of human rights and international humanitarian law in Darfur. Furthermore, the United States is deeply concerned about the increasing violence in Darfur, including reports of aerial bombardments targeting or indiscriminately affecting civilians, sexual and gender-based violence and other crimes and continuing attacks on UNAMID peacekeepers. As a result, the United States estimates that 300,000 people have fled fighting in all of Darfur in the first five months of this year, which is more than the total number of people displaced in the past two years together. Moreover, humanitarian access to those large numbers of affected populations continues to be problematic due to restrictions imposed by the Government. On 19 April, one peacekeeper was killed and two were injured in an attack on the UNAMID team site in Muhajiriya by individuals wearing Sudanese army uniforms. We condemn in the strongest terms those continuing attacks on UNAMID peacekeepers and the Sudan's failure to prosecute those responsible.

The escalating violence and deteriorating human rights and humanitarian situation in Darfur must be reversed. Ensuring accountability for serious violations of international law must be part of that effort. Continued impunity for crimes in Darfur has sent a message to Khartoum that there are no consequences for violence against non-combatants, a lesson it has applied tragically not only in Darfur but in the two areas as well. The *Banda and Jerbo* case is an important test, but the Government of the Sudan has much more

to do. The Council must insist that the Sudan fulfil its obligations.

Mr. Gasana (Rwanda): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing and for the presentation the seventeenth report of the Prosecutor of the International Criminal Court, submitted to the Security Council pursuant to resolution 1593 (2005).

Let me start by saying that Rwanda strongly condemns the continued fighting in the Sudan. We remain deeply concerned about the continued violations of human rights in Darfur, particularly targeted attacks against civilians and sexual and gender-based violence. We acknowledge the efforts made by the Government of the Sudan to improve the security situation in Darfur, which include the establishment of several institutions provided for in the Doha Document for Peace in Darfur, in particular the Darfur Regional Authority and its associated parties.

The nomination of a special prosecutor by the Government of the Sudan to investigate alleged war crimes in Darfur and the establishment of branch judicial offices in the five states of Darfur, as stipulated in the Doha Document, is a significant step towards justice and accountability in Darfur. However, while recognizing the progress made, we believe that much remains to be done. We encourage the Government of the Sudan, including through the special prosecutor, to make additional efforts towards the prosecution and trial of the perpetrators of the most serious crimes in Darfur.

Rwanda believes that only a political solution through the Doha Document for Peace will bring peace to Darfur. We therefore urge all the parties to join that process. However, despite recent progress, the Doha Document has yet to be fully implemented. The progress against critical benchmarks — namely, a comprehensive and inclusive settlement to the conflict, the restoration of stable peace and a secure environment, the strengthening of the rule of law and human rights and the stabilization of the humanitarian situation and facilitation of aid delivery — has been hindered, and even set back, owing to the failure to achieve, or commit to, a comprehensive and inclusive ceasefire among the parties to the conflict.

In that light, we urge the Government of the Sudan and all the signatories to commit to the full implementation of the provisions of the Doha Document, particularly

the ceasefire and final security arrangements. We hope that will encourage other armed groups to follow suit. Allow me to stress our continued support for the Doha Document for Peace in Darfur and the African Union (AU) High-level Implementation Panel. The success of the Doha Document will ultimately depend upon the willingness of the signatory parties to abide by its provisions.

Turning to the ICC, our position is well known. Rwanda, like several other members of the Council, is not a signatory to the Rome Statute. We have had an opportunity in the Council to elaborate our position on the Court; I hope we will have more opportunities to further exchange views, including in the framework of informal interactive dialogues with the Prosecutor.

Regarding the indictment issued against President Omer Hassan A. Al-Bashir, we recall that, at seven different Summits of the African Union, starting with that of February 2009, African Heads of State adopted decisions to request that the proceeding be deferred in accordance with article 16 of the Rome Statute. As the latest AU Summit stated, “The search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace.”

In the same vein, we believe that all African countries that have received President Al-Bashir since his indictment were in conformity with the decisions of the African Union Summits and were pursuing the same goal of peace in the region. It would therefore be unfortunate if they were sanctioned for their efforts towards that end.

In that regard, let me once again underscore the importance of genuine cooperation between the Security Council and regional and subregional organizations. That cooperation goes along with respect for decisions taken by Heads of State of member States of those regional organizations, particularly the African Union and the League of Arab States, both of which are organizations to which the Sudan belongs.

Let me conclude by stating that Rwanda, as a member of the Security Council, a member State of the African Union and the major troop- and police-contributing country to the African Union-United Nations Hybrid Operation in Darfur, will continue to work towards sustainable peace, genuine reconciliation and accountability for the most serious crimes in Darfur, while promoting complementarity and the equal sovereignty of nations.

Mr. Briz Gutiérrez (Guatemala) (*spoke in Spanish*): We would like Ms. Fatou Bensouda for her seventeenth report of the Prosecutor of the International Criminal Court (ICC) pursuant to resolution 1593 (2005).

As indicated in paragraph 2 of that resolution, the Government of the Sudan and all the parties involved in the situation in Darfur must cooperate to assist the Court and its Prosecutor in their activities. On that binding legal basis, investigations and judicial proceedings are carried out in relation to investigations of war crimes, crimes against humanity and genocide, pursuant to the scope of the Statute of the Court.

We take note of the report that provides an update of the activities and judicial proceedings under way, particularly those related to preparations for the trials of Banda and Jerbo and the investigations on alleged attacks against civilian populations in Darfur. We welcome the investigative work carried out by the Office of the Prosecutor pursuant to the request made through resolution 1593 (2005). That work contributes to putting an end to impunity in the region of Darfur.

