



# Security Council

Sixty-ninth year

Provisional

## 7337<sup>th</sup> meeting

Friday, 12 December 2014, 10 a.m.

New York

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<i>President:</i>	Mr. Cherif .....	(Chad)
<i>Members:</i>	Argentina .....	Mrs. Perceval
	Australia .....	Mr. Bliss
	Chile .....	Mr. Barros Melet
	China .....	Mr. Cai Weiming
	France .....	Mr. Stehelin
	Jordan .....	Mr. Hmoud
	Lithuania .....	Mrs. Jakubonė
	Luxembourg .....	Ms. Lucas
	Nigeria .....	Mr. Laro
	Republic of Korea .....	Mr. Oh Joon
	Russian Federation .....	Mr. Zagaynov
	Rwanda .....	Mr. Nibishaka
	United Kingdom of Great Britain and Northern Ireland ...	Ms. Mulvein
	United States of America .....	Mr. Pressman

## Agenda

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

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*The meeting was called to order at 10.05 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

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

**The President** (*spoke in French*): 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 now give the floor to Prosecutor Bensouda.

**Ms. Bensouda:** The purpose of the regular reports that I am requested to provide to the Council is to update it on developments and progress in the investigation and prosecution of those alleged to be responsible for the commission of crimes in Darfur. Following my Office's investigations and submissions of evidence to the judges, and their independent assessment, the judges have concluded that the evidence provided to them established that certain individuals in the Sudan should be brought before the International Criminal Court to answer charges, including allegations of rape.

To date, none of those individuals have been brought to justice, and some of them continue to be implicated in atrocities committed against innocent civilians. It is becoming increasingly difficult for me to appear before the Council to update it when all I am doing is repeating the same things I have said over and over again, most of which are well known to the Council. Not only does the situation in Darfur continue to deteriorate, the brutality with which crimes are being committed has become more pronounced. Women and girls continue to bear the brunt of sustained attacks on innocent civilians, but the Council has yet to be spurred into action. Victims of rapes are asking themselves how many more women must be brutally attacked for the Council to appreciate the magnitude of their plight. In the almost 10 years that my Office has been reporting to the Council, no strategic recommendation has ever been provided to my Office, and neither have there been any discussions resulting in concrete solutions to the problems we face in the Darfur situation. We find ourselves in a stalemate that can only embolden perpetrators to continue with their brutality.

As I have stated previously on many occasions, we must engage to define a new approach to the Darfur situation. That requires strategic thinking and changes from all sides. Faced with an environment where my Office's limited resources for investigations are already overstretched, and given the Council's lack of foresight on what should happen in Darfur, I am left with no choice but to put investigative activities in Darfur on hold as I shift resources to other urgent cases, especially those where trial is approaching. It should thus be clear to the Council that unless there is a change of attitude and approach to Darfur in the near future, there will continue to be little or nothing to report to it for the foreseeable future. The question for the Council to answer is what meaningful purpose my reporting was intended to serve and whether that purpose is being achieved.

The recent allegations of rape of approximately 200 women and girls in Thabit should shock the Council into action. It is disturbing — and, indeed, it should be a matter of great concern to the Council — that even as my Office and the international community intensify efforts to end the scourge of sexual and gender-based crimes, the Government of the Sudan has denied full access to Thabit, thus frustrating full and transparent investigations into serious allegations of sexual and gender-based crimes. The Council must demonstrate its strong condemnation of the failure of the Government of the Sudan to facilitate access to Thabit and should demand unimpeded full investigations of these crimes without delay. It is unacceptable that investigations of such sensitive and serious crimes were conducted in a situation in which perpetrators have effective control over their victims in their homes and in their villages, and where investigators can offer no protection to victims after they have left the crime scene.

Following my appeal and the Council's support for investigations of allegations of manipulation and underreporting by the African Union-United Nations Hybrid Operation in Darfur, I thank the Secretary-General for taking immediate steps to investigate these allegations and for availing my Office of its executive summary. It is my Office's hope that the Secretary-General and the Council will take appropriate measures to address the issues identified in the report and to effectively implement its recommendations. It is worth recalling that United Nations reports are an important and unique source of public information that my Office relies on for its activities in most situations, and it is for this reason that any allegation of manipulation and

underreporting becomes a matter of concern to my Office.

We have taken note of Mr. Omer Al-Bashir's travels during this reporting period, which have been markedly fewer. The question of Mr. Al-Bashir's travels remains a matter before the Council, as does his status as a fugitive from justice.

I share the Council's deep concern at the serious deterioration of the security situation in Darfur and its profoundly negative impact on civilians, in particular children and women. As the Secretary-General has rightly pointed out, sexual and gender-based violence remains a pervasive feature of the conflict in Darfur, as do attacks on human rights defenders, civil society members and community leaders. These unacceptable attacks are aimed at the foundations of communities and as such are seriously corrosive of any future stability. As such, they must stop.

Massive new displacements that have taken place this year have compounded an already fragile situation. Equally concerning is the ongoing pattern of aerial bombardments and armed attacks on civilian populations by militia/Janjaweed, and in particular the ongoing involvement of the newest iteration of the Janjaweed, the Rapid Support Forces led by Mohamed Hamdan. My Office's factual indicators seem to illustrate a similar pattern of indiscriminate and disproportionate attacks against civilians by the Rapid Support Forces.

It is worth repeating once again, as has been done many times before, that the Government of the Sudan, as the territorial State, has the primary responsibility and is fully able to implement the Court's warrants of arrest consistent with its sovereign authority. Notwithstanding this clear responsibility, it has consistently failed to do so. At the same time, it has also failed to provide any meaningful measure of justice at the national level.

I remain open to constructively engage with the Council on the Darfur issue. What is needed is a dramatic shift in the Council's approach to arresting Darfur suspects. I appreciate the efforts being made to ensure that the Council produces a substantive response to the eight outstanding communications from the Court. Likewise, I believe that concerted efforts to promote cooperation with the Court may help to fill the gap. In that regard, I call on all States and the Council to find creative ways to support those among them that may be most vulnerable to planned visits by Mr. Omer

Al-Bashir or other individuals against whom warrants of arrest have been issued.

**The President** (*spoke in French*): I thank Ms. Bensouda for her briefing.

I now give the floor to the members of the Council.

**Mr. Bliss** (Australia): We thank Prosecutor Bensouda for her frank briefing this morning. We could not agree more with her analysis. We are grateful that the Office of the Prosecutor of the International Criminal Court (ICC) continues to do all that it can in difficult circumstances to investigate Rome Statute crimes committed in Darfur since the Council's referral of the situation in 2005.

Once again, the Prosecutor has advised us of allegations that Rome Statute crimes continue to be committed in the setting of unabated violence in Darfur, confirming information received in the context of briefings on the African Union-United Nations Hybrid Operation in Darfur (UNAMID). We deplore these acts and express deep concern at their impact on the civilian population, and on the peacekeepers and humanitarian workers seeking to provide assistance.

