



# Security Council

Seventy-sixth year

**8791**<sup>st</sup> meeting

Wednesday, 9 June 2021, 10 a.m.

New York

*Provisional*

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<i>President:</i>	Mr. Auväärt . . . . .	(Estonia)
<i>Members:</i>	China . . . . .	Mr. Dai Bing
	France . . . . .	Mrs. Dime Labille
	India . . . . .	Mr. Raguttahalli
	Ireland . . . . .	Ms. Byrne Nason
	Kenya . . . . .	Ms. Nyakoe
	Mexico . . . . .	Mr. De la Fuente Ramírez
	Niger . . . . .	Mr. Aougi
	Norway . . . . .	Ms. Heimerback
	Russian Federation . . . . .	Mr. Kuzmin
	Saint Vincent and the Grenadines . . . . .	Mr. Bynoe
	Tunisia . . . . .	Mr. Cherif
	United Kingdom of Great Britain and Northern Ireland . .	Mr. Woodroffe
	United States of America . . . . .	Mr. DeLaurentis
	Viet Nam . . . . .	Mr. Dang

## Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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*The meeting was called to order at 10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Reports of the Secretary-General on the Sudan and South Sudan**

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

In accordance with 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:** Allow me at the outset to congratulate Estonia for holding the presidency of the Security Council during the month of June. I wish you, Mr. President, continued success in presiding over the crucial work of this body.

This is my final briefing before the Council in my capacity as the Prosecutor of the International Criminal Court (ICC). It has been an honour and a privilege to serve in that capacity and to work with the Security Council over the years. Notwithstanding the challenges, together we have forged ahead as we carried out our respective mutually reinforcing, but independent, mandates in the pursuit of accountability for atrocity crimes and of peace and security.

The situation in Darfur is a clear demonstration of how the framers of the Rome Statute system envisaged the ICC and the Security Council working together towards the twin goals of justice and peace. When the Council referred the Darfur situation to the ICC, in March 2005, it brought hope to victims of atrocity crimes in Darfur by sending a clear message that justice was not only important in its own right, but also had a multiplier effect on achieving sustainable peace in Darfur.

Over the years since the referral, that hope has seen its ups and downs, but the people of Darfur never gave up. I recall the countless times that I appealed for help from the Council for investigations in Darfur. I recall

the number of times that I pleaded with the Assembly of States Parties to allocate sufficient resources to effectively investigate the situation in Darfur. I can recall the number of times that the Office and I were ridiculed and labelled as biased and that it was said that our investigations were targeted to specific individuals.

There were many who told us that we should stop metaphorically banging our heads against the wall and that we should forget about Darfur and move on. Indeed, as I give this last briefing on Darfur, I am reminded of the calls for mass withdrawal, from certain quarters, and threats to the very existence of the only institution that promised hope to Darfur victims and so many others.

Yet, with the support of many Council members, and civil society, we stood firm and resolute and held to our conviction that our actions and decisions in Darfur, and indeed everywhere else, were guided by nothing but the law, the facts and the search for truth and justice in strict adherence to the cardinal principles of independence, impartiality and fairness. We found strength in the plight of victims and courage in the truth of our convictions and the righteousness of our cause.

Through it all, Darfur victims never gave up hope. They stood shoulder to shoulder with the Office and urged us on, providing critical evidence even as we investigated Darfur without being able to go to Darfur. They rallied behind us during our briefings, attentively following and clinging to every word that gave them a glimmer of hope that they too might one day benefit from the protective embrace of the law and justice duly administered for the wrongs they have endured.

Today, as I bid the Security Council farewell, I salute the women, men, children and all Darfur victims for their courage, patience, resilience, perseverance and unrelenting belief in the course of justice. My heartfelt thanks go to them for their support even in the face of great adversity. I stand at this meeting today in solidarity with them.

The developments in the Sudan amply demonstrate that the arm of justice is long and patient; that justice may be delayed by those who stand in its way, but justice has more durability than the politics of a few whose aim is to shield culpability. Justice and the voice of the people and the wronged ultimately prevail.

My historic visit to Darfur last week opened my eyes even more to the reality of what we and the people

of Darfur have been fighting for over the years. Indeed, the visit was a vivid reminder of the *raison d'être* of this institution, the ICC, which I have had the privilege to serve with honour, dedication and integrity for almost two decades. Witnessing countless women, men and children lined up in the dusty streets in the blazing hot sun to welcome me and my delegation, calling for justice and the surrender of those indicted by the ICC, was one of the most moving and humbling experiences of my life. The images of this visit will remain written in indelible ink in my memory. For those who saw those images, I hope they serve as a strong reminder that we should stay focussed on achieving justice for the victims and finding lasting peace for the people of Darfur.

The reality of Darfur victims hit me even harder as I engaged with victims, leaders of internally displaced persons (IDP) and local officials and listened to victims' harrowing stories of the brutality they had endured and the inhumane conditions under which they continue to live. That first-ever visit of the ICC to Darfur — over 15 years since the Council referred the Darfur situation to my Office — has rekindled the hope of resolution 1593 (2005). We cannot allow that rekindled light to be extinguished again through our inaction or half-hearted, ineffective action.

The simple things in life that we take for granted are what the Darfur victims continue to yearn for, namely, peace and security, food, water, health, education for their children and to return to their homes. They want an end to the deadly violence; they want the disarmament of militias and compensation for their long years of suffering. The withdrawal of the African Union-United Nations Hybrid Operation in Darfur seems to have created a vacuum that still needs to be filled.

Addressing those issues will require not only the restoration of trust between Government authorities at all levels and the people of Darfur, but also the resolution of the root causes of the issues that have bedevilled the region over the years, as well as the support of the international community.

The Darfur victims continue to place their hope in us. We must heed their clarion call for the surrender of those wanted by the ICC to face independent, impartial and fair judicial processes that respect all their rights, inasmuch as the alleged perpetrators themselves denied the people of Darfur their rights over the years.

I am pleased to report that the ICC and the Government of the Sudan have turned a new page

in their relationship. The old days of hostilities and non-cooperation have been replaced by constructive dialogue and a good spirit of cooperation. Following the conclusion of a memorandum of understanding between my Office and the Government of the Sudan on 14 February, my team of investigators has undertaken investigative activities in the Sudan and has begun to prepare to go to Darfur soon. It has constructively engaged with relevant Government ministries, including the Office of the Attorney-General.

My recent visit to Darfur would not have been possible without the assistance and cooperation of the Government of the Sudan, including various ministries and local governors. I am grateful for all the support extended to me and my delegation and the effective facilitation of my visit.

I would also be remiss if I failed to acknowledge the timely and effective operational and logistical support provided by the United Nations through its different entities and agencies. Their support was crucial to the success of the mission. Without that necessary support, it would not have been possible for me and my delegation to travel to different regions of Darfur and directly engage with victims. I am confident that the authorities and the United Nations and its entities will continue to extend the same excellent cooperation and support to my successor as the Office expands its investigations on the ground in Darfur.