We are concerned at the description in the report of multiple alleged aerial attacks by the Sudanese Armed Forces, which are targeting the civilian population. Likewise, indications that during recent periods the tensions between the Sudanese Armed Forces and the rebel movements have been accentuated, which, taken together with the inter-community confrontations in disputes relating to natural resources, has contributed to rising tensions in the already troubled region, leading to an increase in the number of internally displaced persons, which in the first five months of this year alone reached the level of 300,000 people. Equally alarming are the references to alleged incidents related to sexual and gender-based violence, crimes and attacks against human rights officials, humanitarian staff and Blue Helmets. All such events deserve documented investigations so that they do not go unpunished. All of the alleged acts strike at the integrity of the civilian population and thus affects the fragile peace process based on the Doha Document for Peace in Darfur.

As a State party to the International Criminal Court and consistent with our foreign policy of adhering to international human rights instruments, Guatemala cannot ignore the suffering caused to the population, the serious acts committed in Darfur or the investigations that recount actions that would result in acts of genocide and crimes against humanity.

We reiterate our concern with regard to the failure to execute the arrest warrants against the four individuals identified in the report of the Prosecutor. Although we understand the extraordinary sensitivity that carrying out investigations and cooperating with the ICC in this area represents for the Government of the Sudan, the lack of cooperation by that Government is unacceptable. We are also concerned that some States parties to the Court are not cooperating in the execution of requests for arrest, particularly when some of the individuals subject to those requests have travelled to their country.

Once again, we call upon the Government of the Sudan and the parties involved in the judicial investigations to cooperate effectively and responsibly with the Court in order to guarantee accountability with regard to crimes committed and judicial proceedings under way.

We consider it fundamental to strengthen cooperation between the Security Council and the International Criminal Court, including through the effective follow-up of referrals from the Security Council. We hope that the existing cooperation can be renewed, combining the legal and political aspects of maintaining international peace and security. That does not signify, of course, any politicization of the Court or that the Council is becoming more legalistic, but a combination of both bodies, each acting in its respective fields of action in order to meet their shared mandate to prevent conflict and fight impunity. The effectiveness of that cooperation, referred to in the Rome Statute and reflected in resolution 1593 (2005), requires the political will of all States.

The challenges in the current context are enormous, particularly given the deterioration in the security situation in Darfur, made worse by the prevailing impunity. The international community must show itself united when there is a lack of cooperation with the Court. We welcome and conceptually support the guidelines relating to non-essential contacts and hope that they will be systematically applied, because not only is that notion consistent with the agreement between the United Nations and the International Criminal Court but it is also appropriate.

Finally, we reiterate to the Prosecutor of the International Criminal Court the support and cooperation of Guatemala as she strives to fulfil her mandate.

Mr. Briens (France) (*spoke in French*): I would like to convey my gratitude to the Prosecutor for her briefing. There are great many lessons to be learned from the report.

As Ms. Bensouda has noted by referring to resolution 2091 (2013), adopted on 14 February, and to the recent data published by the Office for the Coordination of Humanitarian Affairs, there is no disagreement within the international community regarding the current state of affairs. The fate of civilians in Darfur remains unacceptable. The Government and the militia forces that it has integrated within the security forces continue to target civilians. Neither the African Union-United Nations Hybrid Operation in Darfur (UNAMID) nor the humanitarian personnel present there enjoys the necessary freedom of access to exercise their protection mandate.

The Prosecutor has identified a number of areas of concern, which we share. Despite the Government's attempts to dissimulate, the reports confirm aerial bombardments by the Sudanese Air Force, which is mostly affecting civilians. Sudanese security forces are involved in attacks on civilians, which are hastily represented as intertribal clashes. Sexual violence in displaced persons camps is widespread. Human rights defenders, international experts and humanitarian workers are threatened. The work of humanitarian workers and UNAMID is obstructed, keeping them from preventing incidents and providing relief to civilians.

Nearly nine years after the referral to the Court by the Council, four individuals accused of war crimes and crimes against humanity, including one accused of genocide, continue to evade the Court, in full sight of all, despite the arrest warrants issued against them by the International Criminal Court. President Al-Bashir, former militia leader Ali Kushayb, Defence Minister Abdelrahim Mohamed Hussein and current governor of South Kordofan Ahmed Haroun are free. Those four people, who are wanted for the massacre and displacement of thousands of civilians or accused of having committed genocide in ways they hoped would be invisible, including through rape, persecution and the intentional blocking of access to aid, are still in key positions and able to order further abuses. As highlighted in the Council, impunity has encouraged them to use the same methods in South Kordofan as in Darfur. It is the same crime, same perpetrators, same modus operandi and, especially, same victims — civilians.

There is also no disagreement on how to break the cycle of violence. All facets of the Peace Agreement must be implemented in good faith and extended to the rebel groups that continue to refuse to enter into negotiations; civilians must be protected by allowing UNAMID to implement its mandate; humanitarian access must be ensured; and those responsible for crimes must be prosecuted. The Council has said as much, and the African Union does not say otherwise.

The Office of the Prosecutor and the Judges of the Court have done their share of work through preliminary analysis of crimes, investigations, the issuance of five arrest warrants against four individuals and legal proceedings against rebels who have decided to give themselves up voluntarily. The first trial against the rebel leaders is set for May 2014 for the attacks against peacekeeping soldiers in Haskanita.

The Sudan, in turn, is not fulfilling its responsibilities. Despite repeated announcements and the increase in the number of special national courts meant to prosecute serious crimes committed in Darfur, no legal proceedings have been undertaken. Unlike Libya, which is legally committed to the ICC, the Sudan has taken no steps to try the persons who have been charged. The Prosecutor's Office has reviewed the work of all the special courts established since 2005. They have done nothing. Criminals have full immunity. That is also the finding of the African Union High-level Panel on Darfur.