On 19 November, the Council expressed concern at reports that hundreds of women had been raped in Thabit in North Darfur on 30 and 31 October (see SC/11658) and called on the Government of the Sudan to investigate the allegations. We note that the report of the enquiries conducted by the Sudan's Office of the Prosecutor General for Darfur Crimes has now been circulated to the Council. The report's advice that the criminal investigation undertaken by the Prosecutor General and his aides lasted only four hours is concerning, as are statements in the report that "no such grave crimes could have happened while men would not move a finger or have some reaction" and "from their demeanour and psychological posturing, there appeared no signs of rape or sexual violence".

Taking into account the well-known challenges associated with the investigation of crimes of sexual violence, in relation to which victims and witnesses may be unwilling to come forward, we urge the Sudan to ensure that its domestic criminal investigations meet international standards. The Sudan must also cooperate fully with UNAMID to enable a thorough and independent investigation of these allegations, including by providing full and unimpeded access to the relevant locations. More generally, we reiterate the importance of accurate and comprehensive reporting

by UNAMID, which is critical to the work of both the Security Council and the International Criminal Court.

While it continues to be important that the Council provide strong support to political reconciliation efforts in the Sudan, the ongoing violence demonstrates the challenges this process faces and, therefore, the importance of ensuring that those responsible for such violence are held to account. Without justice, it will be difficult to bring an inclusive and lasting peace to Darfur.

Australia is acutely aware that this is the twentieth briefing by the Prosecutor to the Council on the Darfur referral. Those briefings have provided a consistent message. The ICC cannot achieve its mandate — a mandate given to the Court by the Council — unless the Darfur suspects are arrested and transferred to The Hague. We are deeply concerned that the Sudan has still taken no meaningful steps to apprehend the four individuals against whom there are outstanding arrest warrants, and that other States in a position to do so have not done so either. We take note of the Prosecutor's advice in her report that her Office will soon file a motion with the Pre-Trial Chamber requesting another formal finding of non-cooperation against the Sudan.

In this context, we remind the Sudan and other parties to the conflict in Darfur of their obligation under resolution 1593 (2005) to cooperate with the Court. States parties to the Rome Statute also have cooperation obligations under part IX of the Statute. The ICC Pre-Trial Chamber clearly concluded that Head of State immunity does not apply in the current circumstances, and we remind all other States, as well as concerned regional and international organizations, that the Council has urged them to cooperate fully with the Court. We also call in this context for the strict implementation of the Secretary-General's guidelines on non-essential contact with persons subject to a warrant of arrest.

The Prosecutor's has asked us again this morning what amount of suffering Darfur's victims should endure before the Council will act decisively. The answer to this question for Australia is clear. The Council has failed the victims of Darfur. It is not, however, too late to take action. As we have said before, sanctions committees should give consideration to ICC arrest warrants with a view to ensuring consistency between sanctions lists and ICC indictments. The Council should also establish a forum for legal experts to discuss how to strengthen cooperation between the Council and the Court.

Our most pressing immediate task, however, is to respond to the ICC's eight unanswered letters regarding non-cooperation in relation to the situation in Darfur. To have completely ignored eight successive letters sent to the Council in accordance with the Rome Statute is an indictment of the Council's commitment to ending impunity for serious international crimes. After two years as a Security Council member, Australia's conviction that the fight against impunity is essential to the maintenance of international peace and security has only strengthened. Our support for the ICC and our efforts to ensure accountability will continue.

**Mr. Laro (Nigeria):** I thank Prosecutor Bensouda for her briefing and for her twentieth report to the Security Council. We recall that in the Prosecutor's briefing of June (see S/PV.7199), the Secretary-General had been asked to investigate the alleged manipulation of reporting by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and of the cover-up of crimes committed against civilians and peacekeepers. We commend the Secretary-General for his urgent action in launching a review into the allegations. We note that after examining relevant material, the review team found no evidence to support the allegations.

Concerning the allegations of mass rape in the village of Thabit, North Darfur, we have carefully studied the report of the Sudan's Office of the Prosecutor General for Darfur Crimes and we have no reason to doubt its credibility. We also note that UNAMID issued a press release on 10 November indicating that the Mission's team that went to Thabit found no evidence to support allegations of mass rape. We nevertheless urge the Sudanese authorities to continue to cooperate with UNAMID and to grant the Mission access to Thabit for further investigations.

Nigeria commends the Office of the Prosecutor for its continuous monitoring of a number of trends in Darfur that could constitute crimes under the Rome Statute. We unequivocally condemn acts by any party to the Darfur conflict that target civilians. We also condemn acts on aid workers and peacekeepers.

The violence in Darfur has had a negative impact on the well-being of the people living in the region. Millions have been displaced and are facing crisis levels of food insecurity. We are deeply disturbed by the difficulties that humanitarian actors, including the United Nations, are facing in terms of gaining access to those in need. We urge all concerned to lift restrictions

on humanitarian agencies in order to facilitate the delivery of aid to those in dire need.

Finally, we stress that there can be no military solution to the conflict in Darfur. We therefore call on all parties to lay down their arms and embrace dialogue as the path to lasting peace and stability in the region.

**Mr. Zagaynov** (Russian Federation) (*spoke in Russian*): We take note of the twentieth report of the Prosecutor of the International Criminal Court (ICC) on the situation of the investigation in Darfur. We are grateful to Ms. Bensouda for her comments on the document.

The military, political and humanitarian situation in Darfur remains complex. Intercommunal conflict is the main source of the violence and the significant increase in the number of internally displaced persons. We welcome the active efforts of the Sudanese authorities to appease the warring tribes. The escalation of the intertribal clashes has been driven by a struggle for resources caused, in large part, by the economic hardships suffered by the people of Darfur and of the Sudan as a whole. Improvements in the situation will therefore greatly depend on the timely implementation of the decisions of the International Donor Conference for Reconstruction and Development in Darfur, held in 2013 in Doha, to allocate billions of dollars of assistance to Darfur's development needs, and on the canceling of the foreign debt and the lifting of the United States economic sanctions against the Sudan that were imposed via circumvention of the Security Council.

The resolution of humanitarian issues lies in normalizing the military and political situation in the region. We favour the timely involvement of the Darfur rebels in the peace process on the basis of the Security Council's approval of the Doha document. Sadly, due to obstruction by the insurgents, the November negotiations between the Government and the rebels in Addis Ababa ended in failure. In that context, it is high time to think about introducing targeted Security Council sanctions against the heads of the hard-line Darfur rebel groups.

The report touches on the theme of alleged mass rape in Thabit, North Darfur. We recall that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) conducted an inspection in Thabit, collecting testimony from 70 people among the alleged victims and witnesses. The Sudanese authorities also

carried out their own investigation, as requested by the Council, based on the primary role of Khartoum in shedding light on all of the circumstances of the alleged events there. Not a single victim or witness was found by either the Sudanese authorities or UNAMID. The illogical nature of the scurrilous claims bandied about by the anti-Khartoum broadcasting of Radio Dabanga is borne out by the fact that many servicemen deployed near Thabit have local wives. Incidentally, there have been demonstrations by residents there who were angered by rumours casting aspersions on the dignity of the local women.