Even as we applaud the new era of the Sudan, we are reminded that the road ahead remains long and fraught with dangers. We are all aware that the transition in the Sudan is still in its infancy and needs nurturing to mature. We must therefore not be lulled into a false sense of security. Today, peace and justice continue to elude the people of Darfur. They continue to suffer in internally displaced persons camps and, for them, accountability remains critical for lasting peace in the Darfur region.

The clear and consistent message I received from Darfur victims in El Fasher, Nyala and Zalingei is that the four outstanding warrants must be executed and that suspects must be handed over to the ICC. I have communicated and stressed that message in my interactions with Government of the Sudan officials at all levels, including the Chairperson of the Sovereignty Council and the Prime Minister, as well as other members of the Sovereignty Council, during my visit.

In particular, I have stressed the urgent need for Mr. Harun to be transferred into ICC custody as a matter of priority. In that regard, I recalled that both Mr. Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, and Mr. Ahmad Muhammad Harun were jointly charged with many of the same crimes in respect of the underlying incidents and that their cases were separated because Mr. Abd-Al-Rahman voluntarily surrendered himself to the ICC. Even though Mr. Abd-Al-Rahman's confirmation of charges hearing took place from 24 to 26 May, there is still a window of opportunity to rejoin the cases at trial if Mr Harun is surrendered to the ICC now. In addition to ensuring efficiencies and judicial economy, rejoining the cases at trial would obviate the retraumatization of witnesses who would have to be called twice to testify before the Court.

The Sudan is under a legal obligation to surrender the suspects pursuant to resolution 1593 (2005). The Juba Peace Agreement also makes it clear that all suspects must appear before the ICC and that the Sudan should fully cooperate with the ICC in its investigation and prosecution of those suspects. The Sudan has to tangibly demonstrate that the new Sudan is now a fully-fledged member of the international community that has joined the fight against impunity and is fully committed to justice and the rule of law.

Almost all the suspects are in the custody of the Government of the Sudan and there is no legal impediment to their surrender to the ICC. In particular, credible reports and other information indicate that Mr. Harun has expressed his wish to be transferred to the ICC. I appeal to the Council to prevail upon the Sudan to immediately honour Mr. Harun's wish and facilitate his transfer to the ICC without delay.

Mr. Abdallah Banda Abakaer Nourain, for his part, is a fugitive from the Court and his exact whereabouts are unknown. I call on him to surrender immediately to the Court.

Additionally, the Sudan has to fully cooperate with the Office's investigations, including by providing unhindered access to its territory and to the relevant records, information and materials, as well as the protection of witnesses.

The Council may also benefit from knowing that my meetings with the Walis, or Governors, of the three states I visited were very productive. The authorities described the consequences of the conflict in Darfur

on the communities and the fragility of the social fabric, acknowledging the ongoing suffering of their people and recognizing the importance of justice and accountability. They all pledged to cooperate and support the Office, as well as the Court, in pursuit of justice for the people of Darfur. Affected communities were urged to trust and fully engage with the investigators, who will be travelling to Darfur in the near future, and to report any incidents of threats or intimidation.

The visit to Darfur also provided a unique opportunity to manage victims' expectations and explain what the ICC is capable of, what it does and what it cannot do. More work remains to be done in that regard and the Office will coordinate with the Registry's outreach section to devise strategies on how best to reach out to the affected communities and explain the work of the Court.

Let me highlight some of the significant developments regarding the Darfur situation.

Exactly one year ago today, Mr. Abd-Al-Rahman, also known as Ali Kushayb, was transferred to the custody of the Court in the midst of a global pandemic, no less. On the anniversary of that occasion, Mr. Abd-Al-Rahman's surrender continues to serve as a reminder that the Office will not be deterred from its mission to bring the alleged perpetrators of atrocity crimes to justice.

Between 24 and 26 May, the Pre-Trial Chamber II convened the confirmation of charges hearing for Mr. Abd-Al-Rahman. During the hearing, the Office presented evidence in order to demonstrate that there are substantial grounds to believe that Mr. Abd-Al-Rahman was responsible for all 31 counts charged in relation to crimes alleged to have been committed in Kodoom, Bindisi, Mukjar, Deleig and surrounding areas between August 2003 and March 2004.

Having worked on this situation since 2005, it was gratifying for me, my team and above all, Darfur victims, to finally see one of the Darfur suspects in the dock to answer for his alleged crimes. I extend my gratitude to the Darfur team for making that happen despite severe resources constraints and restrictions related to the coronavirus disease (COVID-19) pandemic.

It is worth noting, regrettably, that the security situation in some areas of Darfur remains volatile, as further confirmed by the accounts of families of victims I engaged with during my visit to Darfur. Tribal

fighting and armed clashes between Government forces and armed rebel groups have continued to contribute to large-scale displacement and deaths.

I am particularly dismayed about reports indicating an increase in incidents of sexual and gender-based violence against women and girls, especially internally displaced persons. We should all denounce these despicable crimes and remind the competent Sudanese authorities of their primary obligation to investigate and prosecute such acts. Justice and accountability in the Sudan, including Darfur, cannot be achieved without maintaining security and stability for vulnerable communities. The violence against IDPs — and in particular women, girls and children — must stop. I call on the members of the Council and other regional partners to continue to do everything within their power to help the Sudan break this troubling cycle of violence.

Over the past months, as the Office intensified its efforts to constructively engage with the Government of the Sudan, we received and relied upon the invaluable support of many European countries, some of which are present in the Council today, through their embassies in Khartoum. We are most grateful for that assistance. Both States parties and non-States parties in and outside the Council have also been instrumental in assisting and contributing to our efforts to build relations with the Sudan. That help is appreciated, and I trust that it will continue to be extended to the Office and my successor.

The successes we have recorded so far would also not have been possible without the support of our civil society partners, with which we have collaborated over the years. The Office is thankful for their support.

On my own behalf, on behalf of the Darfur team and on behalf of the rest of the Office that I have had the privilege to lead for the past nine years, we thank one and all for their contributions to the work of the ICC. I am honoured to have been able to address the Council these past nine years in my capacity as Prosecutor.

The time has now come for me to pass the baton to my successor, Mr. Karim Khan, under whose capable leadership I believe the team and the Office will continue to progressively advance the cause of justice for Darfur victims and beyond. The Council's support for him and the Office will continue to be critical for the success of the Court as he navigates the challenging mandate of the Rome Statute during these trying times of COVID-19 and the ever-increasing disparity

between the existing allocation of resources and the disproportionately high workload of the Office.

I conclude my last briefing to the Security Council by once again paying homage to the paramount interest of the victims in Darfur, many of whom I met this past week, for continuing to have faith in the Office as it finally took a small but important step towards achieving justice for the crimes committed against them. The referral of the Darfur situation to the Office in 2005, the first of its kind, was a landmark development in the fight to end impunity for perpetrators of atrocity crimes.