Finally, I note that the implementation of the peace process has serious gaps. Reconstruction is stalled, the return of displaced persons and refugees has been delayed, and the resurgence of fighting has increased populations' insecurity. Given this situation, what can we do?

First, we must encourage cooperation by all. All those who support the Court must be thanked. We know, however, that two countries have refused to cooperate over the past six months. We must respond to the letters we have received from the Court through the Secretary-General on issues of non-cooperation.

Secondly, we must isolate and punish the criminals. We welcome in this respect the guidelines issued by the Secretary-General on limiting contact with persons wanted by the Court to what is essential for the Organization. We must apply these guidelines consistently. In particular, it would not seem to be good policy to allow contact with the accused when the

chance that that might improve the situation is minimal. Another option, which has repeatedly discussed but not yet undertaken, is to register individuals subject to an arrest warrant on the list established by the Sanctions Committee. I recall in this respect that paragraph 3 of resolution 1591 (2005) provides explicitly that people who violate international humanitarian law or international human rights law may be subject to sanctions.

Thirdly and finally, the Council must once again be united in exerting real pressure on the parties to end the violations committed against civilians. We regret, in this respect, that some refuse to recognize the deteriorating security and humanitarian situation, which is nevertheless ongoing and indisputable.

Mr. Sharifov (Azerbaijan): At the outset, I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for the briefing and for presenting her seventeenth report to the Security Council pursuant to resolution 1593 (2005).

Azerbaijan is not a signatory to the Rome Statute of the International Criminal Court. Nevertheless, we acknowledge the rights and obligations of the States parties to the Statute. We take note of the efforts of the Office of the Prosecutor aimed at investigating the violations of international human rights and humanitarian law in Darfur. In this regard, we reiterate our position that the activities of the Prosecutor should strictly comply with the appropriate framework established by resolution 1593 (2005).

It is obvious that there is no military solution to the conflict in Darfur and that the Doha Document for Peace in Darfur constitutes the primary basis for sustainable conflict resolution. In this context, those movements that have not yet signed the Doha Document must cease hostilities and join the peace process without precondition.

We are concerned over the deterioration of the security situation, which continues to adversely affect the civilian population and restrict humanitarian access to areas of confrontation. Intensified attacks by non-signatory armed groups and heavy intercommunal clashes have led to a significant increase in civilian casualties and displacement in Darfur. Reports of such violations — including killings, rape, looting, hostage-taking and the destruction of property — should be properly investigated in order to bring those

responsible to justice and prevent their recurrence in the future.

We note that the Sudanese Government continues its efforts to defuse intercommunal tensions and promote reconciliation in Darfur. Unfortunately, the international presence in Darfur, including United Nations staff members, aid workers and peacekeepers, have continued to face constant attacks during the past six months. It is particularly distressing that the personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) have been targeted in the violence. The attack on UNAMID of 19 April, which left a Nigerian peacekeeper dead and two others wounded, should be thoroughly investigated and the perpetrators brought to justice. Criminality and banditry in Darfur are among the most significant threats to civilians and humanitarian workers.

In conclusion, we stress the need for the international community's further support for the implementation of the Doha Document and the importance that the rebel groups renounce violence as vital prerequisites for ensuring durable peace in Darfur.

Mr. Menan (Togo) (*spoke in French*): I should like at the outset to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the seventeenth report of her Office, pursuant to resolution 1593 (2005). As we all know, it was in that resolution that the Council referred the situation in Darfur since 1 July 2002 to the ICC, in the conviction that it constituted a threat to international peace and security. The Council recently reiterated that conviction in resolution 2063 (2012).

Today's briefing reflected the progress that has been made and the ongoing gaps in the judiciary activities, ongoing investigations and cooperation with States in the fight against impunity undertaken by the ICC with respect to the situation in Darfur. I wish to address the three issues I have just mentioned, but before I do I recall that Togo is not yet a party to the ICC Rome Statute.

With regard to judicial activities, especially concerning the *Banda and Jerbo* case, in its statement last December in connection with the Prosecutor's sixteenth report (see S/PV.6887), Togo expressed the hope that the outcome of pre-trial hearings would, on the one hand, allow the parties to resolve their differences and, on the other, make it possible for the pertinent Pre-Trial Chamber to set without delay the date for the

commencement of the trial, so as to guarantee the right of the accused to be tried without undue delay and to meet the expectations of victims to speedy justice.

Togo welcomes that that has in fact been the case and that, as set out in paragraph 12 of the current report, the date of the trial is set for 5 May 2014. Moreover, Togo welcomes that the Prosecutor has met the deadline of 2 May for communicating to accused central elements in the cases against them, as well as lists of witnesses to be called, so that the trial scheduled to begin in June 2014 can take place in full respect for the rights of defence.

As to cooperation among the United Nations, the Security Council, Member States and the ICC, many of the uncertainties and challenges mentioned in the sixteenth report last December seem to persist. Others had already been reported to the Council, as one can read in the seventeenth report. As Togo also stated during the wrap-up and assessment meeting held last week during its presidency of the Council during the month of May (see S/PV.6972), the Council could benefit greatly from the way it handles its cooperation and communication with the Court, if only by acknowledging receipt of the notifications it receives.

In addition, Togo hopes that relations between States and the ICC will strictly observe the principle of complementarity, which, for the States concerned, means having the primary obligation to prosecute and try perpetrators. Togo therefore reiterates its regret over the fact that there seems to have been no progress since 2012 in connection with prosecuting suspects. My country encourages the States concerned to give effect to the principle of complementarity.

Also with regard to State cooperation, Togo would like to point to paragraph 6 of the sixteenth report, which refers to the difficulties encountered by the defence in the *Banda and Jerbo* case, including gaining access to exculpatory evidence and logistical support, security concerns and securing entry into Darfur — as a result of which the defence had to introduce a motion to suspend the trial. Togo would like to believe that the fact that the seventeenth report no longer mentions those problems means that it is because solutions have been found.