It is to be noted that Radio Dabanga, which spread the rumours on the mass sexual violence in Thabit, refuses to cooperate or contact the United Nations officials there. We believe that this is all a part of the information war and an attempt to step up pressure on the Sudan.

The report welcomes the swift response of the Secretary-General to the statements of a former UNAMID press officer to the effect that the Mission leadership allegedly deliberately covered up crimes against civilians and peacekeepers in Darfur. We have every confidence in the conclusions of the Secretariat on the baselessness of such claims. What also stands out are attempts to ignite a scandal that, for some reason, are specifically focused on UNAMID. As noted by the Secretary-General, problems with accountability exist in other missions too. We need only recall the cover-ups and embellished information issuing from the former leadership of the United Nations Mission in South Sudan.

The endless violence in Darfur is naturally a cause of concern. We therefore urge the Court to undertake an objective and impartial assessment of events. The ability of the Court to carry out impartial investigations into alleged crimes by all parties to the conflict is of key significance to strengthening its authority. Undoubtedly, the job of the Court, as an independent body of international criminal justice, is to carry out judicial functions. However the Court's actions in implementing its mandate in the Darfur investigation should not be carried out independent of general efforts to normalize the situation in the long-suffering province.

We take note of the Prosecutor's comments regarding States and the Court in the matter of Darfur. The current situation shows once again how important the support of States is to ensuring the successful functioning of the

Court. Moreover, in assessing the level of compliance by any country with its commitments in that sphere, it must be recalled that the level of compliance can vary in each specific case. As to calls for so-called follow-up action by the Council in terms of the referral of cases to the Court, our position has been stated repeatedly and is well known.

**Mr. Hmoud** (Jordan) (*spoke in Arabic*): I shall begin by thanking Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC) for her briefing today and for presenting the twentieth report to the Council pursuant to resolution 1593 (2005).

Jordan reiterates its continued support for the ICC, based on its belief in the principles on which it was founded. The ICC is a cornerstone of efforts to promote international criminal justice, end impunity for the perpetrators of the most serious crimes, maintain international peace and security and promote the rule of law. The Rome Statute has provided effective mechanisms to combat such crimes and ensure international criminal justice. It also allowed the court proceedings to take place with integrity and impartiality, and in a manner in which the rights of the accused, including their human rights, were respected.

Darfur was the first case referred by the Security Council to the ICC, which broke ground in applying international criminal law, fighting impunity and giving victims a sense of justice — all through the close cooperation between the ICC and the Security Council. However, the relationship between the Council and the ICC must not be limited to the referral of cases, the holding of debates or receiving public briefings from the Prosecutor. The Security Council must cooperate with the ICC in implementing its mandate but without interfering with its proceedings. In that regard, Jordan emphasizes the importance of complete cooperation with the Prosecutor by all nations and parties to address the shortcomings highlighted in the report of the Prosecutor.

Jordan feels deeply concerned about the content of the report of the Prosecutor with respect to allegations of ongoing serious crimes in Darfur, including aerial bombing and other attacks affecting civilians, sexual crimes, gender-based violence, crimes against human rights activists, members of civil society and local community leaders, as well as attacks against aid workers and peacekeepers. Jordan reiterates the need for the Office of the Prosecutor to continue working to collect evidence on the new allegations of crimes

in Darfur, despite the obstacles that the Prosecutor mentioned in her briefing.

Working for justice and accountability for crimes committed in Darfur is not only an ethical duty but a cornerstone and pillar for the restoration of stability and security in the region and the achievement of lasting peace there.

**Ms. Mulvein** (United Kingdom): I would like to thank Prosecutor Bensouda for her report and for her briefing today.

The United Kingdom very much regrets that the situation in Darfur has not improved since the Prosecutor last addressed the Council in June (S/PV.7199). As her report highlights, the ongoing aerial bombardments, ground attacks, sexual and gender-based crimes against civilians and the arbitrary arrest and detention of opposition and civil society figures present a deeply worrying picture. It has been reported that over 430,000 individuals were newly displaced between January and November. We welcome the efforts of former President Mbeki but are very concerned that the latest round of talks between the Government of the Sudan and representatives of the armed opposition groups from Darfur did not lead to a breakthrough. We urge all parties to resume talks at the earliest opportunity.

The United Kingdom condemns the attacks that tragically resulted in the deaths of four staff members of the African Union/United Nations Hybrid operation in Darfur (UNAMID) over the reporting period and joins with the Prosecutor in calling on the Government of the Sudan to take the necessary steps to maintain security for UNAMID personnel. UNAMID remains a key partner in monitoring the human rights situation in Darfur. In that context, it is important that UNAMID investigate and report fully on any incident. We welcome the establishment of the Cooper review to examine allegations of past underreporting and believe it is vital that its findings are shared transparently, including through wider publication. As we have said in the Council, it is vital that UNAMID ensures that all future information is shared with its stakeholders.

We also reiterate the call to allow UNAMID unfettered access to fully investigate allegations of mass rape in Thabit. They are serious allegations, and we note with concern the Office of the Prosecutor's view that an atmosphere of intimidation has arisen around the situation. It is vital that the full facts around the incident are established.

The Prosecutor has also highlighted the immunity enjoyed by the Rapid Support Forces as part of the National Intelligence and Security Service. That has also been highlighted by the previous United Nations independent expert on the human rights situation in the Sudan, who recommended the need to repeal or amend the 2010 National Security Act to ensure that the powers of Service are in conformity with the Sudan's international human rights obligations.

We note that 31 March 2015 will mark the tenth anniversary of the referral of the situation in Darfur to the Prosecutor of the International Criminal Court. Resolution 1593 (2005) placed the Government of the Sudan under an obligation to cooperate fully with and provide any necessary assistance to the International Criminal Court (ICC) and its Prosecutor. Over the past decade, the Government of the Sudan has comprehensively and conspicuously failed to meet that obligation. By protecting those individuals indicted by the ICC, it continues to obstruct the pursuit of justice for the victims of crimes carried out in Darfur. The United Kingdom repeats its call on the Government of the Sudan to meet its obligations by fully cooperating with the ICC, particularly with respect to enforcement of all arrest warrants issued by the Court. The United Kingdom also urges all States to cooperate fully with the Court and the Prosecutor, in particular with respect to the travel of ICC indictees and recalls the obligations of ICC States parties to implement the Court's arrest warrants.

Where States fail to comply with their obligations, it is important that the Security Council respond. The United Kingdom regrets the fact that the Council has so far been unable to agree to responses to letters from the President of the Court relating to the obligation to cooperate with the Court. We call once again for all Council members to agree to timely and effective follow-up to reports of non-cooperation with the Court. That action should start with responses to the letters the Council has received. It is the responsibility of the Council to assist the Court in fulfilling the mandate we gave it when we referred the situation in Darfur to the Prosecutor almost 10 years ago.

