



Security Council

Seventy-seventh year

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New York

President: Mr. Dai Bing (China)

<i>Members:</i>	Albania	Ms. Dautllari
	Brazil.....	Mr. De Almeida Filho
	France	Mr. Samson
	Gabon	Mr. Biang
	Ghana	Mr. Korbieh
	India	Mr. Ragutahalli
	Ireland	Mr. Ryan
	Kenya.....	Ms. Nyakoe
	Mexico.....	Mr. Arrocha Olabuenaga
	Norway	Ms. Heimerback
	Russian Federation.....	Mr. Leonidchenko
	United Arab Emirates	Ms. Shaheen
	United Kingdom of Great Britain and Northern Ireland .. .	Mr. Wickremasinghe
	United States of America.....	Mr. Mills

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 (*speak in Chinese*): 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 Mr. Karim Khan, 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 Mr. Khan.

Mr. Khan: It is a great honour to have the opportunity to brief the Security Council once again. I want to give my very sincere thanks to the Special Representative of the Secretary-General for the Sudan, Mr. Volker Perthes, to the United Nations Development Programme for facilitating this video-teleconference from Khartoum and, of course, to the Government of the Sudan for supporting this briefing.

This is the first time in the history of the International Criminal Court (ICC) that the Prosecutor of the Court is briefing the Council from a situation country. It is the first briefing from the Sudan. I am delighted that, over the past few days, I have been joined by my Deputy Prosecutor, Ms. Nazhat Shameem Khan, who is just off-camera. While I was in Darfur, she spent the past couple of days meeting senior members of the Government here in Khartoum.

I came back from Darfur yesterday. In South Darfur, I had the opportunity to meet the Wali, or the Governor, of South Darfur, and visited the very large Kalma refugee camp. I then flew to Central Darfur and also met the Governor of that province, as well as the members of his security committee. I visited another two camps there, namely, Hassahissa camp and Hamidiya camp. It really was a very impactful experience that reinforced my resolve that the Sudan situation needs to be properly prioritized and that it fully justifies and requires proper resources, as well as a proper focus of

activities to make sure we deliver on the mandate that the Council gave us 17 years ago.

The simple truth is that the nightmare for thousands of Darfuris has not ended. The nightmare of their experiences continues, in large part, because meaningful justice and accountability have not been felt in the manner that is required or, in my respectful view, which was anticipated by the Council in 2005.

Kalma camp is a good example. It was established in 2004. Today 300,000 people live there, most of them as a result of the activities that compelled the Council to refer the Darfur situation to my Office. Generations have passed away, and children have been born in that camp.

As I left the metalled road from Nyala, I took mud roads, navigating donkeys, traversing pools filled with water from the very heavy rainfall that the region had endured and crossing railway tracks. After quite some distance — a very long walk for many — we were met by an advance team of people from the camp. They were rejoicing and welcomed us with typical Sudanese and Darfuri hospitality, chanting “Welcome, ICC!” They ushered us in to a camp that was a throng of humanity, with slogans raising from their lips about the need for, and their belief in, justice.

I took the liberty of telling them that, while they may be cut off from roads, their actions and their belief in accountability manifestly demonstrate that they are not cut off from hope. It was a moving sign and, indeed, it left quite a deep impression. But one thing is clear: despite the heavy rains that were apparent in their environment, they are still extremely thirsty — not for water, but for meaningful justice.

As a very well-known phrase that is now deep in Security Council convention, recalling resolution 1593 (2005) is perhaps not always the same as remembering the circumstances that compelled the Council to refer the situation in Darfur to the ICC in 2005. Perhaps we should take a moment to reflect and perhaps, in our minds' eyes, we can recall seeing those pictures of devastation — the caravan of humanity that was that exodus within Darfur to the camps where many thousands remain today and out into the region and the allegations that the Council would remember of rapes and killings and the destruction of property.

I hope that I did not speak out of turn when I mentioned the members of all three camps that I

visited in both provinces of Darfur. I also hope that the members of the Council will not forget the people of Darfur, because they have not forgotten the Council in any way. They are extremely grateful to the Council and have high hopes that together, the Council, the ICC, the Sudan and certainly the international community will make sure that our words are not pious hopes but are actually delivered on.

One of the abiding takeaways from my experience is how grateful the people of Darfur are for justice, for being remembered and for being able to believe, because of the fact that we are speaking about them today and that a prosecutor came to visit them, that somehow their lives — and the lives of their lost loved ones and those who are living with the physical scars that are there to see — somehow their lives matter, and justice will not be merely a distant promise. I felt very moved, because their gratitude was not in proportion to what we have done as a Court, as a Council, as the Sudan or as States. We simply still have a great deal to do. I respectfully submit that resolution 1593 (2005), the Juba Peace Agreement of October 2020 and the memorandum of understanding that I signed with the Government in August last year cannot remain adornments disguising inaction.

We need collectively to find ways to move forward, because so many are counting on the Council and on us collectively. I respectfully suggest, with the greatest humility, that at an appropriate time the Council consider holding a meeting in the Sudan. I know that Council members visited Baghdad during my previous mandate with the United Nations Assistance Mission for Iraq United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant. I think the opportunity to learn more and hear from some of those survivors — the Darfuris in camps who hold the members of the Council in such high regard and who have such high hopes for it — would help us reawaken our commitment to humankind and to the obligations vested in everyone here, as Council members. One thing that we have seen time and again, and the Sudan is no exception, is that if we do not manage to deal with the historic abuses, the cases that are well known in the Sudan, the cycle of impunity is likely to continue and be followed by other cycles of violence. Why should people comply with the law? Why should they be concerned about public international law or international humanitarian law when time and time

again they see people doing what they want and getting away with it? I think this call to action is long overdue.

But in that environment and given all that experience, as well as the people's high hopes and the reality that we have to do more, we do have a glimmer of hope, which I have seen in the faces of many people in Darfur and in speaking to them. The fact that in April I opened the Ali Kushayb case — the case against Mr. Abd-Al-Rahman, a senior Janjaweed militia leader — has had a tremendous impact on the people of Darfur whose importance cannot be overestimated. It is a massive tribute to the persistence, resilience, courage and belief of the Sudanese people. But words simply are insufficient to give those people their due, because even in the very dark days of non-cooperation with the Sudan, the people believed that a day would come when justice would be delivered.

I think that collectively we should pray, and also act to ensure, that this is not only a new day but that we will not allow it to become a false dawn. That requires action, not words. It requires delivery, not promises, because the people are tired of promises. And I think this is the time to move forward. The fact that the case of Ali Kushayb, a senior Janjaweed leader, has started — and that the evidence that has been presented to the Court shows that he directly butchered people and that he and his men threw children to the ground, violated women and caused so much devastation and cruelty — has actually given people the space to hope that tomorrow may be different from yesterday. That case, which includes 31 counts of war crimes and crimes against humanity, is now under the supervision of independent and impartial judges of the International Criminal Court. The Court has now heard 28 witnesses, and they are representative of accounts that I have also heard in the camps — a microcosm of suffering.