In the context of cooperation with the ICC, under articles 86 and 87 of the Court's Statute, States often seem less generous to the defence. Togo would therefore welcome any initiative that the various organs of the

Court and the Assembly of States Parties could take, in accordance with the basic texts of the ICC, to facilitate cooperation between States and the defence so as to ensure fair trials.

In terms of ongoing investigations, Togo would like to reiterate its call for a halt to the violence and violations of human rights and humanitarian law that seem to be continuing. Togo also encourages the Office of the Prosecutor to continue its monitoring and to advance the investigation of crimes that continue to be committed — aerial bombardments; indiscriminate attacks on the ground against civilians, including women and children, even in camps for displaced persons; widespread sexual violence and gender-based attacks; attacks against human rights defenders and members of civil society and community leaders; the recruitment of child soldiers; and intentional acts aimed at the total or partial destruction of ethnic groups.

Togo reiterates its deep concern about attacks and kidnappings of aid workers and members of peacekeeping forces — attacks that have claimed the lives of many brave peacekeepers of the African Union-United Nations Hybrid Operation in Darfur. Togo hopes that prosecuting the murders of African Union soldiers in 2007 will make it possible to clarify the circumstances of those attacks and to identify the perpetrators at all levels of responsibility in order that they may answer for their acts.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We would like to thank Ms. Fatou Bensouda for her report and her briefing today. The Russian Federation supports the efforts of the International Criminal Court (ICC) to investigate the situation in Darfur pursuant to resolution 1593 (2005). We view the Court's efforts in that area as an important contribution to combating impunity for the most serious crimes of concern to the entire international community.

We are concerned by the deterioration in the security situation in Darfur as a result of rebel combat activity. The escalation of armed clashes between various tribes, which is largely the result of heightened competition for resources, is also a cause for alarm. We take note of the authorities' energetic efforts to prevent an increase in inter-communal violence. The way to resolve the dire humanitarian problems, including those of refugees and internally displaced persons, is to normalize the political and military situation, make

progress in the peace process and ensure the social and economic revival of Darfur.

An important element in that regard is the practical implementation of the outcomes of the Doha international conference on allocating resources for the region's development. Another aspect of key importance in that connection is to make further progress on a political settlement of the basis of the Doha agreements. Parties with influence on the leaders of the Sudan Revolutionary Front must induce them to reject a destructive course of action and to join the peace process.

With regard to the so-called "irreconcilables", the time is ripe to consider using sanctions against them pursuant to the Council's resolutions. One could begin with the individuals guilty of killing leaders of the Justice and Equality Movement faction who had signed a peace agreement with the Government of the Sudan last April. Of interest in that regard is the information contained in the report of the Prosecutor concerning the ongoing violence in Darfur with the participation of both Government forces and rebel groups. In several instances in that connection there may be grounds for the Prosecutor to open new cases. We urge the Court to carry out an objective assessment of illegal activities carried out by all sides.

It is clear that the task of the International Criminal Court as an independent organ of international criminal justice is to carry out a strictly judicial function and to punish the guilty. However, the actions of the Court in carrying out its mandate to investigate events in Darfur must not be divorced from overall efforts to normalize the situation in that long-suffering Sudanese state. In our view, the instinct of the current Prosecutor to strike a delicate balance between reconciliation and criminal justice as she carries out her activities is commendable.

We take note of the Prosecutor's comments with regard to the Government's cooperation with the ICC on the issue of Darfur. In that connection, the situation once again illustrates just how important the support of the Government is for the success of the Court's operation. In evaluating the level of compliance by individual States with the relevant commitments in this area, we should be mindful of the fact that the scope of that support can vary. One should also bear in mind the existing norms of international law concerning the immunity of high-level State officials.

In our view, the Secretary-General's issuance in April of a manual to be used by United Nations staff in their contacts with individuals subject to arrest warrants was a step in the right direction. That brought clarity to this complex and important issue of concern to the mission of the United Nations.

We are carefully following the investigations into the attack on African Union peacekeepers at Haskanita in 2007. The events of recent months, which still need clarifying, have brought proceedings on the actions of the rebel group leaders to a halt. It is important that those circumstances do not interrupt the momentum achieved within the framework of those proceedings.

In conclusion, we would like to comment on the proposals for follow-up action by the Security Council in referring cases to the International Criminal Court. We will review any ideas on this from the point of view of their practical usefulness and keeping in mind the prerogatives of the Council, the ICC's mandate and the international legal context as a whole. For now, we see no added value in such measures. In this matter, we proceed from the assumption that the Informal Working Group on International Tribunals, lacking the necessary mandate, is not a suitable format for deciding the issue of the ICC.

Mrs. Perceval (Argentina) (*spoke in Spanish*): Argentina thanks the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her presentation of this report in accordance with resolution 1593 (2005). We should view the Prosecutor's report not with frustration but as a challenge to us to shoulder the responsibility of acting in a coordinated fashion.

Argentina is deeply concerned about continuing violations of human rights and international humanitarian law. In February, the Council highlighted in resolution 2091 (2013) the fact that the people of Darfur are in an urgent humanitarian crisis, and reiterated its request for an end to all serious violations of human rights and human rights law. Argentina commends the Office of the Prosecutor for its dedication to monitoring current crimes, which include aerial and ground bombardments, a high number of civilian killings, forced displacement, sexual and gender-based violence — aggravated by the fact that children are both victims and perpetrators, and by the serious problem of rape and other abuses going unreported for fear of reprisal — attacks on human rights defenders, members of civil society, humanitarian workers and the

personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), serious obstacles to access to humanitarian assistance and to the ability of UNAMID personnel not only to assist affected civilians but also to investigate an alleged aerial attack. Argentina encourages the Prosecutor to continue to investigate those acts, which qualify as crimes under the Rome Statute.