**Ms. Lucas** (Luxembourg) (*spoke in French*): I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for the presentation of her twentieth report on the situation in Darfur and the judicial proceedings in progress.

Next year will mark the tenth anniversary of the referral to the International Criminal Court by the Security Council. That, however, is no cause for celebration. Indeed, the arrest warrants issued by the ICC against five individuals accused of war crimes, crimes against humanity and, for one of them, genocide, have still not been executed. It is incumbent upon the Government of the Sudan in the first instance to comply with resolution 1593 (2005) and fully implement the arrest warrants. It continues to refuse to do so and it has failed to take action to fight effectively against impunity at the national level. That is unacceptable.

It is also with great concern that we note the cases of non-cooperation with the Court and the fact that the President of the Sudan, Omer Al-Bashir, continues to make trips to the region. We hope that the Security Council will be able to respond to the formal communications that the Court addressed to it to report these cases of non-cooperation. The Security Council must ensure the effective monitoring of cases that it has referred to the ICC. It is a question of credibility and effectiveness.

The security and humanitarian situation in Darfur has significantly deteriorated in 2014. The settlement of the crisis requires a political solution. The national dialogue announced by the Sudanese President offers an opportunity, provided that conditions conducive to an inclusive dialogue are created. However, that is hardly the case now.

Ms. Bensouda's report gives an insight into the crimes perpetrated in Darfur — crimes that may fall under the Rome Statute. For example, there are aerial bombardments, attacks against civilians, humanitarian actors and peacekeepers, as well as gender-based and sexual violence against women and girls. We are very concerned about the role of the Rapid Support Forces who commit abuses with absolute impunity and in whose ranks the presence of children has been noted. We encourage the Office of the Prosecutor of the ICC to continue to closely monitor the situation in Darfur, to gather information on the alleged crimes and to consider the introduction of new investigations on the situation in Darfur. We realize that this is not easy, given the lack of cooperation of the Sudanese Government and the inability of the ICC officials to travel to conflict zones. We need to continue our discussions to find ways to remedy this unacceptable situation.

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) and humanitarian actors continue to be denied access to conflict zones where people need emergency assistance and where violations of human rights and international humanitarian law are being committed. We deplore the fact that UNAMID has still not got obtained free and unhindered access to the village of Thabit, in North Darfur, which would have allowed the Mission to verify the allegations of rape committed against nearly 200 women and girls on 30 and 31 October. A thorough and impartial investigation into those allegations to establish responsibility must be undertaken.

Lastly, with regard to the alleged manipulation of the information contained in UNAMID reports, I recall that Luxembourg was among the Council members that supported the ICC Prosecutor in June when she proposed that the Secretary-General expedite a comprehensive, independent and public inquiry to shed light on those allegations. We note the conclusions that the internal investigation team established by the Secretary-General submitted to the Council. We hope to have the comprehensive report as soon as possible. Everything must be done to ensure that past mistakes are not repeated. It is essential that the Security Council and the ICC have the most complete and credible information possible on the violence committed in Darfur.

I will conclude by citing the conviction that Luxembourg has consistently reaffirmed throughout its mandate as an elected member of the Council. The time is right to do so, while the Assembly of States Parties to the Rome Statute of the International Criminal Court is taking place at United Nations Headquarters. It is our conviction that the onus is on the Security Council to fulfil its responsibilities to end impunity, including by providing full support to the ICC. The fact that the Security Council can refer situations to the ICC makes it a key player in establishing responsibility. The International Criminal Court needs the decisive support of the Security Council to meet the needs of the many victims of war crimes, crimes against humanity and genocide. We must not forget that for those victims, the International Criminal Court is often the only recourse available to make their voices heard and to stand up for their rights.

**Mr. Cai Weiming** (China) (*spoke in Chinese*): I would like to thank Prosecutor Bensouda for her briefing. We have seen no major changes in the Darfur

situation recently. We support the ongoing efforts of the Government of the Sudan to advance the political reconciliation process, and we welcome the joint efforts of the Government of the Sudan and some rebel groups concerned to promote the implementation of the Doha Document for Peace in Darfur. We appreciate the fact that the African Union High-level Implementation Panel and the African Union-United Nations Hybrid Operation in Darfur have facilitated the holding of negotiations in Ethiopia between the Government of the Sudan and the Darfur rebels concerned. We hope that the parties will demonstrate pragmatism and try to find common ground towards a comprehensive political solution to the Darfur issue.

The issue of Darfur is multifaceted and complex. China has always believed that a fundamental basis for work in other areas, such as promoting justice, can be established only by promoting steady progress in the political process. The overall goal is to achieve a comprehensive solution to the Darfur issue.

The position of China concerning the handling of the Darfur issue by the International Criminal Court remains unchanged. With regard to the media reports of mass rape in Thabit, China has taken note of the recent report and conclusions of the Prosecutor General for Darfur Crimes and the report of UNAMID's investigation. We hope that UNAMID will strengthen its communication with the Government of the Sudan to find a proper settlement of the matter and avoid disrupting the Darfur peace process.

**Mr. Nibishaka** (Rwanda): I too should like to thank Prosecutor Fatou Bensouda for presenting the twentieth report of the Office of the Prosecutor of the International Criminal Court (ICC) to the Security Council. We take note of the recent judicial activities undertaken by the Court, the ongoing Office activities, including the monitoring of current allegations, as well as the status of cooperation by the Government of the Sudan and other parties.

Since February 2009, the African Heads of State and Government have continuously requested that the proceedings against President Omer Hassan Al-Bashir be deferred, in accordance with article 16 of the Rome Statute. The African Union (AU), while reiterating its commitment to the fight against impunity, has stressed that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace. Subsequently, the African Union has decided that all African countries



receiving President Al-Bashir since his indictment did so in conformity with the decision of the African Union summit and were pursuing the same goal of peace in the region. Therefore, we believe that the continued reports of non-cooperation by African States impede the tireless efforts of the region to achieve peace in Darfur. We are also convinced that a concerted approach among the United Nations, the AU and the Government of the Sudan is the best way to ensure accountability while addressing the conflict in Darfur.

With regard to the continued monitoring of the current allegations, we note that most of the cases indicated in the report of the Prosecutor of the ICC have been discussed following the report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2014/852). In this vein, we would like to reiterate our concerns on the continued instability in the Darfur region, as well as the lack of a political settlement to end the conflict, a situation which of course continues to negatively impact the lives of innocent civilians. We appreciate that the investigation into the allegations of the manipulation of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) reports have been conducted and the findings have been presented to the Council. We look forward to their implementation.

Rwanda also takes this opportunity to reiterate its strong condemnation of the repeated attacks on peacekeepers of the African Union-United Nations Hybrid Operation in Darfur. I recall that more than 60 peacekeepers, including from my country, have been killed since the beginning of the mission in December 2007. We urge the Government of the Sudan to work closely with UNAMID in investigating those attacks in order to bring the perpetrators to justice. With that said, we are aware that, on 18 September, the special criminal court on the events in Darfur in Al Fasher delivered the final judgement on the case of four persons accused of attacking, robbing and raping a female UNAMID police officer on 10 April in Al Fashir, North Darfur.