I have every confidence that in due course, the judges of the ICC will properly determine whether those allegations laid out by my Office are up to the required standard of beyond reasonable doubt. One of the reasons I was so eager to give this briefing from the Sudan was because of the impact we have had on the people whom we are here to serve collectively, the people of Darfur and the people of the Sudan. It is why I have repeatedly said that it is essential for the Office to change its approaches, to be more connected with people in different parts of the world and to have a field presence, because that resonates with them. It matters to them. And it shows that through perseverance, courage,

common action, partnerships and stubborn insistence, justice can be delivered. It can.

At the moment, as I have said, the fact that we have seen the start of the first trial in the first situation referred to the Court by the Security Council is a meaningful one. In part at least, it is an answer to some who say that international criminal justice is impotent, that the hurdles are too large and the impact too small. Much more needs to be done. But I would also suggest that sometimes we are victims of our own cynicism. It becomes a self-fulfilling prophecy. We feel that international justice is not worth the paper it is written on, that it is all politics and high hopes, and we lose sight of the people who actually do not care and have never set foot in the major capitals represented by the members of the Council that I have the honour to appear before. Very often people do not leave their own camps, never mind their own province. But it matters to them. And for that reason, among many others, it must matter to all of us.

This is also an important moment for my Office and its relationship with the Security Council because we have seen first-hand how our partnership can start to deliver. We need to accelerate action. We need to deliver more. It would be a false promise to say that the whole of the events in Darfur rest on the shoulders of Abd-Al-Rahman and Ali Kushayb. It will be adjudicated by judges at the ICC. But there are other cases for which the judges of the Court have issued warrants, and we need to make sure there is cooperation and accountability for them as well.

This afternoon I had the opportunity to meet General Hamden Dagalo, Deputy Chairperson of the Sovereignty Council and tomorrow, God willing, I will be meeting General Al-Burhan. I have and will continue to emphasize the need for cooperation with both of them because I am extremely grateful for the opportunity, and I do not take it for granted as I set foot in this ancient and very important and noble land. I am grateful to be able to brief the Security Council. I am grateful that just a few days ago, multiple entry visas were granted for the small delegation that is with me now. I am grateful for the courtesy of being received at the airport and for the security.

However, as is detailed in my report, by every other metric, we have taken a step backwards in terms of cooperation in recent months. That does not prejudice me. It prejudices the Council's demand for

proper investigation and the Sudan's responsibility, by dint of resolution 1593 (2005), to cooperate and by virtue of the Juba Peace Agreement to make sure that justice is actually delivered.

In the report, members will see the new benchmarks that have been detailed, including the requirement to issue multiple entry visas, to help us open an office in Khartoum as soon as possible, to hold monthly meetings with departmental level focal points and provide multiple entry visas not just for the Deputy Prosecutor and myself and my immediate mission, but for the members of the Office who have to collect evidence and build relationships with the Sudanese authorities and the victims.

I believe the coming weeks will determine whether or not the mission is a success. I have been as transparent and clear as possible with the senior members of the Government with whom I have had the opportunity to meet. I would like the Sudan to succeed. I think we all do. I have made it clear what I expect, and I remain ready to engage with the Sudan, its people and the Darfuri people in every way possible. However, the only thing upon which I must insist is what the Council has required and what the victims demand, which is justice. I believe that, if we recommit ourselves and insist upon cooperation and build trust, hopefully, we can vindicate fully the decision of the Council to refer the matter in the first place.

I again thank the Council for the opportunity to address it today.

The President (*speak in Chinese*): I thank Prosecutor Khan for his briefing.

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

Mr. Arrocha Olabuenaga (Mexico) (*speak in Spanish*): We thank Prosecutor Karim Khan and his entire team for presenting his most recent report on the situation in Darfur, pursuant to resolution 1593 (2005). We applaud the fact that the report was presented from the Sudan, which demonstrates that there is cooperation among the national authorities, local communities and the International Criminal Court (ICC).

Mexico welcomes the start of judicial proceedings in the Ali Kushayb case in April. The importance of that case is not insignificant. It is the first case to be heard based on a situation that was referred by the Security Council to the ICC. It has a profound impact on local

communities and on the victims, as several of them had lost all hope of redress after waiting almost 20 years. Not only has space now been created for catharsis, but also for justice.

This positive time should be used to further strengthen cooperation between the Sudan and the ICC. It helps to strengthen the implementation of the memorandum of understanding signed between the two sides and in the establishment of an ICC office in Khartoum. The team at the Office of the Prosecutor must always have effective focal points within the Government in order to continue working, in particular to ensure the protection of witnesses. We call upon the Sudanese authorities to address pending requests for assistance from the Office of the Prosecutor.

In conclusion, we reiterate our support to the Prosecutor and to the ICC overall. We hope that the precedent set in the Ali Kushayb case will pave the way for other cases and ensure that action is taken on situations referred by the Security Council to the ICC. As we have mentioned on previous occasions, expenses incurred in those cases should be covered by the United Nations.

Ms. Shaheen (United Arab Emirates) (*speak in Arabic*): I thank the Prosecutor of the International Criminal Court, Mr. Karim Khan, for his comprehensive briefing. I also welcome the representative of the Sudan to today's meeting. The United Arab Emirates continues to follow the work of the Court and its activities within the context of today's discussion.

We extend our condolences to the Sudan and to the families of those who lost their lives following the recent torrential rain and flooding. The United Arab Emirates will continue to support those affected by providing them with humanitarian assistance. We are confident that the Sudan and its fraternal people are capable of overcoming that situation.

In the light of the exceptional circumstances currently experienced by the Sudan, the United Arab Emirates welcomes all efforts to support the trilateral mechanism in facilitating a Sudanese-led political process. In that regard, my country underscores the importance of Sudanese stakeholders engaging in dialogue through direct talks to reach a common understanding on the way forward. Such dialogue should be inclusive, while ensuring the involvement of young people and the full, equal and meaningful participation of women.

With regard to the deterioration of the security situation in some areas of Darfur, which has led to many lives being lost, we note that the Sudan has responded to the situation and taken several urgent and important measures to reduce tensions. In that context, we stress that the full implementation of the Juba Peace Agreement remains essential to ensuring Darfur's sustained security and stability. The international community must therefore step up its efforts and provide the necessary technical and financial support so that the Sudan can fully implement the Agreement.

Despite the challenges faced by the Sudan, it has continued to tangibly cooperate with the Office of the Prosecutor, which includes hosting several visits for the Office, including the current visit, and organizing meetings with Government officials and other relevant individuals in the Sudan. Those engagements serve as an opportunity to deepen the sincere dialogue between the International Criminal Court and the Sudan, based on the Court's principle of complementarity, in line with national legislation and the Rome Statute.