The description of the crimes currently being committed occupies a long section of the Prosecutor's report. It is necessary for the Security Council to understand that without justice impunity is not only perpetuated, but also multiplies, becoming structural by inspiring the commission of new crimes. Argentina concurs with the evaluation made by the Panel of Experts on Sudan, as prevailing impunity perpetuates a status quo in which civilian victims become ever more numerous while the indictees remain at large. Argentina therefore wishes to focus on cooperation with the Court.

The Government of the Sudan is bound under resolution 1593 (2005) to cooperate with the Court and to provide it with all necessary assistance. States parties to the Rome Statute are obligated to cooperate under that instrument. The resolution also called on all other Members of the United Nations and regional organizations to cooperate with the ICC.

A crucial aspect of cooperation is the execution of arrest warrants. At the moment, four arrest warrants issued by the Court since 2007 for counts of genocide, war crimes and crimes against humanity remain unexecuted. Argentina regrets the position of the Government of the Sudan with regard to the Court, because those who continue to fall victim to serious violations of human rights and international humanitarian law are its own people. It is also regrettable that Chad, a State party to the Rome Statute, has repeatedly flouted its obligation to cooperate with the Court. We urge Chad to act in accordance with the Rome Statute.

The Court is an institution founded on the common lesson learned that serious crimes must not go unpunished and that justice and punishment for those responsible contribute to the prevention of such crimes. We therefore call on all Member States and regional organizations, including the African Union, to work together to ensure cooperation with the Court and that impunity does not prevail. Both the Court and the President of the Assembly of States Parties to the Statute have sent letters to the Council regarding

non-cooperation with the Court with regard to the situation in Darfur. Argentina is in favour of the Council addressing the consideration of these letters in the appropriate forum, which in the view of my country should be the Informal Working Group on International Tribunals.

My country supports an effective follow-up by the Council of the referrals made to the Court. The commitment reflected in S/PRST/2013/2 must be put in practice as a matter of urgency. Be it in the Working Group on International Tribunals or in a specific subsidiary organ for ICC referrals, the Council must engage in such follow-up because it cannot shirk its responsibility for the referrals it makes to the Court. Moreover, Argentina thanks the Secretary-General for issuing the guidelines on non-essential contacts with persons subject to arrest warrants issued by the ICC. We hope that they will be applied in a strict and consistent manner.

I should like, as I do every time the Council refers to the ICC, to make brief reference to two aspects that are fundamental to Argentina's position.

First is the exemption of the jurisdiction of the Court of nationals of States non-parties to the Rome Statute for acts or omissions derived from operations established or authorized by the Council or related to them. This clause, included for the first time in resolution 1593 (2005), contradicts the Rome Statute and can affect the credibility of the Security Council and that of the Court itself.

Second is the clause — also included for the first time in the Darfur referral — providing that the United Nations shall not defray the costs of the referral. Not only does this contradict the Rome Statute, but it also and in practical terms reflects the failure of the United Nations to address the financing of referrals, which jeopardizes the activities of the Office of the Prosecutor and the long-term viability of the Court.

Argentina wishes to commend the work of the Prosecutor and her Office in performing their functions regarding this referral of the Security Council, and thanks her for the permanent disposition to dialogue with the Council. I should like to reiterate that impunity leads to more crimes and more victims, and in no way contributes to peace. The Government and people of Argentina urge the international community to put an end to impunity, not only because we are signatories to the International Criminal Court, but also because

we have the moral right and authority to call on the international community to fight impunity and cooperate with the Court. For our country, the fight against impunity is a State policy, and the perpetrators of crimes against humanity must be brought to justice in accordance with due process, tried and sentenced. They must not enjoy amnesty.

Finally, I wish to once more reaffirm the firm commitment of Argentina to the International Criminal Court.

Mr. Masood Khan (Pakistan): I congratulate you, Sir, on your assumption of the presidency of the Council for this month, and thank Togo for its effective presidency last month.

We thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing. We have taken careful note of the seventeenth note of the Prosecutor. We welcome the presence of the Ambassador of the Sudan in the Council Chamber.

Pakistan is not a party to the Rome Statute of the International Criminal Court. However, we acknowledge the rights and obligations of States parties to the ICC.

Pakistan supports a peaceful and viable resolution of the situation in Darfur through an inclusive political process that respects and upholds the unity, sovereignty and territorial integrity of the Sudan. The goal of durable peace in Darfur can be realized only through a comprehensive multipronged strategy. Such a strategy should provide impetus to encouraging a peaceful solution through dialogue, promote justice and reconciliation, establish an environment conducive to security and address the human rights and humanitarian aspects of the long-standing conflict in Darfur by ending impunity.

We support the efforts of the African Union, in particular those of its High-level Implementation Panel, towards achieving peace, stability, justice and reconciliation in Darfur. The advice of the League of Arab States and the Organization of Islamic Cooperation should also be given due weight.

We welcome the several important steps taken by the signatories to implement the Doha Document for Peace in Darfur, including the transfer of funds to the Darfur Regional Authority and the holding of the international donors conference for reconstruction and development in Darfur. Those steps would help

to address the underlying issues of development and governance in the region. We urge the signatories to implement their commitments under the Doha Document. It is important that progress be made on the provisions relating to land and property.

The attacks against peacekeepers in Darfur remain a serious concern. Those attacks should be swiftly investigated and the perpetrators brought to justice. The destabilizing activities of Darfuri armed rebel movements under the Sudan Revolutionary Front umbrella, as well as their attacks against civilians and humanitarian workers, should be thoroughly investigated. Sanctions should be imposed against all armed movements that continue to obstruct the peace process in Darfur, and against all those who flagrantly violate humanitarian and human rights law.