At the time of the referral, the Council emphasized the need for the international community to promote healing and reconciliation by encouraging the creation of institutions and commissions involving all sectors of Sudanese society in order to complement judicial processes. The support of all States Members of the United Nations in restoring and maintaining lasting peace in the Sudan by promoting the rule of law and protecting human rights remains as important today as it was 16 years ago.

I trust that the recent progress in the Darfur situation, after so many years of shattered promises and disappointment, will serve as a beacon of hope to the victims of atrocity crimes in other countries as well. Although the journey towards justice may be long and the path uncertain, I remain confident that the Office will never waver in its dedication to investigating and prosecuting these crimes without fear or favour, as it must. I hope and count on the Council's crucial support as my Office and I discharge our crucial mandates.

I often state that the creation of the ICC must surely be one of humankind's proudest moments because it represents an awakening rooted in great human suffering throughout the ages, culminating in the recognition that lawless wars and conflict must no longer get a pass to cause human carnage. Let us remain principled, vigilant and consistent in the service of the Rome Statute and the founding principles of the Charter of the United Nations. I am grateful, as always, for the Council's support and for this opportunity.

**The President:** I thank Prosecutor Bensouda for her briefing.

I would like to draw the attention of speakers to paragraph 22 of presidential note S/2017/507, which encourages all participants in Council meetings to deliver their statements in five minutes or less, in line

with the Security Council's commitment to making more effective use of open meetings.

I shall now give the floor to those members of the Council who wish to make statements.

**Mr. De la Fuente Ramírez** (Mexico) (*spoke in Spanish*): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the latest report on the situation in the Sudan pursuant to resolution 1593 (2005). I also welcome the representative of the Sudan to this meeting.

We welcome the significant progress in cooperation between the Sudan and the ICC, especially the signing of two memorandums of understanding. In that regard, we also welcome the Prosecutor's visit last month to the Sudan and trust that it will mark a new chapter in cooperation to facilitate the process of justice, peace and reconciliation.

Mexico acknowledges the Sudan's efforts to ensure access to justice for the victims, as this is one of the central points of the Juba Peace Agreement and one of the commitments of the transitional Government. We reiterate that the implementation of the agreement is critical to achieve lasting peace. We therefore urge all parties to continue working to that end.

As the Prosecutor rightly noted, a hearing on charges in the *Abd-Al-Rahman* case also took place during this reporting period. This is a concrete step for the victims of the atrocities committed in Darfur to finally be able to have the Court consider the facts of the case.

While this case represents meaningful progress, there are other pending cases where the accused have not been surrendered to the Court. In particular, my country calls for the surrender of Mr. Al-Bashir, Mr. Hussein and Mr. Harun, who are already being detained. With regard to Mr. Banda, who is a fugitive, we urge the Sudan and the countries of the region to redouble efforts to find him, arrest him and surrender him to the ICC.

On the other hand, evidence-collection work by the Office of the Prosecutor continues to be essential for further progress in the investigation of cases. The ICC's lack of access in recent years has hampered this work, and now there is also a need to take measures for the preservation of such evidence, as well as to ensure access to witnesses.

The ICC's investigative work has benefited from collaboration with the United Nations Integrated Transition Assistance Mission in the Sudan and with other United Nations agencies, particularly in terms of logistical support. We recognize this joint work and its potential for collecting and preserving evidence, and we look forward to even closer collaboration in future. We also call for an end to the violence in Darfur, which continues to be a cause for concern and therefore hinders the collection of evidence on the ground.

We also note the ICC's efforts to investigate crimes of sexual and gender-based violence as a method of warfare in Darfur, which we strongly condemn. We also look forward to stepping up the pace and implementing the March 2020 framework for cooperation between the Government and the United Nations on sexual violence in armed conflict.

In conclusion, on behalf of Mexico, I would like to acknowledge the work of Prosecutor Bensouda and her entire team throughout her nine years in office. Despite facing significant challenges, both institutionally and personally, she has managed to promote the work of the International Criminal Court in an independent and impartial manner, making progress in the fight against impunity for the most heinous crimes. We wish Prosecutor Bensouda every success in her future endeavours, while extending our support to the new Prosecutor Karim Khan.

**Mr. Cherif** (Tunisia) (*spoke in Arabic*): I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her valuable briefing and her thirty-third report to the Security Council pursuant to resolution 1593 (2005). I would also like to welcome the representative of the Sudan to today's meeting. Since this is the last briefing by Ms. Bensouda before the Council, I would like, on behalf of my country, to take this opportunity to commend her for her tireless efforts throughout her term of office in fighting impunity for the most egregious crimes. I wish every success to her and her successor at the helm of the Office of the Prosecutor, Mr. Karim Khan.

Tunisia is following with satisfaction the positive and continuous approach to achieving peace, justice and comprehensive national reconciliation in the brotherly country of the Sudan. In this context, we salute the firm determination and tireless efforts of the transitional Government as it strives to achieve societal and political harmony among all components of

Sudanese society, in parallel with its efforts to ensure accountability for the egregious crimes committed in Darfur. Its activities have been undertaken through intense engagement with the different regional and international actors and through its interaction with the United Nations and the ICC.

Tunisia commends the fact that peace and justice have gone hand in hand in Darfur, especially since the signing of the Juba Peace Agreement in October and since the ground-breaking visit by the ICC Prosecutor to the Sudan, also in October. We welcome the ongoing direct negotiations in Juba between delegations of the Government and the Sudan People's Liberation Movement-North for achieving comprehensive peace in the Sudan. We also value the opportunities and options emanating from the different local, national, international, hybrid and transitional justice mechanisms in the country, which will contribute to achieving justice and comprehensive reconciliation among the Sudanese people, helping to turn the page of wars and tragedies that have obstructed security and development and consolidate a smooth and peaceful democratic transition.

Tunisia values the fact that the relationship between the Sudanese authorities and the ICC Prosecutor's Office has advanced to a higher level, as recently framed in a cooperative memorandum of understanding between the two parties. We also welcome the visit by the ICC Prosecutor to the Sudan last month. Ms. Bensouda's meetings with senior officials in Khartoum and leaders in Darfur were fruitful, as was her interaction with victims. We support the efforts of the Prosecutor and her Office to implement its mandate on the ground by gathering more on-site evidence, which would help ongoing prosecutions and investigations pursuant to resolution 1593 (2005). These efforts would also contribute to achieving justice appropriate to the local context, bringing it closer to victims and to affected communities in Darfur.

We welcome the first investigative mission of the Office of the Prosecutor on Sudanese soil in recent months and the measures taken by the transitional Government to facilitate this mission. We also take note of the conclusion of the main hearings of the ICC in the Ali Kushayb case last month and welcome the confirmation by Trial Chamber II of the charges levelled against him, namely, war crimes and crimes against humanity. This is a first step towards ensuring

accountability for the most egregious crimes committed in Darfur.