Lastly, the United Arab Emirates stresses its strong support for the Sudan's efforts in implementing transitional justice mechanisms to help deliver justice to the victims in Darfur, consistent with the terms of the Juba Peace Agreement.

In conclusion, my country reiterates its commitment to the Sudan's sovereignty, independence, territorial integrity and national unity.

Mr. De Almeida Filho (Brazil): I would like to thank China for facilitating this important briefing, which is a fundamental tool for the international community to keep track of the follow-up to its referral to the International Criminal Court (ICC) of serious violations allegedly perpetrated in Darfur. It was the first time that the Security Council availed itself of that power conferred on it by the Rome Statute. This referral pursuant to resolution 1593 (2005) has unquestionably been a landmark in the history of international criminal justice, although it has allowed selective immunity, which regrettably weakens the ICC's ability to fully discharge its duties.

I would also like to thank Prosecutor Karim Khan not only for the information that he provided today, but also for his most recent report. I especially welcome his simple, clear-cut, updated road map for accountability. It sets tangible goals, deadlines and actions for the coming months and will therefore enable the Security

Council to measure the progress achieved in its implementation in objective terms. I am also pleased to see the delegation of the Sudan, whose presence in this Chamber is a positive sign of its engagement with the cause of justice.

The thirty-fifth report portrays the challenges that the Office of the Prosecutor currently faces in the investigation and prosecution of alleged crimes committed in Darfur. One of them, cooperation with national authorities, is key. Complementarity is a fundamental principle of the Rome Statute, and, if I may put it in these terms, the basis for an effective result, which is sustainable international justice. Without strong national institutions able to deliver justice for local populations and protect them from further harm, there will always be a higher level of risk of relapse into instability and conflict and therefore the perpetration of serious crimes. That is why the primary responsibility for providing justice belongs to national States and should remain so, without prejudice to the complementarity role that the Court must play when States are unable or unwilling to do so. In that context, Brazil commends the efforts that the Office of the Prosecutor and the Court's Registry are making to establish a field office in Khartoum. It will bring the ICC closer to the victims and witnesses, reinforce its ability to collect evidence and enable it to cooperate more closely with the Government of the Sudan. Brazil also deeply appreciates Mr. Khan's initiative in reaching out to the communities affected.

The report makes reference to the challenges represented by limited internal resources. In that respect, I reiterate Brazil's insistence on the need for the expenses incurred by the Court for referrals from the Security Council to be borne by the United Nations as well as the States parties to the Rome Statute.

I would also like to mention our concern about the current political, economic and social situation in the Sudan. Almost 12 million Sudanese may be facing acute food insecurity between June and September. The Office for the Coordination of Humanitarian Affairs has issued a thorough emergency-response preparedness plan. The international community should redouble its efforts to address the aggravated food insecurity and malnutrition in the Sudan. Brazil also underlines its support for the United Nations Integrated Transition Assistance Mission in the Sudan. Dialogue and cooperation among all Sudanese stakeholders are needed to secure the

peaceful, inclusive transition to democracy envisaged in the draft constitutional declaration.

Brazil is a founding member of the ICC and has a deep-rooted commitment to international law and international justice. As a permanent Treaty-based tribunal, the ICC represented a breakthrough in ensuring accountability for the most serious crimes under international law. Our support and cooperation are essential to enabling it to fulfil its crucial responsibilities.

Mr. Mills (United States of America): I thank Prosecutor Khan for his report and briefing to the Security Council today on the investigation by the International Criminal Court (ICC) into the situation in Darfur, including his moving insights from his visit and time spent in Darfur and Khartoum. My delegation will give great consideration to the recommendations that he has made to the Council today. Let me also say that we are very grateful for his hard work and for the sustained efforts of the judges, attorneys and staff of the ICC in their unwavering pursuit of justice for Darfur.

As a result of the tireless efforts of the Court in April, the United States welcomed the beginning of the trial in the case against Ali Muhammad Ali Abd-Al-Rahman, the former Janjaweed commander now facing 31 counts of war crimes and crimes against humanity. At the heart of the case against him is the testimony of dozens of witnesses, many of whom still live in Darfur. Over the past several months, a lot of those witnesses, many of them survivors of violence, have travelled thousands of miles to The Hague to tell their stories in their own words. We agree with the Prosecutor that the Council must honour the witnesses and survivors by trying its hardest to ensure that their hopes for justice are realized. Their bravery in speaking to the widespread killing of civilians and the pillaging, abuse and destruction of communities in Darfur is inspiring. Of course, there is no shortage of courage in the Sudan. Most recently, since the October military takeover, the Sudanese people have themselves taken to the streets to demand a better future in which they can realize their aspirations for democracy and respect for human rights.

In that regard, I would like to underscore my Government's belief that resolving the Sudan's political crisis will require the formation of a civilian-led transitional Government that can work to deliver on the promises of the 2019 revolution. United international

efforts will be crucial in helping to facilitate an inclusive Sudanese-led dialogue aimed at restoring the Sudan's democratic transition and civilian rule. The United States commends the efforts of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS), the African Union and the Intergovernmental Authority on Development in facilitating dialogue on a way forward towards full civilian rule. We will continue to support UNITAMS in the full implementation of its mandate, including the Juba Peace Agreement.

We continue to be alarmed by the violence in Darfur, which has displaced more than 100,000 people. Intercommunal violence threatens social cohesion and diminishes the likelihood of peaceful cohabitation and the sustainability of the peace process. The need to protect civilians is urgent, as are inclusive security-sector reform and the establishment of robust international monitoring and reporting mechanisms. On that note, the United States would like to congratulate the Juba Peace Agreement signatories on the formation and graduation of forces for the joint security-keeping force. That is a significant step in improving the protection of civilians.

As detailed in the Prosecutor's report, the Sudanese authorities have recently facilitated visits by the Prosecutor and his staff and taken other steps to provide some assistance to their investigations in Darfur, which is very welcome news. Such cooperation must continue and must improve. As the Sudanese stakeholders work to find a way forward to address the current crisis, we strongly urge the authorities to continue to comply with their international legal obligations pursuant to resolution 1593 (2005) and to cooperate with the ICC. They must continue to permit ICC teams to travel within the country and cooperate with requests for evidence and other information and assistance, including through unimpeded access to key witnesses and by facilitating an enhanced ICC field presence. Those who are subject to arrest warrants by the ICC must face justice and be transferred to face trial.

The United States will continue to stand by the Sudanese people in support of the ICC's efforts to advance accountability.