The Secretary-General's guidelines of 3 April on contacts between United Nations officials and persons who are subject to ICC arrest warrants and summonses highlight that the United Nations and the ICC are separate organizations, each with its own mandate. They also underline the operational nature of the decision on the requirement of contact with various individuals in carrying out United Nations-mandated activities. That is a new document and we should give it some time to be tested in the field.

Durable peace and stability in the Sudan is a strong aspiration of the Sudanese people and an imperative for regional peace and security. Achieving that objective requires the support and understanding of the international community. The situation in Darfur, in particular the suffering of its people, has been a matter of concern for several years. We must do more to help to resolve that complex problem in a holistic manner.

Mr. Bouchaara (Morocco) (*spoke in French*): I, too, would like to thank Ms. Fatou Bensouda for her presentation of the seventeenth report of the International Criminal Court (ICC) in accordance with resolution 1593 (2005). Since her last report, the situation in Darfur has developed in various ways. At the political level, progress should be commended and should be encouraged, in particular the consolidation of institutions established by the Doha Document for Peace in Darfur, such as the Darfur Regional Authority. In that regard, we welcome the convening of the donors conference for Darfur, which was held in Doha on 7 April, and we hope that the donations that will be

collected will enable us to finance development in Darfur.

However, development in Darfur cannot begin without first restoring peace and ensuring the security of its population. The agreement between the Justice and Equality Movement and the Government of the Sudan was welcome, but the recent assassination of its leader will undoubtedly have a significant impact on the continuation of the peace process and on the actions of the other groups that have not yet joined the process. Furthermore, the resurgence of violence among the rebels of the Sudan Revolutionary Front, together with violent intertribal clashes, have severely deteriorated the security situation and led to the displacement of a great number of civilians. The international community must bear all of those factors in mind.

For its part, Morocco has always advocated a political settlement among all the parties involved in order to attenuate the suffering of the civilian population, and reaffirms its commitment to the principles of international humanitarian law and respect for the sovereignty and territorial integrity of the Sudan.

Morocco welcomed the signing of the Doha Document for Peace in Darfur and the launch of the process for implementing its provisions. The agreement, which covers all of the issues underlying the conflict — such as the measures aimed at the equitable redistribution of power and resources, compensation, the return of displaced persons, reconciliation and the maintenance of dialogue — in our view remains the only possible way out of the conflict in Darfur, and therefore must be supported.

The Sudan's history stretches back to ancient times and is intimately entwined with that of the African continent. The current situation of the country is worthy of the full support of the international community so as to enable peace and stability to be restored.

The Sudan has sacrificed a great deal within the framework of the Comprehensive Peace Agreement and the Doha Document for Peace in Darfur, as well as with the recent signature of a number of agreements with South Sudan and rebel groups. The decision of the ICC to indict President Al-Bashir has never enjoyed international consensus. The Organization of Islamic Cooperation and the League of Arab States have questioned the basis of such an approach.

In conclusion, we are convinced that the lengthy process that will allow peace and stability to be restored in Darfur cannot be successful without effective and coordinated cooperation among all the parties to the conflict, regional organizations and the mediation mechanisms involved.

Ms. Sohn Sung-Youn (Republic of Korea): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the recent developments in the Darfur situation.

The overall situation in Darfur continues to deteriorate. Since the clashes in Jebel Amir last January, hostilities involving numerous rebel groups have increased throughout the Darfur region and beyond. Serious violations of human rights law, including violence against civilians, arbitrary detention, torture and sexual assaults continue to be reported in Darfur. The alleged involvement of the Sudanese National Intelligence and Security Services in some of those cases deserves our attention. In order to achieve stability in the Darfur region, all such allegations need to be clarified and violators of human rights and international humanitarian law must be held accountable.

With regard to the recent judicial activities of the ICC, we welcome progress in the Banda and Jerbo case, specifically Trial Chamber IV's decision that the trial against rebels, Mr. Banda and Mr. Jerbo, should commence on 5 May 2014 for the attacks on peacekeeping troops in Haskanita.

Concerning its ongoing investigations, we appreciate the Office of the Prosecutor's efforts to investigate allegations of criminal activity, as well as crimes being committed in Darfur. We remain concerned about the mounting violence in Darfur and about reports describing the deliberate targeting of civilians, sexual and gender-based violence, attacks on peacekeepers and other crimes. We hope that the Prosecutor's ongoing investigations can corroborate the allegations and that any resulting new criminal cases will render justice to the victims of such serious crimes.

On the issue of non-cooperation by the Sudan and other parties, it is incumbent upon the Sudan to cooperate fully with the ICC and its investigations, in accordance with resolution 1593 (2005), which was adopted under Chapter VII of the Charter of the United Nations. We take full note of the fact that the Prosecutor has called on the Security Council to ensure the Sudan's compliance with that resolution. We believe

that the Council should consider what actions it can take to assist the ICC in that regard. We also note that the Prosecutor has called upon ICC States parties to take the necessary actions to promote cooperation on the arrest of individuals wanted by the Court in relation to the Darfur situation.

In conclusion, we look forward to a full investigation of allegations of all serious crimes committed in Darfur. We encourage the Prosecutor to continue her investigative efforts. The Korean Government stands ready to strongly support the ICC and its activities. We also believe that the Security Council should continue to closely monitor the Darfur situation, which it has referred to the ICC.

Mr. Bo Shen (China) (*spoke in Chinese*): I have listened attentively to the briefing by Prosecutor Bensouda.

The question of Darfur is a complex one, as it involves many areas, including the political process, security and stability, humanitarian assistance, development, reconstruction and justice. The political process is key among those elements. Only by promoting sustained progress in the political process can lasting peace at last be achieved in Darfur and the foundations for justice and other efforts be laid.