We look forward to continued cooperation between the Sudanese Government and the Office of the Prosecutor in a spirit of constructive engagement and mutual respect, so as to achieve the common goals of accountability for the most egregious crimes committed in Darfur, prevent any recurrence of those crimes in the future and implement resolution 1593 (2005), we call on both sides to explore options provided for under the Rome Statute to share the burden, harmonize efforts and build the capacities of the Sudanese judicial organs, while taking into account the requirements and the context of the transitional phase in the Sudan.

In conclusion, we believe that the best way to advance justice in Darfur is to pursue a participatory approach based on dialogue and building national judicial capacities, without overlooking the political, economic and social tracks at this very critical phase in the country's history. That would embody effective Sudanese ownership of the transitional phase and the post-conflict justice track and ensure that peace and justice are mutually reinforced and the pillars of democracy are consolidated.

**Ms. Heimerback** (Norway): Norway would like to thank the Prosecutor for today's briefing and for her thirty-third report, which we have read with great interest. The Prosecutor and the International Criminal Court (ICC) can count on Norway's continued full support.

We commend the Prosecutor for the landmark visit she made to Darfur. My colleague, the Norwegian Ambassador in Khartoum, greatly appreciated meeting with her, and we commend the Sudanese Government and United Nations agencies for facilitating the visit.

As we highlighted during the recent Security Council meeting on the United Nations Integrated Transition Assistance Mission in the Sudan, Norway is highly concerned by the precarious security situation in parts of Darfur. Norway condemns the intercommunal violence, reports of violations of international humanitarian law and human rights violations and abuses, including sexual and gender-based violence, and violence directed towards children. Large-scale displacement of civilian populations also remains of particular concern.

The victims of atrocities in Darfur deserve justice. There will be no lasting peace in the Sudan until there is accountability for the crimes that were committed during the long years of conflict. In this regard, we welcome the confirmation-of-charges hearing held by the Pre-Trial Chamber of the ICC on 26 May in the case against the Sudanese militia leader Ali Kushayb. As the first indictment in connection with atrocities in Darfur and the first trial based on a referral from the Security Council, this is a significant step. Norway welcomes the continuous engagement between the Court and the Sudan in respect to the case against Mr. Kushayb and commends Sudanese authorities for facilitating the ICC's investigations in the Sudan.

We are encouraged also to learn about the first investigative mission in 14 years. We hope that it sets a precedent for cooperation in the cases against other suspects.

Norway urges the Government to transfer the remaining individuals for whom there is an arrest warrant to the ICC. In particular, we echo the Prosecutor's call for urgently having Mr. Harun transferred to the ICC to be tried in parallel with Mr. Kushayb. Full and unlimited cooperation with the ICC is an important step in the implementation of the Juba Peace Agreement. The Court's work must not be restricted for political reasons. We also specifically call for Mr. Banda to surrender to the ICC.

Finally, as this is Prosecutor Bensouda's last briefing of the Security Council, we would like to express our deepest appreciation for her excellent work over the past nine years. We thank her for her unwavering integrity, commitment and dedication to the ICC.

**Mr. Woodroffe** (United Kingdom): I would like to begin by thanking the Prosecutor of the International Criminal Court (ICC) for her thirty-third report on the situation in Darfur pursuant to resolution 1593 (2005), which is, of course, her final report to the Security Council in that capacity. The United Kingdom would like to express its deep gratitude to the Prosecutor for her unwavering commitment to the pursuit of justice over the past nine years. The continued work of Ms. Bensouda and her team have played a vital role in the effort towards ensuring accountability for the most serious crimes committed in Darfur.

As detailed by the Prosecutor in her report, the situation in Darfur continues to be characterized

by intercommunal violence, resulting in deaths and large-scale displacement of civilians. We call for an immediate end to the ongoing violence across the Sudan. In that respect, we urge the Government of the Sudan to swiftly implement the National Plan for the Protection of Civilians, and we underline the need for accountability for the crimes committed before, during and since the revolution in order for the Sudan's transition to succeed.

The United Kingdom commends the constructive and sustained dialogue between the ICC and the Government of the Sudan, including the facilitation of evidence gathering and access to witnesses, which has enabled significant progress to be made in the case against Mr. Abd-Al-Rahman.

In that regard, we particularly welcome the historic visit of the Prosecutor to the Sudan and, in particular, the Darfur region, which enabled her to engage with victims and affected communities. Such positive developments are a testament to the Government's meaningful engagement with the Court and genuine efforts to fulfil the transitional justice provisions of the Juba Peace Agreement.

We urge the Government of the Sudan to build on that positive cooperation, in particular by facilitating the prompt transfer of Mr. Harun to the Court to be tried alongside Mr. Abd-Al-Rahman. We believe that a single trial of those two co-accused together would ensure that the possibility of retraumatizing the victims and witnesses by multiple trials would be avoided.

The United Kingdom's Special Representative for the Sudan and South Sudan raised the need for the urgent transfer of Mr. Harun with the Government of the Sudan in Khartoum this week.

The United Kingdom stands ready to assist the Court and the Government of the Sudan in facilitating that the four ICC arrest warrants are executed. We call for the surrender of Mr. Banda, who remains a fugitive from the Court.

Finally, we wish to record our appreciation for the excellent cooperation between the United Nations and the Office of the Prosecutor in that respect. We also underline the role that the United Nations Integrated Transition Assistance Mission in the Sudan can play in supporting the Government of the Sudan as it works to deliver accountability and justice for Darfur.

In conclusion, I would like to reiterate the United Kingdom's support for the Government of the Sudan's important progress towards meeting the calls of the Sudanese people for justice and accountability as part of our wider support to the Sudan's transition to full democracy.

**Ms. Nyakoe** (Kenya): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing. I also welcome the presence of the Permanent Representative of the Sudan at this meeting.

Kenya commends the people of the Sudan for their steadfast commitment to rebuilding peace in their country, including in addressing issues relating to transitional justice and national reconciliation. We also take note of the positive steps that the Sudan is taking towards ensuring that its national institutional and legal framework is supportive of international efforts, in accordance with resolution 1593 (2005). It is important that those efforts be reciprocated, as provided for by the resolution.

At its meeting of 13 April, the African Union (AU) Peace and Security Council acknowledged the readiness of the transitional Government to address issues relating to transitional justice, including accountability for human rights violations, through a truth and reconciliation process. They called on AU member States to share with the Sudan experiences, lessons and best practices.

Kenya sees that as a critical step towards reconciliation, unity, peace and stability in the Sudan. We therefore commend the Sudan for the operationalization of the Truth and Reconciliation Commission in relation to Darfur and the Special Court for Darfur Crimes.

Alongside the strengthening of the national judicial capacity for the Sudan, we encourage similar investment into national dialogue and reconciliation processes for the sustainability of the peace process.

Kenya recalls the Security Council's invitation to the Court and the African Union to discuss practical arrangements that will facilitate the Court's work, including the possibility of conducting proceedings in the region, under resolution 1593 (2005).

We would like to hear from the Prosecutor the status of engagement with the AU, if any, to that end, particularly given that, under article 1 of the

Rome Statute, the International Criminal Court is complementary to national criminal jurisdictions,

Finally, we take this opportunity to congratulate Ms. Fatou Bensouda as she successfully completes her tenure as the Prosecutor of the International Criminal Court in a couple of days. We wish her success in her future endeavours.