Mr. Ragutthalli (India): Let me begin by thanking Mr. Karim Khan, Prosecutor of the International Criminal Court, for presenting the thirty-fifth report on the situation in the Sudan, submitted pursuant to

paragraph 8 of resolution 1593 (2005). I also welcome the presence of the Permanent Representative of the Sudan in today's meeting.

At the outset, I would like to place on record that India is not a signatory to the Rome Statute and is not a member of the International Criminal Court.

We have noted the progress made in recent months, including the first trial in the case of Mr. Abd-Al-Rahman. We also take note of the Prosecutor's recent visit to the Sudan.

The developments in recent months reflect the inherent challenges in the political transition process in the Sudan. We continue to believe that the United Nations-facilitated intra-Sudanese political process needs to be Sudanese-led and guided by a constructive approach. The transition process should continue to address issues related to justice and accountability. We have welcomed the initiatives taken since May by the trilateral cooperation mechanism, which consists of the United Nations, the African Union and the Intergovernmental Authority on Development, to launch indirect intra-Sudanese talks in order to end the political impasse.

The transitional Government of the Sudan has shown readiness 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 in relation to Darfur and the Special Court for Darfur Crimes. The jurisdiction of that Special Court, which will include matters relating to genocide, crimes against humanity and war crimes since 2002, is a step in the right direction.

Regarding the situation in Darfur, the Secretary-General's recent report (S/2022/400) noted progress on the start of the Darfur Permanent Ceasefire Committee, as well as in relation to the joint security-keeping force in Darfur, which was agreed in the Juba Peace Agreement.

Lastly, accountability for serious violations of international law is a noble objective and needs to be pursued with due respect for the sovereign equality of States. The international community should continue to encourage the States concerned to have in place an inclusive and transparent process to establish accountability for serious violations of international

law committed within its jurisdiction. The pursuit of accountability and justice cannot be linked to political expediencies. We continue to underscore that the overarching goal of any accountability process is to enable justice, promote reconciliation and achieve long-term peace.

In that context, we remain confident that people of the Sudan will overcome the current challenges and continue to strive for a stable and prosperous future.

Ms. Heimerback (Norway): I would like to thank Prosecutor Khan for his briefing, particularly during his important visit to the Sudan and Darfur.

Norway welcomes the commencement of the trial of Ali Kushayb. That is an important landmark for accountability and a sign of hope for the victims. We also welcome the renewed strategic approach by the International Criminal Court (ICC), which we hope will enable further progress and address the impediments related to the lack of cooperation by the Sudanese authorities. However, increased cooperation from other States and institutions to help the Prosecutor pursue those investigations is welcome, and we strongly support a planned, enhanced field presence and call on the authorities to facilitate that.

As Mr. Khan noted, the referral by the Security Council cannot be a never-ending story. Almost two decades since the Security Council first referred the situation in Darfur, 2021 was a year of major strides for the Court, thanks to the genuine cooperation of the Government. But to make progress, that cooperation must be maintained.

The Council has given the ICC a central role by referring the situation to the Court and has mandated the full cooperation of the Government of the Sudan. We must do everything we can to follow up and ensure that justice is served. We are concerned that the office of the Prosecutor in Khartoum has not been given access to all the witnesses, documents and information they have requested. That lack of cooperation from the Sudanese authorities has hampered progress in the investigations.

We again urge the Sudanese authorities to keep their promises and fulfil their obligations to actively and meaningfully cooperate with the Court. The victims of atrocities in Darfur deserve long-overdue justice, and the perpetrators must be held accountable.

Norway is also seriously concerned by current reports of intercommunal violence in the Darfur region.

The situation is a threat to the safety of civilians, not to mention its negative operational impact on the ability of the Court to do its investigative work. Norway strongly condemns all attacks directed against civilians and urges all parties to respect international humanitarian law. We cannot allow another crisis to unfold, and the violence must stop.

In conclusion, Norway has been a staunch supporter of the ICC since the beginning. The fight against impunity remains a central element of our foreign policy. It is also a fundamental part of the Sudan's own 2019 revolution and the Juba Peace Agreement, which must be realized. The Office of the Prosecutor and the Court can count on Norway's continued full support towards accountability.

Mr. Ryan (Ireland): I would like to thank Prosecutor Khan for his briefing and report. I also welcome the Permanent Representative of the Sudan to today's meeting.

We are gravely concerned that the security situation in Darfur deteriorated even further over the reporting period. We have seen large-scale violence in the west of the region, resulting in the deaths of approximately 200 people in April. Ireland calls on the Sudanese authorities to investigate those incidents fully and ensure accountability for those responsible. As the Prosecutor said, that is what the people of the Sudan demand and expect.

Reports of civilian deaths, sexual and gender-based violence, the rape of women and girls, forced displacement and the destruction of property are deeply worrisome and include acts that may come within the jurisdiction of the International Criminal Court (ICC). Impunity sows the seeds of further violence. Ensuring accountability for the people of Darfur is therefore essential if we are ever to stop this cycle of violence.

While the reasons for the deteriorating security situation are complex, we know that it is linked to the breakdown in constitutional order at the national level. Ireland echoes the Secretary-General's call for a return to the transition towards a civilian-led democratic Government through an inclusive, Sudanese-owned political dialogue. In that regard, we fully support the efforts of the United Nations Integrated Transition Assistance Mission in the Sudan, the African Union and the Intergovernmental Authority on Development in supporting the process.

Twenty years ago last month, international criminal justice changed for the better, with the entry into force of the Rome Statute. To mark that important milestone, Ireland, together with 11 co-sponsors, hosted an Arria Formula meeting on strengthening the relationship between the Court and the Council. While there is considerable scope for improving this relationship, as the Prosecutor mentioned, the referral of the situation in Darfur demonstrates what the Council can achieve in the realm of accountability through cooperation with the ICC. That action has now led to the opening of the first prosecution at the ICC arising from a Security Council referral, against former Janjaweed commander Ali Kushayb for war crimes and crimes against humanity in Darfur.

Ireland is appreciative of the open approach to reporting adopted by the Prosecutor in his most recent report and the development of benchmarks for this investigation. We also welcome the Prosecutor's ongoing visit to the Sudan, particularly to Darfur, and the support provided by the Sudanese authorities in facilitating the trip.

However, further progress in the investigation is now dependent on the Sudan's cooperation with the Court, which unfortunately has taken a backward step since the unfortunate events of October 2021. Prior to the military coup, there were a number of notable positive developments, including the conclusion of a further memorandum of understanding with the civilian-led transitional Government.

Ireland urges the Sudan to return to the path of progress and supports the Prosecutor's request for unimpeded access to evidence, to Sudanese territory and to all material witnesses. We also call on the Sudanese authorities to facilitate the establishment of a field presence in Khartoum and to ensure prompt responses to all requests for assistance submitted by the Prosecutor. Furthermore, we repeat our call on the Sudan to nominate focal points within relevant ministries and to ensure the safety of witnesses and their ability to testify.