The Doha Document for Peace in Darfur has set out the approach for a comprehensive and proper settlement of the Darfur issue. It forms the basis for peace in the region. Its signatories, in particular the parties in Darfur, should fully implement the Doha Document. The armed rebel groups in question should stop all forms of violence and sign peace agreements on the basis of the Doha Document. All steps taken by the international community on Darfur should serve to promote the political process there and help achieve the goals to which I have referred. We hope that the ICC will play a positive and constructive role to that end.

China's position on the ICC's involvement in the question of Darfur remains unchanged. We hope that the Council will attach due importance to that question and pay heed to the views of such regional organizations as the African Union and the League of Arab States.

Ms. King (Australia): I would like to thank the Prosecutor, Ms. Fatou Bensouda, for her briefing. We are pleased to learn that the Office of the Prosecutor is continuing its work in relation to the situation in Darfur, despite the significant challenges it faces.

We continue to be deeply concerned by violence in Darfur. Inter-tribal hostilities have increased this year, including over resources, and large numbers of Darfuris have been displaced both internally and across borders. Those displaced face severe food and water shortages.

Against that background of violence, displacement and humanitarian needs, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) faces access restrictions that continue to hamper its ability to implement its mandate. We continue to call for UNAMID to be allowed to access all areas of Darfur, including places where clashes have occurred. The 19 April attack on UNAMID peacekeepers in which one was killed and two were injured must be condemned in the strongest terms and the perpetrators must be brought to justice.

It is important that the Council provide strong support to political reconciliation efforts underpinned by the Doha Document for Peace in Darfur. But recent violent incidents demonstrate the risks posed to those embracing the path of dialogue, as well as the importance of a commitment to ensuring that those who disrupt that path with violence are held to account. Without a commitment to justice and accountability, it will be difficult to achieve and sustain peace.

Indeed, the current climate of impunity in Darfur sends a dangerous message of tolerance to would-be perpetrators of serious international crimes and other violations of international law. In that context, we commend the Office of the Prosecutor for its continued monitoring of possible crimes under the Rome Statute. We are deeply concerned by the references in the Prosecutor's report to attacks on civilians, sexual and gender-based violence, attacks on those trying to help the people of the Sudan, including peacekeepers, and the denial of humanitarian access. The Council's condemnation of such crimes was set out clearly in resolution 2091 (2013).

In particular, reports of alleged aerial bombardments by the Sudanese Armed Forces (SAF), resulting in civilian casualties, must be properly investigated. That has been impossible due to restrictions on access to affected areas, meaning that the provision of humanitarian assistance was also prevented at critical times. It is unacceptable that UNAMID personnel were denied access to investigate an alleged aerial bombardment carried out by the SAF; it is equally unacceptable that UNAMID personnel have been

prevented from investigating alleged reports of sexual violence.

It is against that background, and with deep regret, that we note also the Prosecutor's unambiguous account of the Government of the Sudan's non-cooperation with the Court, in disregard of resolution 1593 (2005). The Council needs to do more to support the Court and to secure the Sudan's cooperation, so that we can meet our commitment to bringing to justice those responsible for serious international crimes.

We are also deeply disappointed at the failure of some ICC States parties to arrest and surrender the four Sudanese individuals subject to outstanding ICC arrest warrants. We commend the Prosecutor on the outreach efforts she has made to remind States of the importance of meeting their obligations to cooperate with the Court. We look forward to consulting with other Council members as to what the Council can do to assist the Court in that regard.

There are steps that can be taken to underscore the international community's commitment to ensuring that those accused of serious international crimes are held to account. We have previously expressed the view that the Council's Sanctions Committees should give consideration to ICC arrest warrants and summonses to appear, with a view to ensuring greater consistency between sanctions lists and ICC indictments.

Other steps are outlined in the useful document produced by the ICC Office of the Prosecutor that maps the instances of outstanding arrest warrants. It highlights the need to intensify efforts to isolate ICC fugitives in a coordinated way, as well as the importance of making collaborative efforts to plan for and execute arrest warrants. The Secretary-General's guidance for the Secretariat on contact with those subject to ICC arrest warrants is also helpful in that context.

In conclusion, we note the recent debate about the role of the International Criminal Court. Australia remains firmly of the view that the ICC can play an important role in ending impunity in conflict and post-conflict situations. But it is also important to recall that all States fulfil their obligations under international law — whether those obligations derive from being a party to the Rome Statute or from resolutions of the Council.

The Council must also strongly support the Court in its efforts to conduct its work, and Darfur is no

exception. We need to continue to think about ways by which the Council can assist the Court in ending impunity for crimes in Darfur and achieve at least a measure of justice for victims.

We look forward to further updates from the Prosecutor and would be pleased to have an opportunity to participate in an informal interactive dialogue with her on the situation in Darfur.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

I thank Ms. Bensouda for her briefing today. We share the sense of frustration that she expressed in her statement.

The situation in Darfur remains very serious. There has been a further deterioration in the security situation, resulting in an estimated 300,000 Darfuris becoming displaced, which is more than the total number in the past two years.

We welcome the initial steps to implement the Doha Document for Peace in Darfur, but it remains way behind schedule. The Government of the Sudan and the Darfur Regional Authority must make a renewed effort and clearly signal their commitment to delivering peace in Darfur.

We welcome the commitment of the Justice and Equality Movement-Bashar to support the Doha Document. We strongly condemn the attack that resulted in the deaths of Mohamed Bashar and 10 members of this movement. Attacks against those willing to lay down arms and negotiate are unacceptable and detrimental to the peace process. We call on all sides involved in the fighting to cease hostilities immediately and to engage in a peaceful settlement of the conflict.

The African Union-United Nations Hybrid Operation in Darfur plays a crucial role in building peace and stability for the people of the region. It is unacceptable that it continues to face access restrictions across Darfur, despite the clear demands of the Council.

