



# Security Council

Seventy-seventh year

**8948**<sup>th</sup> meeting  
Monday, 17 January 2022, 10 a.m.  
New York

*Provisional*

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*President:* Ms. Heimerback. . . . . (Norway)

*Members:*

Albania . . . . .	Mr. Hoxha
Brazil . . . . .	Mr. Costa Filho
China . . . . .	Mr. Geng Shuang
France . . . . .	Mr. Fodda
Gabon . . . . .	Mrs. Ngyema Ndong
Ghana . . . . .	Mr. Agyeman
India . . . . .	Mr. Mathur
Ireland . . . . .	Mr. Flynn
Kenya . . . . .	Ms. Nyakoe
Mexico . . . . .	Mr. De la Fuente Ramírez
Russian Federation . . . . .	Mr. Kuzmin
United Arab Emirates . . . . .	Mrs. Alhefeiti
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 10.05 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

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

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

In accordance with rule 39 of the Council's provisional rules of procedure, I invite 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.

Before we begin with our speakers list today — recalling the Security Council's latest note by the President (S/2017/507) on its working methods — I wish to encourage all speakers, both members and non-members of the Council, to deliver their statements in five minutes or less. Note 507 also encourages briefers to be succinct and focus on key issues. In that spirit, briefers are further encouraged to limit their initial remarks to seven to 10 minutes. Everyone is also encouraged to wear a mask at all times, including while delivering remarks.

I now give the floor to Prosecutor Khan.

**Mr. Khan:** First, may I congratulate Norway on its presidency of the Security Council this month. It is a real honour to have the opportunity in this new year to present the thirty-fourth report of the Prosecutor of the International Criminal Court (ICC) in relation to the Darfur situation in the Sudan, pursuant to resolution 1593 (2005), which the Council adopted in 2005. Despite the strictures of the coronavirus disease pandemic and the wearing of masks, it is wonderful to be here in person.

I would like to begin by recalling what I said when I met with Darfur survivors and victims when I was in Khartoum on 17 August last year. I convened a meeting with Darfur civil society. Many individuals have been struggling for almost two decades for something that should be simple but seems extremely complex, namely, justice — a modicum of accountability that underlines

the fact that every life matters. They have struggled and shown perseverance in relation to crimes that have unfortunately characterized a generation, at least, of men, women and children.

It was that suffering that led the Council to use its powers under Chapter VII of the Charter of the United Nations in 2005 and refer the situation to the ICC. I share the frustrations, impatience and hopes of those survivors that that singular moment — the first referral by the Council to the International Criminal Court — will yield dividends. Expectations are not unreasonable; it is simply that there should be some justice. The victims, the survivors and the people of Darfur have shown that persistence. But it is important, as I said in my interactions with Sudanese Government members, that the referral is not a never-ending story. We are approaching middle age — 34 reports. We need to do better collectively — my Office, of course, but also the Council — to make sure that the promise and purpose of the referral are wedded with concrete action.

There are signs of hope, and there has been progress notwithstanding difficulties that remain. In July 2021, all 31 charges related to a notorious Janjaweed leader, Ali Kushayb, were confirmed. The trial is set to start on 5 April. The charges include war crimes, crimes against humanity, murder, rape, torture and attacks against the civilian population in Wadi Salih and Mukjar. That is an important moment this year: in just three months' time, the promise of the Council will start being demonstrated in action by the allegations that the Office has proffered being placed before independent and impartial judges.

At the same time, outreach is important. I hope to work with the Court's Registry to make sure that there is an organized and effective outreach programme so that Sudanese people — in the Sudan, in Darfur and outside — can follow the proceedings, because they have the right to know what happened and a right to see the truth.

But the Ali Kushayb case is but one case. There are, of course, four warrants outstanding: the case against former President Omer Al-Bashir; the case against the former Minister of the Interior, Abdel Raheem Muhammad Hussein; the former governor of South Kordofan, Ahmad Harun; and the former Justice and Equality Movement rebel commander, Abdallah Banda. In relation to the latter, I recused myself from that case, which is being supervised directly by the Deputy Prosecutor.