Finally, we note that four ICC arrest warrants remain outstanding. Once again, we urge Mr. Banda to surrender to the Court and reiterate our call on the Sudan to surrender the three additional fugitives in Sudanese custody, in line with its obligations.

The collective goal is to ensure a durable and sustainable peace in the Sudan. However, that goal is

simply not possible without justice for the victims and survivors of atrocity crimes in Darfur. We hope that the Prosecutor's visit will build the necessary momentum to that end and quench the thirst for justice in the Sudan, which he mentioned earlier.

Ms. Nyakoe (Kenya): I thank Mr. Karim Khan, Prosecutor of the International Criminal Court, for his briefing and take note of his thirty-fifth report. I welcome the presence of the representative of the Sudan in this meeting.

At the heart of the peace process in the Sudan are a people whose efforts towards rebuilding peace in their country is evident. That includes addressing transitional justice issues and pursuing national reconciliation.

The people of the Sudan have injected considerable investment into their national institutional and legal frameworks, responding to international efforts under resolution 1593 (2005) in that regard. The establishment of the Truth and Reconciliation Commission in relation to Darfur and the Special Court for Darfur Crimes, under the Juba Peace Agreement, are among such responses.

We urge the people of the Sudan to be steadfast in that resolve, which is critical for their quest for peace and shared prosperity. But we remain cognizant of the complex political environment upon which those efforts are set, especially after the events of October last year. Therefore, we urge that international efforts and engagements be mindful of the need to protect each of the achievements of the Sudan, borne of the aspirations of its people.

Kenya's position remains clear. It is important to invest in strengthening the national judicial and legal capacity of the Sudan so that it is able to take the lead in the responsibility of ensuring justice and accountability in line with the principle of complementarity. To that end, the Court can do more to support the Sudan.

We also call on the international community to extend support, including through shared lessons and best practices in transitional justice, including accountability for human rights violations. The African Union has encouraged its members to do so. We urge that similar investment be made in national dialogue and reconciliation to guarantee longer-lasting peace.

We note in the Prosecutor's report the intention to increase cooperation and dialogue with the African Union under a renewed strategy. We believe that regional initiatives and effort are necessary in providing

a broader spectrum of practical avenues for justice and accountability. As envisaged in resolution 1593 (2005), that should be given more focus. We look forward to hearing from the Prosecutor about the outcomes of such dialogue.

Finally, Kenya assures the people of the Sudan of its continued solidarity and cooperation as they seek sustainable peace, development and justice for all.

Mr. Biang (Gabon) (*speak in French*): I thank you, Mr. President, for organizing this debate on the thirty-fifth report of the Prosecutor of the International Criminal Court (ICC) on the situation in Darfur pursuant to resolution 1593 (2005).

I thank Prosecutor Karim Khan for his edifying briefing from Khartoum, which is a symbol of the cooperation between the Sudan and the International Criminal Court to bring justice for the victims of atrocity crimes in Darfur.

I welcome the presence at this meeting of the Permanent Representative of the Sudan.

We note the judicial activities, in particular the investigations conducted by the International Criminal Court, during the reporting period in order to strengthen international criminal justice at the national, regional and international levels.

We welcome the commitments made by the Sudanese authorities to cooperate fully with the Court to support its work, notwithstanding the fact that the Sudan is not a State party to the Rome Statute. In the spirit of cooperation, the Sudan authorized the permanent presence of the Office of the Prosecutor in the Sudan and, on 12 August 2021, signed a memorandum of understanding that establishes the modalities of cooperation between the Sudan and the Office of the Prosecutor. The agreement allows the Court to conduct its investigations into allegations of war crimes, genocide and crimes against humanity. It represents significant progress against the backdrop of a political and socioeconomic context weakened by an acute economic crisis and an uptick in violence.

As we are meeting, the ICC Prosecutor is visiting the Sudan almost five months after the opening of the trial in the Ali Kushayb case before the ICC.

We welcome the update by the International Criminal Court of the Sudan's commitments in the context of the memorandum of understanding to

maintain the initial momentum and to consider possible additional accompanying measures. We also welcome the partnerships that have been established or are in the process of being established between the ICC and States parties, non-State parties, civil society organizations and regional and subregional institutions in the context of the ongoing judicial investigations.

We encourage the Prosecutor to continue his efforts to enhance the effectiveness and performance of his Office, while stressing that the effectiveness of the ongoing trials depends first and foremost on the improvement of the political and security situation in the Sudan. The climate of persistent insecurity in the country, and in Darfur in particular, hinders the timely conduct of investigations and creates new victims just as the Court is struggling to bring justice to the victims of previous conflicts.

In its efforts to deliver justice for the alleged crimes committed in 2003, we trust that the Office of the Prosecutor will take into account the fragile political situation in the Sudan so as not to further undermine the country's stability. To that end, the return to constitutional order appears to be the appropriate framework for improved cooperation between the Court and the Sudanese authorities. The national and international efforts must come together as a priority to that end.

Peacebuilding in the Sudan is based on the rule of law and the fight against impunity, which requires a legislative environment and institutional landscape commensurate with the challenges and in line with international standards. In this regard, the efforts of the Sudanese authorities to adapt national legislation to international standards in the fight against atrocities are a step in the right direction.

Following the revision of the Sudanese penal code and code of criminal procedure, war crimes, crimes against humanity and genocide are now punishable by law. Similarly, the jurisdictional privileges and immunities originally granted to the security forces have been abolished. In the same vein, many perpetrators of crimes in Darfur have been arrested. In addition, the Commission for the Implementation of International Humanitarian Law has been restructured in accordance with international standards. This considerable progress must be recognized by all and undoubtedly be consolidated and strengthened by

improving the capacity of the Sudanese judiciary and ensuring the regular functioning of State institutions.

In conclusion, we reaffirm our support for the efforts of the Prosecutor and his Office and commend the commitment and efforts of the Sudanese authorities to cooperate with the Office of the Prosecutor, while reiterating the importance of respecting the sovereignty and territorial integrity of the Sudan.

Mr. Korbieh (Ghana): I would like to join previous speakers in thanking Mr. Karim Khan, Prosecutor of the International Criminal Court (ICC), for delivering the thirty-fifth briefing to the Security Council on the activities of the Court on the Sudan file. We welcome the fact that the Prosecutor is at this moment in the Sudan and believe that the facilitation of his presence there is a sign of the commitment of the Sudanese authorities to helping the Court address all outstanding matters. I also wish to welcome the Permanent Representative of the Sudan to today's meeting.