The commitment made by the Government of the Sudan to removing all obstacles to development in Darfur must now be put into practice.

I thank the Prosecutor for her update on the trials of Abdullah Banda and Saleh Jerbo. It remains deeply concerning that the Government of the Sudan continues to obstruct the pursuit of justice for the people of Darfur and has failed to cooperate over the four outstanding

arrest warrants. Reports of one of those indicted being present in the area of current conflict are particularly alarming.

As laid down by the Council in resolution 1593 (2005), the Government of the Sudan has an obligation to cooperate with the ICC, and we continue to urge it to do so. We also call on all States to cooperate with the ICC to end impunity and to deliver much-needed accountability, and we regret the fact that some ICC States parties have failed in their duty under the Rome Statute. The Council, for its part, must now consider urgently what more it can and should do to assist the Court in delivering the mandate we entrusted it with in referring the situation in Darfur.

I now resume my functions as President of the Security Council.

I give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): I should like to place on record that our participation in this meeting does not in any way indicate our recognition of the International Criminal Court (ICC) or its work. The Sudan is not a party to the Rome Statute, and I am addressing this statement to the Security Council alone.

Today's briefing was fraught with false claims and illogical demands. We therefore believe it appropriate to address the Council in order to clarify the situation and provide the correct information. We reiterate that this entire issue has been based on a faulty assumption, as confirmed by eminent international personalities whose testimony refutes the charge of ethnic cleansing and genocide, as previously stated.

The Prosecutor's demand that we implement the arrest warrants issued against President Omer Hassan A. Al-Bashir and other Sudanese officials is unacceptable because it is based on faulty logic. What is based on wrong is of necessity wrong itself.

The conflict in Darfur is an internal conflict that has not overspilled our national borders and has been wrongly described as a threat to international peace and security. It is incorrect to cite a lack of willingness or effectiveness on the part of the Sudanese judiciary to ensure justice and uphold national and international criminal law. I reiterate the efficiency and professionalism of the Sudanese judiciary and its ability to uphold justice in accordance with our national legislation and international criminal law. In that context, we wish to reiterate our oft-repeated assertion

that our initial objective is to render justice through the national judiciary, and that the ICC has a role to play only when the national judiciary is unable or unwilling to do so.

We also note the erroneous approach adopted by the Office of the Prosecutor in addressing issues of concern to African countries. It entirely disregards Africa's legal heritage and the independence, professionalism and abilities of its judiciary. This faulty approach has been rejected by Africa and led to the call, issued at the African summit held in Addis Ababa in May, to refer all issues of concern to the continent to the African judiciary.

The Sudanese Government is strongly convinced of and deeply committed to combating impunity, and to that end has established a special court in charge of investigating serious violations of human rights and international humanitarian law in Darfur. It has appointed a Prosecutor to the Court, in implementation of the Doha Document for Peace in Darfur. He is assisted by 12 legal advisors, who act with complete independence in the five states of Darfur.

I would also note that the Prosecutor has received more than 53 criminal complaints. Thirty of these cases come from Northern Darfur, where 17 accused have been sentenced to death, and 14 from Southern Darfur, where 11 have been sentenced to death. Six cases in Western Darfur are still under investigation, while in one case in Eastern Darfur three people have been sentenced to death. There has been only one criminal case in Central Darfur, which remains pending. All of this legal activity bears witness to the willingness and capacity of the Sudanese judiciary to prosecute criminals in Darfur.

References to aerial bombardment are also unacceptable. The Sudanese Government exercises its sovereign right to defend the security and territorial integrity of the country. References to the humanitarian situation and sexual violence are equally unacceptable, since the perpetrators are rebels of the so-called Sudan Revolutionary Front, who assassinated Commander Mohamed Bashar and his Deputy Suleiman Dahiya. This group kills anyone who has chosen the path of peace, which in itself speaks clearly to its terrorist leanings. It has also attacked cities in Northern and Southern Kordofan, Umm Ruwaba and Abu Karshola, committed crimes against humanity, violated human rights, plundered homes and displaced populations,

including vulnerable groups. In spite of these atrocities, however, the Security Council has not lifted a finger.

The statement concerning sexual violence is based on media reports and is truly bewildering. How could any judicial entity rely on media reports in its prosecutions? In one Council meeting, Mr. President, you personally rejected any reliance on media reports. Other claims that the Sudanese Government is not making the required effort to cooperate are false. We are cooperating in removing all obstacles facing the Office of the Prosecutor. The visit of Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs Emergency Relief Coordinator, to the Sudan in May is proof of that cooperation.

Ms. Amos has shown herself to be an international civil servant who embodies the principles of the Charter and respects the immunities of high officials, including Presidents. She has met with many officials of the Sudanese Government, including the President himself, and has led deliberations on the humanitarian situation in Darfur. Following her visit, she reiterated that the rebel movements under the banner of the Sudan Revolutionary Front were indeed responsible for the displacement of populations and the deterioration of the humanitarian situation in Southern Kordofan and Blue Nile States.

In conclusion, in spite of the remaining pockets of rebellion and limited internal conflicts over resources, the situation in Darfur has greatly improved since 2003. We have achieved great success in implementing the Doha Document and the establishment of the Darfur Regional Authority, which is led by numerous dedicated sons and daughters of Darfur representing all tribes that have set out on the path of peace. They are all working in coherence and coordination with the federal and state Governments in Darfur to pursue that path.

We therefore appeal to the Council to support all efforts to establish peace and security, as well as to call on the rebel groups that have to date refused to take that path to do so in order to enable us all to turn our efforts to reconstruction and development and the achievement of reconciliation, so as to restore peace, prosperity and stability for the Sudan in general and for Darfur in particular.

I hope, Sir, that I have kept to the five-minute limit set for interventions.

The President: There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.