We wish to see more progress in the investigation of other human rights violations and crimes, including those mentioned in the report of the Prosecutor of the International Criminal Court. Moreover, it is important to emphasize that the Government of the Sudan has the primary responsibility to ensure the protection of its people and to take concrete steps in addressing the persistent intercommunal violence in Darfur. We equally reject violence against civilians by armed

groups and the use of civilians as a human shield in the fighting against the Government force.

As we are talking about justice, we believe that the international community should adopt a balanced approach between peace and justice in order to better address the conflict in Darfur. At present, further to the Doha Document for Peace in Darfur, the launching of the national dialogue by the Government of the Sudan earlier this year presents another opportunity for peace in Darfur. The African Union High-Level Implementation Panel, with its Chairperson President Thabo Mbeki, is working very hard to ensure the success of that initiative. However, without goodwill from the parties and strong commitment and support from the international community, that initiative is unlikely to succeed. Therefore, it is important that the parties negotiate in good faith with the goal of ending the suffering of their people. It is also important that the international community, including the Council, use its maximum influence and pressure on the parties in order to ensure the participation of all parties in the process.

In conclusion, allow me to reiterate our continued commitment, as a troop- and police-contributing country to UNAMID and as a member State of the African Union, to work towards a sustainable peace, genuine reconciliation and accountability for the most serious crimes in Darfur.

**Mrs. Perceval** (Argentina) (*spoke in Spanish*): I will not speak today of hunger or poverty or the ineffectiveness of the Council's sanctions, nor of the need to review unilateral sanctions, nor of the obscene proliferation of weapons, nor of the silencing of traditional cultures — we have a hard time understanding how traditional cultures contradict the rule of law and human rights principles. I will also not speak about the women raped while fetching water, nor about children in refugee camps who only eat twice a week. Instead, I will speak only about the report of the Prosecutor of the International Criminal Court.

Argentina would like to thank Ms. Fatou Bensouda for presenting her twentieth report pursuant to resolution 1593 (2005). Argentina, like all of us, has kept track: there have been 20 reports. When it comes to the situation in Darfur, we often say that we are concerned. When we talk about Council referrals to the Court, we say that we are deeply concerned. Argentina laments the fact that human rights violations continue and that international humanitarian law is being violated

in Darfur. At the beginning of this year, in resolution 2138 (2014), the Council stated that it was imperative that all parties refrained from committing further violations and abuses of international humanitarian law and human rights law. And yet we see just how necessary it is to lift the obstacles that continue to exist so that the work of the Group of Experts and the work of African Union-United Nations Hybrid Operation in Darfur (UNAMID) can move ahead effectively and consistently. The Council also called upon the Government of the Sudan to ensure accountability for serious crimes.

Argentina again thanks the Prosecutor for her dedication to monitoring the crimes currently being committed, including different types of attacks on civilians, attacks on humanitarian and UNAMID workers and forced displacement of civilians — numbers that are difficult to comprehend — the proliferation of violence against women for the mere fact that they are women, and the sexual and gender-based violence taking place. The latter has become a key feature of almost all of the conflicts that we address in the Security Council. That is also the case in Darfur. Is this something new, or are we becoming emboldened to making visible the fact that our bodies — the bodies of women — have always been used as a weapon of war and object of contempt?

I should like to recall that it was less than a month ago that information was referred to the Security Council concerning massive violations in Thabit, North Darfur. The Government of the Sudan was called upon to meet its responsibility to allow UNAMID unrestricted access to investigate the events. We also want to encourage the Prosecutor to continue to investigate all such acts that can be deemed crimes under the Rome Statute. In particular, we thank the Office of the Prosecutor for its policy paper on sexual, sexist and gender-based crimes.

There is another crucial aspect that the Prosecutor frequently underscores in the reports on Darfur. Of course, that has to do with cooperation. The Government of the Sudan, pursuant to resolution 1593 (2005), should cooperate with the Court and provide all the necessary assistance. But that goes not just for the Government of the Sudan. As this is our last time to address the matter of the International Criminal Court, we would like to take this opportunity to recall that States parties to the Rome Statute are compelled to cooperate with the Court. However, the Council's resolution also urges all Members of the United Nations

and regional organizations to cooperate with the Court. A key aspect of cooperation is the execution of arrest warrants. Currently, the arrest warrants that have been issued by the Court since 2007 for genocide, war crimes and crimes against humanity continue without having been executed. It is unfortunate that other States have set aside their obligations of cooperating with the Court, including some non-parties to the Rome Statute, for combating impunity is not limited to the parties to the Rome Statute. Argentina therefore again urges all States and regional and subregional organizations to cooperate with the Court.

The matter of cooperation is directly linked to the follow-up that the Council undertakes with regard to its referrals to the International Criminal Court.

I am being repetitive, as is the Prosecutor of the Court. It is normal that the Prosecutor recall in her report the communications from the Court to the Council, of which there have been eight to date. It is alarming that none of these has received a response or led to action by the Council. In presidential statement S/PRST/2013/2, we the Council committed to undertake effective monitoring of referrals to the Court. We made a commitment to do so. To date, however, despite the efforts by many members of the Council, it has not been possible to reach an agreement on a mechanism to carry out such monitoring. I think it took René Descartes less time to compose his *Discourse on the Method* than it will take us to agree on the monitoring mechanism. At the open debate on 23 October convened by my delegation (see S/PV.7285), it was once again clear that support from States Members of the United Nations for effective follow-up on referrals was overwhelming. We therefore urge once again that the Council dedicate themselves to come up with a monitoring mechanism. This organ cannot ignore its own decisions. It cannot ignore its referrals to the Court.

I shall now turn to two matters having to do with the Secretariat. The first has to do with the Secretary-General's guidelines on non-essential contacts by staff of the Organization with persons subject to arrest by order of the International Criminal Court. Not as a State party to the Rome Statute but as a member of the Organization, Argentina, with all due respect, urges the Secretary-General to ensure strict application of the guidelines. That should include a rigorous assessment of just how such contacts are essential for compliance with United Nations mandates. Any contact found to be essential by such an assessment must be made

known to the Court prior to that contact taking place. We cannot continue with this culture of suspicion: there must be reporting. The Secretary-General should also inform the Member States, who are the ones that approve the mandates. Such measures are necessary because contacts with United Nations officials, in particular high-level officials and officials on the ground, including in peacekeeping operations, could have an impact on the Court as well as undermine the credibility of the United Nations.

With regard to the manner in which the information from UNAMID in the Prosecutor's nineteenth report concerning crimes committed against civilians, especially women peacekeeping staff, could have been treated, Argentina appreciates the note from Secretary-General. The conclusions summarized in his note dated 29 October are worrisome. We believe that it is essential for there to be follow-up to the information that has been investigated and to the conclusions, both with regard to UNAMID and the Department of Peacekeeping Operations. It would also be desirable for the Security Council to have access to the full report. Why should we not? We urge Member States to follow up on these matters, including at the Committee on Peacekeeping Operations.