The present report of the Prosecutor to the Council demonstrates the Court's seriousness in dealing with impunity in the Sudan. Of particular note are the landmark trial proceedings that commenced on 5 April 2022 in the case of Ali Muhammad Ali Abd-Al-Rahman, which is of significance because it is the first trial at the Court based on a referral from the Security Council. Ghana believes that this trial sends a strong signal to all would-be perpetrators of atrocity crimes that, although the wheels of justice sometimes grind slowly, at the end of the day, accountability and justice are inevitable.

As to other aspects of the report, Ghana wishes to highlight the following three points. First, while calling on the Court to carry out its mandate enshrined in the Security Council referral, Ghana notes the challenges facing the Court in the light of the current complex political and security situation in the Sudan. However, it is gratifying to observe the cooperative approach being taken by the Court in engaging with the competent Sudanese authorities.

Furthermore, the Court's engagement with the relevant national authorities is a positive step in confidence-building towards desired results. Ghana has always maintained that it is primarily the responsibility of States to protect their citizens; therefore, the State must be consulted in such matters. However, cooperation should not be subordinated to the principle of complementarity, which is a core principle of the Rome Statute. It is therefore worth noting the

Court's willingness to continue with its dialogue and the exploration of innovative approaches to address accountability at the domestic level.

We take this opportunity to call on the Government of the Sudan to show support in that regard. We also encourage the Court to continue to work with the Sudanese judicial system and provide the needed technical and capacity-building support. Certainly, the independence of these national courts should be paramount in the capacity-building efforts.

Secondly, the measures being put in place by the Court to empower victims, witnesses and affected communities by bringing its work closer to affected communities through the proposed increase in the frequency of missions to Darfur—and the enhancement of the Court's permanent field presence—are noteworthy. In that regard, we applaud the Prosecutor for meeting with victims and survivor groups in internally displaced persons camps in both South and Central Darfur States during his ongoing visit to the Sudan from 20 to 24 August 2022. The proposed establishment of a field office in Khartoum and of possible locations for the presence of the Court in the Sudan are also welcome developments.

Thirdly, we further note with appreciation the steps being taken by the Court in its renewed strategy to increase avenues for accountability through cooperation with third States and international and regional organizations. Of significance are the steps being taken to increase cooperation and dialogue with many African States and the African Union. As noted in the report, this approach could help address not only the lack of cooperation between the Court and the Sudanese authorities, but it could also garner the broadest support to address issues of accountability in other cases that the Court is investigating.

I wish to conclude by once again thanking Mr. Khan for his efforts aimed at fighting impunity by relocating from The Hague to Khartoum, particularly, for meeting with victims and survivors of atrocity crimes in Darfur. This approach will help to demystify the invisibility of the warlords who are seen as untouchable in their communities and also give victims and survivors hope by showing that they have a place—the ICC—where they can turn for justice in times of need.

Mr. Leonidchenko (Russian Federation) (*spoke in Russian*): We are grateful to Mr. Karim Khan for presenting the report. We regret that the Office of the

Prosecutor of the International Criminal Court once again did not meet the set time frame, presenting the report a month late. It is difficult to understand how this correlates with the pledge to pay particular attention to the subjects transmitted to the International Criminal Court (ICC) by the Security Council.

In spite of the delay, we do not see in this report any progress in investigating the situation in Darfur. It is hardly possible to consider the beginning of the first single-accused trial of the one defendant, 17 years after the case was transferred to the ICC by the Security Council, to be a breakthrough. It seems evident that the ICC, which receives so-called financial and organizational assistance from Western States to the tune of millions of dollars to investigate the Ukrainian dossier, has completely different priorities at this time. Such a passion for Ukraine is utterly incomprehensible to us. There are other serious issues on the Court's agenda that have either stagnated for years or been intentionally swept under the rug.

Last month, British Broadcasting Corporation (BBC) journalists published evidence of the British military's involvement in some 50 incidents in which civilians were killed in 2010 and 2011 in Afghanistan's Helmand province. As we know, the ICC has jurisdiction over the situation. The ability of Britain's judicial system to independently bring those responsible for these disgusting crimes to justice is highly questionable. And yet more than 10 years have passed since then and we are still seeing the classic scenario from all the collective West's unprovoked, unjustified and aggressive wars, which is that there are numerous victims among the civilian population, but no culprits among the NATO soldiers.

One would think that in this situation the ICC could not simply stand aside when it should be guided by the goal of ensuring justice for the victims, and that at the same time, Great Britain itself should naturally provide the Court with all possible assistance in punishing the guilty parties, while other Western countries should surely allocate no fewer resources to that investigation than they are doing to the Ukrainian dossier. Unfortunately, the reality is quite different. Western countries present themselves as zealots for justice when it comes to Russia. In the case of crimes committed by their own military, however, they do everything they can to avoid responsibility, with excuses, evasions, bureaucratic red tape, specialized protective legislation, sanctions and even threats.

The Office of the Prosecutor of the ICC, which has spared no time or effort with regard to the Ukrainian dossier, even to the detriment of other cases, has demonstrated no particular zeal in investigating the crimes of British and American military personnel in Afghanistan and Iraq. In fact, the new Prosecutor of the Court has completely deprioritized the relevant proceedings — in other words, the investigation into them has stopped. It is unlikely that the BBC's sensational revelations will change anything. The entire history of the ICC shows us that when accountability for the military of Western States is at issue, combating impunity becomes quite unnecessary and even dangerous. The double standards that have become a common practice for the Court compel us to doubt its ability to bring about justice and promote a lasting reconciliation process in the Sudan or any other situation country.

At one of our previous meetings, Mr. Khan recalled some words of his late father, who was indeed a very wise man, saying that if you point a finger at someone, three fingers will point back at you. That is also true for those who like to point fingers at my country. The only difference is that the people in this Chamber barely have enough fingers on both hands to point to all the transgressions of these self-proclaimed zealots for justice.

Ms. Dautllari (Albania): Let me begin by thanking the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, for today's briefing from a situation country, and welcoming his visit to the Sudan. We think it is very important that the meeting is taking place during the Prosecutor's visit to the Sudan. As a signatory to the Rome Statute, Albania reiterates its full commitment and support to the International Criminal Court and to Prosecutor Khan for their work in the Sudan. We hope that after his visit the Sudanese authorities will hesitate no longer in boarding the train of justice.

We commend the opening of the trial on 5 April, which will hopefully serve as an excellent example of how the process of justice can be achieved. We agree with Prosecutor Khan when he says that it is precisely the kind of case for which the ICC was created and that it should bring hope to the families of victims. However, it is regrettable that four ICC arrest warrants remain outstanding. We urge the Sudan to surrender the four remaining suspects pursuant to resolution 1593 (2005) and the orders of the ICC. As the Prosecutor highlighted,

his Office has had to deal with limited access on the ground, which remains a matter of great concern. We urge the Sudanese authorities to allow the Office of the Prosecutor to have full, safe and secure access to all parts of the Sudan, including archives and mass graves, as required by the memorandum of understanding, resolution 1593 (2005) and the Juba Peace Agreement, which Prosecutor Khan also mentioned.