**Mr. Aougi** (Niger) (*spoke in French*): I would like to begin by thanking Prosecutor Fatou Bensouda for her briefing. The Niger commends her leadership and the work that she has accomplished at the International Criminal Court (ICC) and wishes her every success in her next task. I also welcome the presence of the representative of the Sudan at this meeting.

Since the presentation of the previous report to the Security Council in December 2020 (see S/2020/1192), the Sudan has made efforts and encouraging progress in its quest for justice for the victims of atrocities committed in Darfur. The signing on 14 February of a memorandum of understanding between the Office of the Prosecutor and the Government of the Sudan to promote cooperation in certain investigations and prosecutions is a major and welcome development. My country encourages the Office to continue the constructive dialogue in which it has been engaged with the Sudanese authorities since 2020, while respecting the respective roles of each and the principle of complementarity, in order to ensure that those who committed crimes are held accountable before the ICC and that justice is done for the victims of Darfur.

With regard to recent judicial activities, my delegation welcomes the developments in judicial proceedings, in particular the decisions regarding the participation of victims and their representatives in the confirmatory charge hearings, which is an inherent right, as well as the rights of the defence, which must also be guaranteed.

Furthermore, we commend the determination of the Office, which, despite the situation of the coronavirus disease pandemic and the restrictions that it imposes, has continued to carry out its work by pursuing its investigation activities between March and May.

My delegation is concerned about the widespread displacement of civilians in Darfur, where hundreds of thousands of people have been forced to flee their homes and there have been armed clashes between Government forces and rebel groups. We deplore the

loss of life, including among women and children, as a result of this fighting. We also deplore the attacks on humanitarian workers and the destruction of property, the hospital and the African Union-United Nations Hybrid Operation in Darfur base in Nyala. My delegation calls on the parties to respect the rules of international humanitarian law and joins the Office of the Prosecutor in condemning all attacks against United Nations and humanitarian personnel and the destruction of their equipment.

Sexual and gender-based violence continues to be perpetrated against women and girls in Darfur, in particular those who fled the tribal violence in El Geneina in January. As one of my country's priorities in the Council is to defend the rights and improve the conditions of women and children, my delegation encourages the efforts of the Office of the Prosecutor to advance its investigation into those violations in its contacts with individuals and groups concerned. My delegation also condemns all violence against civilians and calls for respect for the responsibility to protect them and the prosecution of the perpetrators.

With regard to the outstanding arrest warrants, and in accordance with resolution 1593 (2005) and the Juba Agreement for Peace in the Sudan, signed on 3 October 2020, we call on the Sudanese Government and Member States to strengthen their cooperation with the ICC to ensure justice for the victims and to fight impunity.

In conclusion, my delegation encourages further cooperation and constructive dialogue between the Government of the Sudan and the ICC and reiterates its congratulations to Prosecutor Bensouda and her Office for all their work and commitment in the fight against impunity.

**Mr. Dai Bing** (China) (*spoke in Chinese*): Today is Ms. Bensouda's final briefing before the Security Council in her capacity as the Prosecutor of the International Criminal Court (ICC). China has always closely followed the work of the ICC, taken note of the efforts made by the Prosecutor and her team and appreciated her adherence to the principles of objectivity and non-politicization.

For some time now, the situation in the Sudan has been improving. We hope that the current positive momentum in the Sudan will continue and will move the political process along a constructive path.

The situation in Darfur is generally stable, despite occasional intercommunal conflicts. We call for greater support for the Sudanese Government's capacity-building and for economic development and the improvement of people's livelihoods in order to eliminate the causes of conflict.

In conclusion, I would like to reiterate that China's position on the ICC remains unchanged. The Court should strictly adhere to the principle of complementary jurisdiction, respect in earnest the judicial sovereignty of nations, pay full attention to the legitimate demands of the Sudanese Government and the African Union and respect the views of the Sudanese Government.

**Mr. Bynoe** (Saint Vincent and the Grenadines): Permit me to extend sincerest gratitude to Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), and her team for their remarkable work vis-à-vis the situation in Darfur. We also thank her for today's comprehensive presentation of the thirty-third report to the Security Council pursuant to resolution 1593 (2005). We further acknowledge the presence of the Chargé d'affaires of the Sudan at this meeting. As this is Ms. Bensouda's final presentation to the Security Council, Saint Vincent and the Grenadines would like to thank her for her leadership and invaluable contribution in advancing the agenda of our international criminal justice system.

The Preamble to the Rome Statute affirms that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation. In 2005, the Security Council adopted resolution 1593 (2005), which enjoined all Members of the Organization to ensure that the most serious crimes in Darfur were investigated, impunity ended and justice brought to all victims, in firm adherence to the Rome Statute.

Today Saint Vincent and the Grenadines renews its commitment to upholding that resolution and the principles and purposes of the Rome Statute. It is our firm conviction that the ICC has a central role in our collective quest for justice and peace. More specifically, in countries like the Sudan that are undergoing transformative democratic processes, the ICC can play a vital role in their peacebuilding and development by contributing to the full guarantee of justice for victims.

The Security Council, together with all the Members of the Organization, bears testimony to the progress in our sister nation. We are indeed heartened by the positive developments. We encourage the Sudanese transitional Government to continue along its progressive path and advance with the necessary reforms, including finalizing the establishment of transitional institutions, such as the transitional legislative council. We are cognizant that socioeconomic and intercommunal challenges, among others, still linger. However, we are confident that the Sudan's tenacity will permit it to forge forward.

The international community, especially international donors, ought to continue supporting the Sudan, including increasing their contribution and support to the national humanitarian response plan.

At this important juncture of the Sudan's renaissance, the people, especially the victims of the most heinous crimes, must be at the core. We therefore reiterate the importance of the full and well-timed implementation of the Constitutional Document and the Juba Agreement for Peace in the Sudan.

The Sudan's advances are commensurate with the deepening of cooperation with the Office of the Prosecutor, exemplified by the signing of the memorandum of understanding last February and ongoing visits to Khartoum to undertake investigative activities. Equally evident are the conclusion and ratification of numerous international instruments on issues related to the protection and promotion of human rights, transitional justice and the implementation of the National Plan for the Protection of Civilians. Those indeed bode well for upholding the enduring principles of our international criminal justice system. We therefore maintain that the Sudan has the primary responsibility to protect its citizens, as well as investigate and prosecute atrocities.

The principles that inform the Charter of the United Nations are the same timeless principles that undergird the ICC. Both the United Nations and the ICC are mutually reinforcing and have a symbiotic relationship. In that respect, we look forward to the further strengthening of cooperation between the Sudan and the ICC and the application of the principle of complementarity, enshrined in the Rome Statute, to ensure full accountability for all five suspects in the Darfur situation and for the Office of the Prosecutor

to effectively execute its mandate, in accordance with international law.