As with each time that the Council takes up the International Criminal Court, I would like to recall that there are two aspects with regard to referrals to the Court, including when it comes to the issue of Darfur, with which Argentina does not agree. The first has to do with extending the jurisdiction of the Court to cover nationals of States that are not party to the Rome Statute, and the second pertains to the assertion that the United Nations will not cover the costs of referrals. The position of my delegation is well known and I will not repeat it here.

In conclusion, as I have said, this is the last time that Argentina has an opportunity to address the matter of the International Criminal Court as a member of the Council; we may have another chance in 2030. Memory is a collective thing, while the fight against impunity is universal. I wish therefore to underscore that the Court is an institution born of a common understanding that serious crimes must not go unpunished and that justice and punishment for the guilty contribute to preventing such crimes.

The International Criminal Court was not a gracious concession or the outcome of a rational and deep exercise in reflection by peoples and Governments. Instead, it

was prompted by fear in the face of atrocities and mass crimes committed by murderous States. Terror led us to work to bring the International Criminal Court into existence. Let us speak the truth without being ashamed as human beings. The International Criminal Court was not driven by reason; it was created by terror.

Therefore I say to Ms. Fatou Bensouda, a brave daughter of Africa and of humankind: continue to be what you are — tireless — and comply with what all of us ask, namely, impartiality, by which I mean justice, for the sake of memory, which is not passive or individual, but collective, as well as for the sake of truth, which is what allows us to know what is happening from the voices of the oppressed, raped and silenced. In a word, for the sake of justice, which means bringing injustice to light. Justice is not a messianic force, it is not revenge, it is not retaliation and it is not lynching. It means “never again”. And do so for the sake of reparation to victims, which does not just mean giving them money and improving their health as survivors; it means emancipating victims as human beings and understanding that life — a dignified life — is the right of all.

**Mr. Pressman** (United States of America): I thank Prosecutor Bensouda for her sober briefing and for the thorough report on the situation in Darfur.

This year marks a truly sad milestone. It has been 10 years since the Security Council first condemned reports of large-scale attacks on civilians, sexual violence and force displacement in Darfur, and urged the Government to seek a peaceful political resolution to the conflict and bring the perpetrators of such crimes to justice. When the Sudanese Government failed to do that, the Council took the historic step of referring the situation in Darfur to the International Criminal Court (ICC) in March 2005. The ICC has sought to bring justice to the victims of Darfur, and we continue to believe that it is essential to pursue accountability for those most responsible for genocide, war crimes and crimes against humanity there.

In the decade that has passed since it Security Council first addressed Darfur, the international community has made enormous strides to bring those responsible for atrocity crimes to justice in other parts of the world. From Charles Taylor in Liberia, to the most senior surviving members of the Khmer Rouge regime and to Congolese warlord Thomas Lubanga, the world has shown that it will combat impunity for atrocities perpetrated against civilians, yet the progress

that has occurred elsewhere in the world has cruelly bypassed Darfur.

The same crimes that the commission of inquiry uncovered and the Security Council denounced — involving the widespread killing of civilians, torture, kidnapping, forced disappearances, rape, pillaging, forced displacement and destruction of villages — have been committed and continue to be committed by Government forces, rebel groups and Government-aligned militia. Indeed, the Rapid Support Forces that are now active in Darfur employ the same tactics as the Janjaweed and are, as the Prosecutor notes, funded, trained, equipped and administered by the Government of the Sudan's National Intelligence and Security Services and commanded by the Government of the Sudan's Armed Forces during military operations. Further, the scorched-earth tactics that the Sudanese Government has pursued in Darfur were precursors to conflicts in Blue Nile and South Kordofan states, where the Rapid Support Forces have also terrorized civilians.

The ICC's task is not an easy one. The Government of the Sudan's lack of cooperation and its disregard for the Security Council's decision to refer the situation in Darfur to the ICC, pursuant to resolution 1593 (2005), is so profound that the Prosecutor's report recounts that a cooperation request with respect to Abdallah Banda Abakaer Nourain was simply returned to the Court by the Government of the Sudan, with the envelope unopened. As Prosecutor Bensouda's report indicates, recent developments remain deeply concerning. We are particularly concerned about recent reports of mass rapes in Thabit, North Darfur, which have not yet been fully investigated. The limited interviews of villagers in Thabit to investigate this alleged mass rape were done in the presence of the Government of the Sudan's military intelligence and soldiers, some of whom were recording the interviews. This does not count as an investigation. It is only intimidation.

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) has a responsibility to investigate. It has a mandate to investigate, and the Government of the Sudan has an obligation to stop interfering. We again call upon the Sudanese Government to remove immediately all obstacles to UNAMID's full and proper discharge of its mandate, including to its freedom of movement in areas where it is operating in accordance with the mandate the Council has given it. For its part, UNAMID has played a critical role in monitoring, investigating and reporting on the

facts on the ground and must remain on the ground without obstruction in order to fulfil its role of protecting civilians. In that regard, however, it is important to note, as other colleagues have, that on 29 October the Secretary-General informed the Security Council of the results of a review of UNAMID reporting, following allegations of UNAMID underreporting that had been brought to the attention of the ICC Prosecutor, to which she referred in her briefing today.

The review found that in approximately one-third of the incidents that were the subject of the allegations, UNAMID did not provide a full accounting of the facts and, curiously, the details that were omitted were usually details that identified the Government of the Sudan or Government proxies as perpetrators. The review team recommended that the practice of the Mission's "censoring itself in its reporting to Headquarters needs to be addressed immediately". These findings should be deeply concerning to every member of the Council. The Security Council was recently briefed by the head investigator, and the United States urges immediate action to address the abuses uncovered in this investigation. Accordingly, we welcome the Secretary-General's commitment to taking all necessary steps to ensure that UNAMID's reporting is full, accurate and timely and that the Mission's engagement with the public is open, forthcoming and not manipulated.

Justice cannot alone bring back the lives lost or undo the damage caused by the killings, rape and destruction of homes and livelihoods. But it serves as an important foundation for healing so that survivors can rebuild their lives, fully participate in the restoration of their communities, and lay a foundation for the rule of law. We cannot abandon the people of Darfur to a Government complicit in and indifferent to their suffering. We must continue to find ways to provide some measure of justice to people who have waited far too long to see the crimes against them punished, and we continue to call on the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the International Criminal Court, as required by resolution 1593 (2005).

The Prosecutor's words today were clear and candid and her warnings concerning. She has spoken of the danger of investigations going into hibernation due to continued lack of cooperation, obstruction, intimidation — all amid ongoing attacks on civilians. The danger of these cases going into hibernation must be a wake-up call. She has spoken of the lack

of progress, and that, simply put, virtually nothing is happening to advance justice for the people of Darfur. This is a travesty. If these cases are in danger of going into hibernation, we must collectively and urgently wake from our slumber.