It is important, as I said in relation to my Libya briefing in December (see S/PV.8911), that during my term I wish to prioritize cases that have been referred by the Council. I started that in the Sudan situation by conducting a review of the evidence to look at the strength of those cases, and I also ensured that additional resources are brought into that case so that we can, hopefully, be more effective.

But the reality is this: that for a variety of reasons, over the last 17 years, including the non-cooperation of the Government of the Sudan by the previous administrations, there were no field investigations in the country, and my predecessor hibernated this situation for a long period so that investigations did not mature. As a result, I realized that the evidence, particularly against Omer Al-Bashir and Mr. Hussein, needed strengthening.

I am satisfied with the strength of the evidence regarding Ali Kushayb, but in relation to the two cases I mentioned, we need to make sure we do better. That requires cooperation from the Sudan. It requires assistance from the Sudan, and it also requires cooperation and collaboration from members of the Council and from States Members of the United Nations.

Realizing that evidential landscape, I have given more resources to the team, put more investigators on the case, including people with Arabic-language skills, and immediately, in August, two months after my term commenced, I went to the Sudan to speak to the Government, realizing the importance of cooperation. That brought tangible results, because for the first time we concluded a memorandum of understanding not only in relation to Ali Kushayb but in relation to all four of the cases for which judges of the ICC have issued warrants. I also appointed a pro bono Special Adviser to focus exclusively on the Darfur situation so that we can move together, get cooperation to a greater extent, and that is Ms. Amal Clooney. Again, this is evidence of my intent not just to say that I am prioritizing Security Council referrals but to make sure that the resources that are needed are put into that case.

During my trip to Khartoum, in August, we had some constructive meetings. I met with General Al-Burhan, of the Sovereignty Council, then Prime Minister Hamdok and the Minister for Foreign Affairs and the Minister of Justice. We also met United Nations Integrated Transition Assistance Mission in Sudan UNITAMS Special Representative of the

Secretary-General Volker Perthes and members of the international community.

In this I also underlined a new approach. That is the beautiful thing about the law — there are many different solutions to one fundamental problem. It is not the location of a trial or even the forum of adjudication that is critical. What is critical are independent and impartial investigations, independent and impartial adjudications, and then the rule of law, which should triumph so that victims can move forward, realizing that everything has been done to try to ensure justice.

I emphasized to the members of the Government that I would be willing to use the full panoply of options that are entwined in the Rome Statute to try to make sure that we could work together and forge better bonds so that this chapter could be closed.

The simple issue is this: if we do not accelerate cooperation between the Government of the Sudan and my Office, investigations will continue. If we are to carve out a road map for the completion of this situation in the way that I believe the Council and the victims want, the way to do it is to accelerate the process, to inject more cooperation and assistance within the Office, and if that is done, I think that we can move forward in an effective way.

On 25 October, of course, the landscape changed, and that has not been particularly helpful. In my meetings in August, not only had the memorandum of understanding been signed; there had been commitments by the Government to sign the Rome Statute and to work more closely with my Office, and there had been the agreement to help ensure a permanent field presence of the Office of the Prosecutor in Khartoum. But the hiatus from 25 October has meant that we have lost focal points. We are trying to catch up. We had to, for a couple of months, in fact, until now, suspend active investigations, so that was a very troublesome, concerning turn of events. The upside is that just before Christmas, my team went to Khartoum again; they spoke to General Al-Burhan, who reassured members of my Office that the memorandum of understanding was still valid, that he was looking at cooperation, and he said on more than one occasion to me directly and to the team in December that it was essential to have justice for the victims in Darfur.

The challenge now collectively for all of us is to make sure that those assurances are translated into concrete, tangible partnerships and accountability. This

is a delicate stage, of course, in the transition in the Sudan, but I would underline again that the only option for us to move forward and close this situation or find a pathway towards closure is accelerating cooperation.