In conclusion, Saint Vincent and the Grenadines fully endorses the conclusion made in the Prosecutor's thirty-third report. It is now time, in the specific cases of Darfur, for historical injustices to be redressed, and that should be done in a spirit of national reconciliation, healing, reparation and social justice.

**Ms. Byrne Nason** (Ireland): I would like to give special thanks to Prosecutor Bensouda for her report as well as for her briefing.

The Sudan has continued to make significant headway in its political transition and reform efforts, which I am pleased to see is being matched by tangible steps by the transitional Government to work with the International Criminal Court (ICC) in the fight against impunity. A number of those steps are particularly noteworthy, including the fact that the Office of the Prosecutor and the Prosecutor herself travelled to the Sudan three times during the reporting period.

In that regard, we also acknowledge the important support provided to the Court by United Nations entities and encourage its continuation. The fact that investigators have been able to conduct investigative activities in the territory of the Sudan for the first time in over a decade is particularly important. The provision of requested materials to the Office by the Sudan is another positive step towards justice.

We note Mr. Abd-Al-Rahman's surrender to the Court last June and the confirmation of charges hearing in his case in May. We welcome the memorandum on modalities and the agreement reached with the Sudan to facilitate cooperation and enable the Court's work on the case.

Our sincere hope is that the positive engagement of the past six months marks the beginning of a strong relationship between the Court and the transitional Government. We look forward to continued cooperation and the development of further arrangements dealing with the Court's broader investigations.

We acknowledge the importance of complementarity and encourage further dialogue between the Court and the Sudanese Government. At the same time, we recall the Sudan's ongoing obligation under resolution 1593 (2005) to execute the four outstanding arrest warrants and surrender the remaining suspects.

In relation to Mr. Abdallah Banda Abakaer Nourain, we urge him to surrender himself to the Court.

As regards Mr. Ahmad Harun specifically, given the interest of victims and witnesses in hearing Mr. Harun and Mr. Abd-Al-Rahman's cases together and Mr. Harun's own request to be transferred to The Hague to stand trial, we urge the Sudanese authorities to lose no further time in carrying out his surrender.

While the positive developments of the past six months are very welcome, we must also acknowledge that the Sudan's transition remains fragile and that those steps towards accountability are taking place against a background of ongoing violence in Darfur and mass displacement. We remain deeply concerned by the killing of civilians and reports of incidences of sexual and gender-based violence against women and girls in Darfur. The pattern of violence and perpetration indicates that the power and impunity dynamics that underlay the war in Darfur and that underlie the current situation investigation have not yet been effectively addressed.

Though we are alive to the wider pressures faced by the Sudan, including the ongoing economic crisis, justice and accountability need to remain a priority as the peace process moves forward. In calling for an end to violence, we know that impunity for the most serious crimes and a perceived tolerance for serious human rights violations and violations of international humanitarian law serve only to perpetuate the cycle of violence. We therefore encourage the transitional Government to prioritize the establishment and implementation of the transitional justice mechanisms and processes agreed in the Juba Peace Agreement as part of the Sudan's own broader democratic transition, including the full implementation of the national plan for protecting civilians in Darfur and the establishment of a truth and reconciliation commission and a special court for Darfur.

The Prosecutor has told us that this is her final time addressing the Council in her current role. I could not conclude without taking a moment to join others in paying a most sincere tribute to her work and to the legacy she leaves behind. Her commitment to justice has been steadfast as she has guided the Office of the Prosecutor from its first successful prosecution through numerous challenges in recent years. We have real respect for all she has achieved and for her personal and professional dedication during her term. We wish

her well in her future endeavours and can assure her that Ireland will continue to support the Court that she has so diligently worked to strengthen, bringing us ever closer to the common goal of peace based on international justice.

**Mr. Dang** (Viet Nam): At the outset, I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC) for her briefing. As this will be her last briefing to the Security Council, I wish her all the best in her future activities.

I also welcome the representative of the Sudan to this meeting.

At today's briefing, Viet Nam wishes to stress the following three points.

First, it is critical to continue advancing the implementation of the Juba Peace Agreement and to make further progress on the transitional process in the Sudan.

The recent unanimous adoption of resolution 2579 (2021) has demonstrated the Security Council's consistent support for long-term peace, stability and development in the Sudan. The United Nations Integrated Transition Assistance Mission in the Sudan and the Government of the Sudan should continue to work closely together. We commend the ongoing peace talks between the Government of the Sudan and the Sudan People's Liberation Movement-North faction led by Abdelaziz Al-Hilu and call on all other remaining armed groups in Darfur to join the peace process.

We also take note that four out of the twenty-five members of the new Cabinet are women. We call on the Government to further promote the full, equal and meaningful participation of women at both the national and the local levels, in line with the Juba Peace Agreement.

Secondly, it is equally important to further address the humanitarian and economic challenges in the Sudan. We call on the Government of the Sudan to further strengthen its capacity in the protection of civilians and to take all appropriate measures to address the issue of intercommunal violence in Darfur, including acts related to violations of international humanitarian law.

At the same time, it is concerning that over 13 million people require humanitarian assistance in the country, including over 7.3 million people who need emergency assistance. We welcome the outcome

of the recent Paris conference on the Sudan and call for further facilitation of debt relief for the country, as well as access to international financial facilities.

Thirdly, we take note of the thirty-third report of the Prosecutor of the ICC pursuant to resolution 1593 (2005). We wish to reiterate our consistent position that States bear the primary responsibility for the implementation of international humanitarian law and the prevention and suppression of serious criminal acts, such as war crimes and crimes against humanity. The establishment of accountability for violations of international humanitarian law and serious criminal acts shall be conducted in accordance with the fundamental principles of international law, including respect for the independence and sovereignty of States.

**Mr. DeLaurentis** (United States of America): I would like to thank the Prosecutor for her briefing.

Over 16 years ago, the Security Council referred the situation in the Sudan to the International Criminal Court (ICC). As this is Prosecutor Bensouda's last briefing before the Council, the United States would like to express our gratitude to her personally for her commitment to ensuring justice for the victims of atrocities in Darfur in the long fight against impunity. Through moments of despair and hopelessness that justice might not arrive for the Sudan, her dedication and perseverance ensured that justice and accountability will now be part of the Sudan's peaceful and democratic future. We hope that she takes pride in that enduring legacy of her tenure as Prosecutor and we wish her well in her future endeavours.

The hearing on the confirmation of charges against Ali Kushayb was a historic moment. The voices and experiences of victims of serious crimes, including victims of sexual violence, were a powerful testament to the necessity of justice and accountability for lasting peace and security.

The United States fully supports the ICC's investigations in Darfur. We call on the civilian-led transitional Government to honour its obligations under the Juba Peace Agreement and resolution 1593 (2005) to cooperate with the ICC. In that regard, the United States will continue to take active steps to encourage the civilian-led transitional Government to immediately transfer Ahmad Harun to the Court.