**Ms. Jakubonė** (Lithuania): I would like to thank Prosecutor Fatou Bensouda for her report and briefing on the situation in Darfur.

Next year will mark 10 years since the referral of the situation in Darfur to the International Criminal Court (ICC) — 10 years in which the people of Darfur have continued to suffer. The ongoing security and humanitarian crisis in Darfur is marked by widespread violence, impunity and displacement. More than 359,000 people have been newly displaced by attacks by pro-Government militias, including the Rapid Support Forces. Armed clashes aimed at displaced people outside and within the internally displaced persons camps is another issue of major concern. Peacekeepers continue to be subject to attacks throughout Darfur. The months of September and October were marked by the deaths of four peacekeepers, which raised the total number to 61 from the beginning of the peacekeeping mission in the Sudan. We call on the Government of the Sudan to take all necessary measures to ensure the security of peacekeeping personnel and their freedom of movement.

We thank the Prosecutor for her information about the preparations for the trial of Abdallah Banda Abakaer Nourain. It is very disappointing that the trial could not commence last month because of lack of cooperation from the Government of the Sudan as well as from Mr. Banda. My delegation still hopes that the trial will go forward and that it will become a breakthrough in providing justice to the many victims in the Sudan.

We remain concerned about reports of the mass rapes of 200 women and girls in Thabit, North Darfur. The Darfur conflict has long been marked by sexual and gender-based violence. These allegations demand full, impartial and unimpeded investigation. We call on the Government of the Sudan to allow the African Union-United Nations Hybrid Operation in Darfur (UNAMID) full access so that it can fully discharge its mandate to investigate allegations of human rights violations in Thabit.

Attacks against civilians are made possible largely because of impunity for those who continue to harm civilians in Darfur. The prevailing climate of impunity

cannot continue, as violence breeds more violence. All perpetrators of violations of international humanitarian law and human rights law, including serious crimes falling within the competence of the Court, must be brought to justice. The Security Council has called repeatedly on the Government of the Sudan to ensure accountability and to bring perpetrators to justice. Progress, however, remains modest. The Government of the Sudan should do more to end attacks against civilians, ensure accountability and guarantee justice for the victims.

The Office of the Prosecutor continues to face numerous challenges in fulfilling its mandate. We reiterate our call on the Government of the Sudan to meet its obligations under resolution 1593 (2005) and to cooperate with the ICC, including on the enforcement of the arrest warrants issued by the Court. As the report of the Prosecutor reminds us, there is still a lack of cooperation on the part not only of the Government of the Sudan but of the other States of the region as well. We call on all States, even if they are not parties to the Rome Statute, to cooperate with the ICC, as required by the Council's resolutions, and to meet their obligations to arrest and surrender suspects to the Court.

My final point is on UNAMID's reporting. We welcome the review carried out into the allegations of UNAMID's underreporting and welcome the efforts of the Department of Peacekeeping Operations to strengthen and unify the reporting procedures. Accurate and timely reporting on the situation in Darfur is essential not only for the protection of civilians but also for the fulfilment of the Prosecutor's mandate, especially in monitoring what could constitute crimes against humanity under the Rome Statute.

In conclusion, I would like to reiterate Lithuania's full support for, and cooperation with, the Prosecutor of the International Criminal Court in carrying out her important mandate.

**Mr. Oh Joon** (Republic of Korea): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her report and briefing on the recent developments in the Darfur case.

As pointed out by previous speakers, it has been almost 10 years since the Security Council referred the situation in Darfur to the ICC as its first instance of such referral. We commend the decade-long efforts of the Office of the Prosecutor in pursuing its investigation and judicial activities. Despite such

efforts, however, the initial high hopes for rendering international criminal justice and ending impunity have not been realized, mainly because of non-cooperation, coupled with a worsening security situation in Darfur. We believe that it is time for the ICC and the Security Council to deliberate more vigorously on the practical options to cope with this issue, especially to address the underlying reasons for the lack of cooperation from the Government of the Sudan and other States. We have learned over the years that simply denouncing or reprimanding non-cooperation is not enough to encourage necessary action from the relevant authorities and parties.

The report on the ongoing activities of the ICC in Darfur shows that the Court is striving to conduct robust monitoring of alleged crimes against civilians, peacekeepers and internally displaced persons. We also welcome the fact that the Office of the Prosecutor is paying special attention to the widespread occurrence of gender-based and sexual crimes, especially to the allegations of mass rape in Thabit. The Prosecutor should be able to continue a full and transparent investigation without interference.

With regard to the allegations in a report by the African Union-United Nations Hybrid Operation in Darfur, we welcome the Secretary-General's efforts to get to the bottom of the case by establishing the review team. We hope that its recommendations will be duly implemented.

Finally, we support all the efforts of the Security Council and the ICC to end impunity and assure accountability in Darfur and anywhere else in the world.

**Mr. Barros Melet** (Chile) (*spoke in Spanish*): We welcome the convening of this debate and the presence of the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, as well as her presentation of the twentieth briefing on the situation in Darfur pursuant to resolution 1593 (2005).

We note with concern that the humanitarian and security situation in Darfur has deteriorated with respect to the information contained in the previous report (see S/PV.7199). We are alarmed by the fact that, to date in 2014, the number of internally displaced persons has surpassed 400,000, which is in addition to the more than 2 million internally displaced since the outbreak of the conflict in Darfur.

In the firm belief that the International Criminal Court represents a major step forward in the fight against impunity, we wish to reiterate our support for the Court and for the work of its Prosecutor. We urge the Prosecutor to continue to monitor the various crimes allegedly committed in Darfur as detailed in the report, which would apparently include, inter alia, aerial bombardments of civilians; sexual and gender-based crimes; and crimes against human rights defenders, members of civil society and community leaders.

My country is particularly concerned by the repeated crimes of sexual violence and the impunity with which they are treated. We therefore reiterate that it is the responsibility of the Government of the Sudan to investigate all the allegations and, at the same time, to guarantee freedom of movement for the African Union-United Nations Hybrid Operation in Darfur so that such reports can be duly addressed.

The Prosecutor's report also takes note of the summary of the report of the review group concerning allegations of manipulation in the presentation of reports on Darfur. We highlight the response of the Secretary-General in addressing the Prosecutor's request contained in her report of June 2014. We hope that the implementation of the measures proposed by the group, along with its other recommendations, will help to prevent the repetition of such incidents.

The Council has a special commitment to the situation in Darfur and to the International Criminal Court. Once again, my country would like to stress that it is vital to ensure that, with respect to cases referred by the Council to the International Criminal Court, the Council follow-up on the progress of each case in order to assist the Court in making its work effective and efficient with respect to accountability for the most barbaric crimes against humanity.