It is important that the Council keep the promise of accountability it made through resolution 1593 (2005) and send the right message on promoting justice and ensuring accountability for the atrocities committed in the Sudan. In that regard, it is important to seek ways to enhance cooperation between the ICC Prosecutor and the Government of the Sudan, as the ICC's mission cannot be achieved without the support of the Sudanese authorities.

In conclusion, we believe that the Sudanese people's desire to build their future in freedom and dignity can be achieved only through a return to civilian leadership and through honest and inclusive dialogue. The role of the United Nations Integrated Transition Assistance Mission in the Sudan and the Juba Peace Agreement will be key in reaching those goals.

Mr. Samson (France) (*spoke in French*): I thank Prosecutor Khan for his report and his briefing from Khartoum in the context of his visit to the Sudan. I also welcome the participation of the Sudan in this meeting.

The investigation by the International Criminal Court (ICC) into the situation in Darfur, at the Council's request, remains essential, especially at a time of such political instability in the Sudan. Building lasting and inclusive peace in the region will not be possible without justice. Combating impunity is essential in order to put an end to the spirals of revenge and restore confidence in institutions. It must respond to the desire for justice that the people have shared with the Prosecutor during his visit. The fight against impunity will also help to restore democratic life and reconciliation. In that regard, we call on the Sudan to cooperate fully with the Office of the Prosecutor. We urge the Sudanese authorities to fulfil their obligations under resolution 1593 (2005), the Juba Peace Agreement and the memorandum of understanding concluded with the Office of the Prosecutor. All necessary assistance must be provided to the investigators, who must be given secure access to Sudanese territory, including to the crime scenes in Darfur, the archives and evidence

and to the witnesses, including those in detention. In line with the agreements reached with the Sudanese Government, a local office of the ICC should also be established in Khartoum as soon as possible.

France welcomed the opening on 5 April of the trial of Mr. Abd-Al-Rahman. We want to point out that it is essential that witnesses in the case be able to speak in total security with no risk of reprisals or hindrance. Beyond that, while complementarity remains a cardinal principle, the execution of the outstanding arrest warrants is crucial. The Sudan must promptly surrender Ahmad Harun to the ICC, and we once again urge Abdallah Banda to surrender immediately to the Court so that he can be tried.

The current political stalemate in the Sudan calls into question many of the gains made during the past two years. We support the efforts of the United Nations, the African Union and the Intergovernmental Authority on Development to facilitate dialogue between the Sudanese parties. Political instability is particularly affecting the security situation in Darfur, which has been reflected in an increase in violence, including intercommunal violence. Those responsible for such violence must be held accountable.

We also reiterate our call for the deployment of the joint force for the protection of civilians provided for in the Juba Peace Agreement. The Sudanese authorities are responsible for the protection of civilians, including humanitarian and medical personnel, and for ensuring full, safe and unhindered humanitarian access.

Those issues must continue to be priorities. Together with its partners, especially those in Europe, France will remain actively committed to the political transition in the Sudan.

Mr. Wickremasinghe (United Kingdom): I thank the Prosecutor of the International Criminal Court (ICC) for his thirty-fifth report on the situation in Darfur, pursuant to resolution 1593 (2005), and for his briefing to the Security Council. I also welcome the fact that the briefing has been delivered during his second visit to Sudan, as a sign of Court's unwavering commitment to helping deliver justice to the people of Darfur.

In that light, the United Kingdom welcomes the progress made in the trial of Mr. Abd-Al-Rahman, in which 28 witnesses have provided evidence since April. It is a testament to the victims' courage and patience for them to tell their stories after two decades and

represents a vital step towards seeking accountability for all survivors and affected communities in Darfur. This historic moment demonstrates how enhanced cooperation can translate into meaningful action in the pursuit of justice. It is our sincere hope that this initial step will begin to deliver justice to the people of Darfur and help to break the cycle of impunity that exists across the Sudan.

However, it is regrettable that sufficient cooperation has been lacking from the Sudanese authorities since the October 2021 military coup, putting at risk the progress that the previous Government of Sudan had been able to make with the Court. The United Kingdom therefore urges the Sudanese authorities to immediately enhance their cooperation with the Court.

First, we call for the Sudanese authorities to engage in helping to facilitate the establishment of a field office in Khartoum. A permanent presence is vital for the Office of the Prosecutor to continuously deepen its engagement with affected communities and facilitate stronger cooperation with the Sudanese authorities.

Secondly, the United Kingdom urges the Sudanese authorities to respond swiftly to the Court's outstanding requests for assistance, noting the Court has only received a response to two of the 17 requests it has made in the past six months. We also urge the Sudanese authorities to provide unimpeded access to the documentation and witnesses that have been identified by the Court.

Finally, the United Kingdom would like to commend the ICC for its tireless efforts in delivering justice to the people of Darfur and reiterate its support to the Court in that endeavour. In that regard, we call for action to deliver on the four outstanding ICC warrants in the Darfur situation. We also continue to call for the surrender of Mr. Banda, who remains a fugitive from the Court.

The President (*speak in Chinese*): I shall now make a statement in my capacity as the representative of China.

I would like to thank Prosecutor Khan for his briefing. I also welcome the participation of the representative of the Sudan in this meeting.

The overall security situation in the Darfur region of the Sudan has witnessed repeated intercommunal conflicts, in response to which the Government of the Sudan has taken active measures and made

significant efforts. The international community should provide constructive support to the Sudanese Government to address the difficulties encountered in the implementation of the Juba Peace Agreement, such as the shortage of resources, and to help the Sudanese Government to strengthen capacity-building.

Security Council sanctions have severely limited the security capabilities of the Sudanese Government, and they should be adjusted and lifted in the light of the evolving situation on the ground. China hopes that the provision in resolution 2620 (2022) on setting benchmarks to adjust sanctions on the Sudan by 31 August will be implemented. The relevant benchmarks should be clearly identified and realistic and should not go beyond the Darfur issue, and neither should they be used as a political tool to exert pressure on the Sudan.

I would like to reiterate that China's position on the International Criminal Court (ICC) remains unchanged. We take note the work of the ICC and Prosecutor Khan on the situation in Sudan. We have always believed that the Court should strictly follow the principle of complementarity and earnestly respect the judicial sovereignty of the Sudan. We hope that the actions that the Court has taken in accordance with the resolutions of the Security Council will help Sudan achieve long-term stability and security. We note that Prosecutor Khan is currently visiting the Sudan and that the Sudanese Government has provided active support and coordination in that regard.

I now resume my functions as President of the Council.

I give the floor to the representative of the Sudan.