The Prosecutor's briefing today is timely. Just over one month ago, the Security Council met to discuss the

latest developments in the Sudan. During that meeting, we detailed our concerns about rising intercommunal violence in Darfur and underscored the need for Sudanese authorities — at both the national and the local levels — to engage in earnest in order to address the underlying issues of housing, land, displacement and property rights that spur so much of the violence. We know full well the problems that have led to the Sudan's decades of insecurity, including more than 300,000 deaths in Darfur since 2003 alone. These include limited or a complete lack of access to justice in many parts of the country, gross violations of human rights, a lack of trust between local communities and those responsible for governing in an accountable, transparent and equitable manner under the law and the former regime's indifference towards Sudanese citizens, who simply wanted to secure more prosperous futures for their children and families.

Our message today remains the same as it was during the Security Council's most recent meeting on the Sudan. This organ must continue to underscore the need to build lasting peace and security in the country, promote and protect human rights and hold to account those responsible for insecurity. The civilian-led transitional Government in the Sudan has the responsibility to protect all people in the Sudan, and we should be ready to assist in its efforts to ensure civilian protection in Darfur.

The United States supports the ICC's efforts to shed light on the abuses and atrocities committed against countless Sudanese, who deserve justice for those acts. Such accountability is a powerful deterrent against future abuses and makes clear to those who suffered that their pain will not be left unnoticed and unaddressed. Ending the culture of impunity is also an important step in the country's transitional justice process.

**Mrs. Dime Labille** (France) (*spoke in French*): I too thank Prosecutor Fatou Bensouda for her report and briefing, and welcome the representative of the Sudan to this meeting.

The mission entrusted by the Security Council to the International Criminal Court in Darfur is all the more essential at this time of transition in the Sudan. Building a lasting and inclusive peace in the region will not be possible without justice. The fight against impunity for the perpetrators of the most serious crimes is part of restoring democracy and reconciliation in the Sudan.

The Prosecutor's recent visit to Darfur, following her visit to Khartoum in October, is historic and demonstrates the cooperation between the Court and the Sudanese authorities.

The report highlights concrete progress in the case against Mr. Ali Muhammad Ali Abd-Al-Rahman, known as Ali Kushayb, both in The Hague, where the confirmation of charges hearing was held from 24 to 26 May 2021, and on the ground. In that regard, France welcomes the commitment of the Sudanese authorities to provide the Office of the Prosecutor with the necessary assistance to continue investigations. In particular, access to Darfur for investigators must be promptly and freely granted under satisfactory security conditions.

Cooperation with the Office must be consolidated and extended to all suspects. France calls on the Sudan to promptly surrender Mr. Ahmad Harun to the Court so that a link can be established with the case against Mr. Abd-Al-Rahman.

In addition, while complementarity remains a cardinal principle, the execution of outstanding arrest warrants is crucial. Dialogue between the Court and the Sudanese authorities must therefore be intensified in order to explore all possibilities under the Rome Statute. We also urge Mr. Banda to surrender immediately to the Court so that he can be tried.

In Darfur, the recurrence of large-scale intercommunal violence and the persistence of clashes on the ground confirm the fragility of the security situation. In recent months, that violence has claimed hundreds of victims and forced several hundreds of thousands of civilians to flee. France condemns in the strongest terms violations of human rights and international humanitarian law, including gender-based and sexual violence against women and girls. It is important that the perpetrators of these crimes do not enjoy impunity.

France notes the importance of a return of the Sudanese Administration to Darfur and welcomes the political will of the authorities in that regard. We call on the Government to accelerate the implementation of the Juba agreements, with the support of the United Nations Integrated Transition Assistance Mission in Sudan, and to promptly deploy the joint protection force, pursuant to the agreements. The protection of civilians, including humanitarian workers, and the guarantee of safe and unhindered humanitarian access must remain a priority. The National Human Rights Commission

must be able to fulfil its mandate. As stipulated in the Juba agreements, the Transitional Justice Commission must be established without delay.

Finally, we call on all parties to join the peace process.

Let me conclude by commending, on behalf of France, Fatou Bensouda for her determination, courage and unwavering commitment over the past nine years. The mission entrusted to her was perilous, and the obstacles numerous. Her contribution to victims, justice and peace is invaluable.

France will continue to lend its full support to the Court and to the next Prosecutor, Mr. Karim Khan.

**Mr. Kuzmin** (Russian Federation) (*spoke in Russian*): The position of the Russian Federation regarding the work of the International Criminal Court has not changed.

**Mr. Ragutthalli** (India): At the outset, I would like to state that India is not a signatory to the Rome Statute and not a member of the International Criminal Court (ICC).

We take note of the thirty-third report of the ICC Prosecutor, Ms. Fatou Bensouda, on the situation in Darfur, submitted pursuant to paragraph 8 of resolution 1593 (2005) and in order to update the Council on her recent visit to the Sudan. Since this will be her last briefing to the Council, I join others in extending her our best wishes for her future endeavours.

The transitional Government of the Sudan has shown its willingness to address issues relating to transitional justice, including accountability for human rights violations, through a truth and reconciliation process. The parties to the Juba Peace Agreement have also agreed to establish a Truth and Reconciliation Commission with respect to Darfur and a Special Court for Darfur. The jurisdiction of this Special Court, which will include genocide, crimes against humanity and war crimes since 2002, is an important step in the right direction.

The pursuit of justice for victims of crimes in Darfur is also reflected in the cooperation shown by the authorities. The signing, on 14 February, of the memorandum of understanding on cooperation on the June 2020 surrender case is a welcome development, as is the signing on May 10 of a country-wide agreement on cooperation by the transitional authorities. It is important

that both sides continue to engage on outstanding issues in order to find mutually acceptable solutions.

We note the positive outcome from the recent visit of the Prosecutor to Khartoum and Darfur. Since the Sudan is not a party to the Rome Statute, we hope that the constructive exchanges with the Sudanese authorities will lead to a consensus-based way forward on the mandate of the ICC.

As the Sudan transitions to a more peaceful, stable and prosperous future, there is a need to provide it with all the necessary assistance to redress the shadows of the past, promote intercommunal harmony and protect the fundamental rights of all its citizens. In that context, it will be important to build the capacity of national judicial institutions to deal with past cases. Furthermore, it will serve the credibility of the ICC to partner with national judicial institutions and assist in its capacity-building.

Lastly, we urge the international community to provide all possible assistance to the transitional Government for the successful completion of the current transition phase. Over the years, India has implemented several projects in the Sudan in the sectors of energy, transport and agro-industry through concessional lines of credit. We have also assisted in capacity-building through our scholarship programmes and extended humanitarian assistance by supplying food and life-saving drugs. India remains committed to supporting the Sudan and its people in this important phase of political transition.

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

I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her thirty-third periodic report on the situation in the Sudan and Darfur and for her briefing.

Allow me start by reaffirming Estonia's unwavering commitment to promoting respect for international law and a rules-based international order, in which the ICC plays a vital role. We call on all States to uphold and defend the principles and values enshrined in the Rome Statute.