It is possible to improve cooperation between the Security Council and the Court. In that regard, we again urge the Council to respond to the Court's eight communications on the matter of non-compliance. In a similar vein, aware that the success of any investigation depends on the cooperation of all the States concerned, we repeat our call for all States parties to the Rome Statute, as well as those that are not, to cooperate with the International Criminal Court on the situation in Darfur.

**Mr. Stehelin** (France) (*spoke in French*): I thank the Prosecutor for her twentieth report and for her briefing.

Prosecutor Bensouda reminds us yet again that, nearly 10 years after the Security Council's adoption of resolution 1593 (2005), the civilian population of Darfur remains the target of both the Government and armed militias, and that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) is not fully able to fulfil its mandate to protect civilians.

We share the concerns reiterated in the Prosecutor's report, as reflected in resolution 2173 (2014), which include continuing aerial bombardments by the Sudanese Air Force, with direct and indirect civilian victims; attacks on civilians by the Sudanese security forces, whose ranks have expanded and may include minors; continuing clashes among tribes due to poor access to natural resources, both in Darfur and because of interference from the armed janjaweed militias; continuing rapes and sexual violence by Government armed forces; threats against members of the political opposition, humanitarian personnel and personnel of non-governmental organizations; numerous obstacles to the delivery of aid to the civilian population by organizations in charge of humanitarian assistance and by UNAMID in the exercise of its mandate; and the continued forced displacement of civilians because of ongoing violence and the escalation of armed conflict.

As Ms. Bensouda also recalls, the arrest warrants issued by the International Criminal Court have not always been executed. Five individuals accused of war crimes, crimes against humanity and, in one case, genocide, continue to evade the Court's jurisdiction. Most of them continue to hold high office in the State bureaucracy of the Sudan. A situation of such impunity can only encourage further abuses.

The responses to that situation have long been well known to the Council. Putting an end to the multiple forms of violence and crime presupposes, first of all, the successful conclusion and implementation of a political settlement that includes both the Government and rebel groups. In that regard, the opening of negotiations in Addis Ababa in November between the Sudanese Government and the Darfur rebels was encouraging. However, those talks have not yet led to a single specific advance despite the efforts of a high-level group from the African Union, which we support. We hope that will lead to a ceasefire that will lead to a

political solution as expected by the Peace and Security Council of the African Union.

The second requirement is enabling the effective protection of civilians and UNAMID's ability to execute its mandate. The continuing violence and insecurity preclude any prospect of stabilization or long-term reconstruction. The human consequences of the crisis remain exceedingly serious, with more than 430,000 people fleeing their homes since January because of the fighting in Darfur, in addition to more than 2 million long-term internally displaced. Violence continues against civilians, especially women, as well as looting, and UNAMID peacekeepers also continue to be attacked.

The third requirement is unhindered humanitarian access to civilian populations and the displaced. In that regard, we regret that UNAMID is still subject to access restrictions in its investigation into the allegations of mass rape in Thabit in late October. It is essential that it be guaranteed free and unrestricted access to the area, as well as to the entire territory of Darfur.

The fourth is going after the perpetrators and combating impunity effectively. In that regard, the new semi-annual briefing emphasizes that the Office of the Prosecutor has not ruled out any measures for fighting impunity in the Sudan, whether through investigations, arrest warrants or scheduling the first suit to be brought against a rebel leader, with a trial originally set for November this year for attacks on peacekeepers in Haskanita. As the Council knows, the trial could not take place, owing to the absence of the accused, against whom an arrest warrant had duly been issued. As the Prosecutor noted, the Sudan, required to cooperate with the Court and combat impunity, has taken no action to prosecute those responsible for crimes in Darfur. A new ruling is expected from the Court on the Sudan's non-cooperation, despite the fact that the provisions of resolution 1593 (2005) require such cooperation.

The final requirement is limiting contacts with persons subject to arrest warrants of the Court to those deemed essential, in accordance with the policy of the Secretary-General. France calls on the entire United Nations to work to implement these guidelines. In this context, the Council should continue to mobilize on two fronts. First and foremost, it should induce the parties to cease all violence against civilians. That requires agreement on the part of all Council members on the deterioration in civilians' situation that the Prosecutor

has portrayed yet again in her report. It also requires enabling UNAMID to fully carry out its mandate, with its total and unfettered freedom of movement guaranteed. It must also be able to carry it out more effectively. In order for that to happen, it must continue to implement the strategic review that the Council endorsed in April, which made protection a main focus of UNAMID's action, along with support to a political solution and local mediation. Once the Secretariat's recommendations on the next phases in UNAMID's development are again submitted in February, the Council should also consider the adjustments that will be required if UNAMID is to make a genuine contribution to improving the situation of civilians on the ground.

Secondly, our cooperation with the International Criminal Court has to be made effective and we must ensure that arrest warrants are executed, an essential condition if the Court is to be able to carry out its mandate. It is up to the Council to respond when the Court notifies it of cases of non-cooperation, and to the Assembly of States Parties and international organizations to remain ready to react to such cases.

**The President** (*spoke in French*): I shall now make a statement in my capacity as the representative of Chad.

I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her statement and to congratulate her on the quality of her report, which takes stock of the deterioration in the security situation in Darfur in 2014 and in particular of the negative effect it is having on civilians.

During the reporting period, the Prosecutor's Office noted a decrease in aerial bombardments, although tribal violence over land and natural resources has grown and has had a serious impact on innocent civilians. There have also been reports alleging 42 incidents of rape of 340 women, for 300 of whom Government forces and militia are presumed responsible. On the question of the alleged cases of rape of 200 women in the village of Thabit, in view of the fact that the Government is totally denying it and in the absence of confirmation from other independent sources, we believe that only a more thorough independent and impartial investigation can clarify the situation.

Various cases of violations of human rights have also been cited, including, among others, arrests of political party leaders and students. In our view, their release could help clear the political atmosphere and improve dialogue between the Sudanese Government and the opposition. In that regard, we urge the Government to make the achievement of a comprehensive solution to the crisis a priority. We regret that humanitarian personnel continue to be a target for armed individuals and encourage the Government of the Sudan to pursue the perpetrators of attacks on peacekeeping forces and bring them to justice.

Not only has the situation of civilians not improved; in some cases it deteriorated during the current reporting period. We condemn the violence, regardless of its origins and whatever the circumstances, and the perpetrators must answer for their actions. We take note of the Sudanese Government's efforts to improve the situation and urge it to maintain its commitments to its citizens by guaranteeing them security and justice. It is important to recall that in order to put an end to the civilian population's suffering, the war in Darfur must be stopped. In that regard, we emphasize the importance of supporting the peace process under way under the auspices of the African Union High-level Implementation Panel for the Sudan and South Sudan, led by President Mbeki. The international community should put pressure on both the Government and the rebel groups to advance national reconciliation and dialogue.

Finally, we invite the Council to consider the situation in Darfur in the context of the overall situation in the Sudan, taking into account all the agreements signed by the various parties to the conflict, as well as the mediation efforts being conducted through regional organizations, particularly the African Union.

I now resume my functions as President of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 11.40 a.m.*