Mr. Mohamed (Sudan) (*speak in Arabic*): At the outset, I would like to congratulate you, Mr. President, and your friendly country on assuming the presidency of the Security Council for the month of August. I also want to thank Mr. Karim Khan, Prosecutor of the International Criminal Court (ICC), for briefing the Council today from Khartoum.

Since its glorious December 2018 revolution, Sudan has witnessed significant positive developments that have laid the groundwork for a new political reality that will undoubtedly lead to the establishment of a system where freedom, justice and the rule of law prevail. We have already started to consolidate a sustainable structure for democratic civilian rule where people's

sovereignty is ensured, and actions are governed by law and underpinned by justice with no place for impunity.

The Government of the Sudan has demonstrated serious cooperation with the ICC, especially with the Office of the Prosecutor, where various delegations were received and a memorandum of understanding was signed in August 2021. As I speak before the Council today, a high-level delegation led by Prosecutor Khan is in Khartoum. The people of Darfur have previously suffered killing, destruction and displacement. The Government of the Sudan has therefore given special attention to Darfur and its people and has made achieving complete, just and sustainable peace its top priority. That means ensuring the voluntary return of internally displaced persons and refugees to their villages and solving the problem of land and ownership.

In order to achieve peace, development, justice and accountability, the transitional Government eagerly signed the Juba Peace Agreement in 2021. It set out a comprehensive road map to address the conflict and post-conflict arrangements. Among the most important pillars of the Peace Agreement are the security arrangements for the protection of civilians through the deployment of joint forces in all parts of Darfur, pursuant to the national plan for the protection of civilians, the national plan for the protection and promotion of human rights and the 2019 Constitutional Declaration. The transitional Government has amended a number of laws in order to abolish immunities for officials that could otherwise impede the achievement of justice and enable impunity.

The Sudanese judiciary and the Public Prosecutor's Office have been investigating all the violations registered in Darfur since 2001, in line with the Sudan's obligations under international law and the four Geneva Conventions. However, as the Council is aware, the transitional Government bears the responsibility for preventing impunity through credible national procedures. A failure to prevent impunity would encourage the same individuals to commit further violations and encourage others to believe that they would not be punished and held accountable. The transitional Government is also working to enshrine the principles of transitional justice as one of the most important mechanisms for achieving societal peace and stability.

We welcome the reference in the Prosecutor's report acknowledging the steady improvement of the situation

in Darfur. We also welcome the report's recognition of the cooperation between the Government of the Sudan and the Office of the Prosecutor during the reporting period, in line with the principles of international criminal law and the Rome Statute of the ICC. Former Prosecutor Bensouda agreed to three options for dealing with suspects and individuals wanted by the Court. First, the trial of suspects and wanted persons of the ICC would take place before a Sudanese court. Secondly, the suspects and the wanted would appear before the ICC. Thirdly, the Sudan would accept the option of prosecuting those individuals before a hybrid court that is supported internationally. In the light of the current political transition in the Sudan, its immense challenges and the fragility and sensitivity of the situation, it is imperative that those options be examined in order to determine which would be the best way to achieve justice, establish social harmony and preserve the Sudan's unity and sovereignty. That requires that all the members of the Security Council fully support the measures taken by the Sudanese Government, in line with their international commitments, which would help lead to sustaining peace and stability and to the delivery of justice and the prevention of impunity.

We must underscore that the Juba Peace Agreement has created a new reality in the Sudan, particularly in Darfur. The international community must support that reality. The Government of the Sudan would like to recall the principle of legal complementarity, as outlined in the Rome Statute of the ICC, which allows for bilateral cooperation between the Sudanese Government and the Office of the Prosecutor. The transitional Government stresses its commitment to productive cooperation with the Office of the Prosecutor, consistent with its moral and legal obligations. At the same time, we expect such cooperation to be reciprocal in order to deliver justice and provide redress to victims according to the options under consideration and the dialogue launched to achieve stability and ensure the Sudan's sovereignty and unity.

In conclusion, we emphasize that the issue of addressing impunity is a noble goal in the achievement of justice. It is not a contentious one. As I stated earlier, it is one of the most important priorities of the transitional Government and one of the most important elements for achieving peace throughout our country. We want to underscore that we are fully and strongly committed to fighting impunity, in particular for international crimes related to Darfur.

The President (*speak in Chinese*): I now give the floor to Prosecutor Khan to respond to the comments and questions that have been raised.

Mr. Khan: I would like to thank the Permanent Representative of the Sudan for his attendance and comments. I can only reiterate that within the parameters of the Rome Statute, which includes the principle of complementarity but beyond that the imperative of justice, we are willing to engage and look at imaginative ways forward in order to advance the situation in the Sudan.

With regard to the remarks by the representative of the Russian Federation, I can clarify a few points. First, contrary to the fallacious assertion that the report that I presented was late, I should reiterate that we delayed the submission of the report at the request of the Sudan and with the full knowledge of the Security Council Affairs Division and the Council itself. The Sudan requested that I delay my planned mission here last month out of respect for the Muslim festival of Eid Al-Adha. I complied with that request in a spirit of brotherly respect for the independence and sovereignty of the Sudan. So there was no delay.

Secondly, I am the first to agree that when one surveys the international legal landscape, it has been peppered with double standards, contradictions and imperfections—before colonialism, during colonialism and today. However, as the judge from Russia who sat in Tokyo and Nuremberg clearly identified, *tu quoque*, you too, is not a defence in international crimes.

Thirdly, with the greatest humility and respect, but with a degree of candour, I would urge the representative of the Russian Federation not to see the whole world through the lens of the activities and conflagration in

Ukraine. The people of Darfur deserve a few minutes of focus on their own suffering, which they have endured for 17 years. I cannot guess what Mr. Andrey Denisov, the representative of the Russian Federation, would have thought today, but when resolution 1593 (2005) was adopted, he said that

“[t]he members of the Security Council have frequently reaffirmed that the struggle against impunity is one of the most important elements of a long-term political settlement in Darfur ... All who are guilty of gross violations of human rights in Darfur must be duly punished, as is rightly pointed out in the report of the International Commission of Inquiry ... We believe that the resolution adopted today ... will contribute to an effective solution in the fight against impunity” (S/PV.5158, p. 10).

Contrary to the assertion made to Council members just now that we are somehow a single-issue Office, my presence here today and the Deputy Prosecutor’s recent return from Libya provide an ample riposte that that is patently untrue. I am very grateful for the representative’s kind remarks about the wisdom of my late father. Perhaps I can mention another pearl of his wisdom, which was that when one has jaundice, everything seems yellow. I can only pray that any of us, either in the Security Council Chamber or here in the Sudan, including myself, who have jaundice may be cured of that affliction as soon as possible.

The President (*speak in Chinese*): I thank Prosecutor Khan for his further clarifications and comments.

There are no more names inscribed on the list of speakers.

The meeting rose at 11.35 a.m.