Estonia welcomes the landmark visit by the Prosecutor and the representatives of her Office to the Sudan at the end of May, where she met with the victims of Darfur, senior officials of the Government of the Sudan and other stakeholders. That hopefully paves

the way for strengthening cooperation in the pursuit of justice for atrocity crimes.

We welcome the fact that the ICC has been able to carry out investigations on the ground. Access to the territory of the Sudan remains critical to the investigations and to ensuring accountability. The preservation of evidence is crucial. There needs to be unimpeded access for the ICC investigators to witnesses, crime scenes and other evidence in Darfur. We welcome the Sudanese Government's cooperation thus far. Further cooperation may be warranted to ensure greater accountability.

The ICC has issued four outstanding arrest warrants. Those suspects, wanted for atrocity crimes, ought to be surrendered to the Court without delay.

Estonia remains concerned about the security situation in Darfur. The increased violence, including the killing and large-scale displacement of the civilian population, must stop. We call on the Sudanese authorities to accelerate efforts to enhance the protection of civilians and the restoration of the rule of law in Darfur. We hope that the Sudan will closely cooperate with the United Nations Integrated Transition Assistance Mission in the Sudan to help to build those capacities.

In order to provide justice to the victims of crimes committed, we remain expectant and hopeful that, by the next reporting period, there will be further concrete positive steps taken in that direction. Justice needs to play a central role in the Sudan's transition. The Sudanese people have demanded a civilian Government, justice and security. It must be our common aim to support those demands.

Finally, we would like to extend our deeply-felt gratitude to Ms. Bensouda as the Prosecutor of the ICC over the past nine years in office for her tireless efforts in pursuing justice for atrocity crimes for people everywhere. We wish her every success, and we look forward to cooperation with Mr. Karim Khan.

I now resume my functions as President of the Council.

I give the floor to Prosecutor Bensouda to respond to comments.

**Ms. Bensouda:** I just want to take the floor for a moment to thank Their Excellencies for their kind

commendations, as well as their kind expressions of support for the work of my Office continuing.

As Prosecutor, I am not accustomed to having the last word, but I appreciate the kind gesture in this being my last briefing to the Security Council. I will not impose on the precious time of the Council and the tasking schedules of the representatives who are here, but I would be remiss if I did not take the floor only to once again briefly express my sincere gratitude for their support and for their kind words bidding farewell and recognizing my work and that of my able team at the Office over the past nine years.

It has certainly not been easy, but, with the support of the Council, we have stayed the course and have tried to bring to life the goals and the values of the Rome Statute. I have indeed come to the end of my mandate with the International Criminal Court (ICC) and, as the saying goes, I gave it my best shot, empowered by my dedicated team across my Office. I take this opportunity to salute them.

Where I may have fallen short, I can assure Council members that it was not for lack of trying. The work of the Office on behalf of international justice and, by extension, sustainable peace will continue without pause.

Led by my sense of duty and ideal pragmatism, I truly believe that, together with the support of the international community and this organ, a more secure and just world, a just future for all is attainable. It merely takes the trinity of courage, leadership and genuine conviction in higher ideals. I cannot underscore enough the important role of the Security Council in the fight against impunity for atrocity crimes in close cooperation with the ICC, I can only encourage continued engagement and cooperation between the two institutions, which is so crucial to a rules-based international system and the cause of the peaceful settlement of disputes. I wish the Security Council continued success with this critical mission and this honourable duty that it has.

**The President:** I thank Prosecutor Bensouda for the clarifications she has provided.

I now give the floor to the representative of the Sudan.

**Mr. Elbahi** (Sudan) (*spoke in Arabic*): Allow me to begin by congratulating your country, Mr. President, on its assumption of the presidency of the Security Council

for the month of June. We look forward to working with you on matters that relate to the Sudan in the upcoming period. I also express my appreciation to the outgoing President of the Security Council, His Excellency the Permanent Representative of China, for his efforts and his able and skilled management of the Council's agenda last month. I would like as well to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing today.

(*spoke in English*)

I am glad that the Security Council has now returned to normalcy by convening this meeting in person. I hope that the upcoming days will witness an everlasting recovery from the coronavirus disease pandemic and the strong launching of the process of building back better, commencing with the even distribution of vaccines, including to poor countries. No one is safe until everyone is.

(*spoke in Arabic*)

At the outset, the Sudan reiterates its deep commitment to justice and accountability, especially for war crimes, crimes against humanity and genocide. Justice is one of the three pillars of the Sudan's glorious December revolution and remains the primary objective of this blessed revolution. Without a doubt, the foundation and backbone of justice are putting an end to impunity and ensuring accountability. Based on that, the Sudan's transitional Government spares no effort to uphold justice in Darfur, since it believes that peace and justice go hand in hand.

The Government has adopted a comprehensive approach to improve the overall living conditions of the citizens in Darfur. To that end, the Juba Peace Agreement was signed in October between the Government, the Sudanese Revolutionary Front and the Sudan Liberation Movement-Minni Minawi faction. The Government continues to work closely with all parties to the Agreement to ensure that it is implemented in a manner that achieves stability and lasting, comprehensive peace. The Prime Minister has declared the Government's determination to pursue the path of peace by continuing its dialogue with movements still outside the peace process, without preconditions except the national interest.

In that regard, it is worth noting that justice is one of the main themes of the Agreement, including adopting transitional justice arrangements and establishing a

dedicated commission. The Sudan Council of Ministers has issued a bill on transitional justice, which is currently being finalized in accordance with the legislative arrangements for the transitional period. Moreover, the Government continues to implement its National Plan for the Protection of Civilians with the participation of the signatories to the Juba Peace Agreement.

Against that backdrop, I would like to note the following three points.

First, the transitional Government has established cooperation channels with the ICC. In order to formalize that cooperation, the Sudan and the ICC signed a memorandum of understanding.

Secondly, last week, the Prime Minister announced that the Government “is working with the ICC and victims groups to find the best ways to bring internationally wanted suspects to justice before the ICC”. In addition, the Prime Minister expressed his thanks to Ms. Bensouda for her service to the ICC and renewed the Government’s commitment to cooperate with the ICC in achieving justice. That was done during the Prosecutor’s visit to the Sudan.

Thirdly, the Sudan’s Government is working to improve living conditions in Darfur, which is experiencing a fundamental shift from war and conflict towards building peace. It is working to establish a transitional justice commission as a means of upholding justice in cases where it is difficult to use traditional judicial methods. The commission’s work includes shedding light on the truth, establishing justice, providing restitution and pursuing reconciliation. Once established, the commission will conduct an expanded dialogue to ensure that it is able to fulfil its duties as expected.

In conclusion, the Sudan reiterates that ending impunity is one of the noble goals of upholding justice. It is one of the transitional Government’s top priorities, as well as being one of the most important elements in achieving peace throughout our country. We would therefore like to reiterate our commitment to justice, especially with regards to crimes related to Juba Peace Agreement on Darfur.

*The meeting rose at 11.35 a.m.*