I mentioned this on Friday to the representative of the Sudan, Ambassador Elbahi, and I also emphasized that these cases are not against the Sudan. The Sudan is a partner, not an adversary. They are against individuals for whom the evidence discloses their responsibility in relation to crimes within the jurisdiction of the Court.

We need safe and secure access to the Sudan and to the archives. We need to be able to look at where the mass graves are, and we need to be able to go to all parts of the Sudan and work independently. That is required not just by the memorandum of understanding signed in August of last year; it is required not only by resolution 1593 (2005); it also required by the Juba Peace Agreement, so these are tripartite tiers of responsibilities and commitments that I hope very much the Sudan will honour, and also work with us more closely.

Cooperation from outside the Sudan is also critically important, and we have had fantastic support from the European Union, the African States, Norway, the United Kingdom, the United States of America and the People's Republic of China. This is an area, if we are to close this chapter and allow the Sudan to move forward, in which there can be no passive spectators. We have to help the Sudanese people get what they deserve, which is justice and closure.

I hope to go again to the Sudan in the next few months, perhaps, hopefully, in April. It has been promised that such a trip, including going to Darfur to speak with some of the survivors, victims and displaced persons there, would be facilitated so that we can undertake an acceleration in the work on the cases before the Court.

With your leave, Madam President, I want to speak directly to those victims to underline that during my term we will have an unwavering commitment to ensuring that the landmark Security Council decision of 2005 is honoured and respected so that there can be a proper and rigorous investigation enabling us to put before judges what the truth of the matter is. It is my view that — and I will be quite candid about the state of evidence, but I will also be candid about a simple truth — unless and until we get justice, the Sudan runs the risk of always being defined by the past conduct and

the past events that compelled the Security Council to act in 2005.

If we — the Office of the Prosecutor, the Government of the Sudan, the Security Council and Member States — work together in partnership, we can close this chapter, and if we do so, I believe that the Sudan, unencumbered and relieved by some of the burdens of the past, will, by ensuring justice, have every possibility to do something that every Council member wants, namely, to write a new chapter so that the country can march forward to a better, more prosperous and safer future.

**The President:** 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. De la Fuente Ramírez (Mexico)** (*spoke in Spanish*): I thank Prosecutor Karim Khan for his report, presented pursuant to resolution 1593 (2005), on the situation in Darfur, as well as for the presence of the representative of the Sudan at today's meeting.

Mexico welcomes the confirmation of charges in the Ali Kushayb case. This is a concrete step forward by the International Criminal Court in relation to the situation in the Sudan. We also applaud the visit of the Prosecutor to the Sudan last year, which culminated in the signing of a memorandum of understanding.

However, the impact of last October's coup d'état on cooperation with the Court is of great concern. It is essential for the team from the Office of the Prosecutor to have focal points in the Government of the Sudan to continue working, have access to documentation and evidence, be able to enter the territory and continue its investigations and have the possibility to meet with witnesses, with team members' safety ensured at all times.

It should also be emphasized that witnesses cannot and should be fully protected and not be subject to reprisals. Any tendency to undermine their cooperation is an affront to victims and negatively affects accountability and the strengthening of the rule of law. We therefore reiterate the obligation to comply with the arrest warrants of the International Criminal Court.

Mexico reiterates its support for the work of the Office of the Prosecutor and the Court in general, with special emphasis on the cases referred by the Security

Council, which should facilitate United Nations support for the expenses incurred by the Court resulting from such referrals.

**Mr. Costa Filho** (Brazil): I thank the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, for his valuable briefing on the thirty-fourth report on the situation in Darfur. I also welcome the representative of the Sudan to today's meeting.

At the outset, allow me to reiterate Brazil's support for the International Criminal Court. As one of its founders, Brazil recognizes the value of a permanent, treaty-based tribunal in fighting impunity and bringing justice to victims. Brazil was presiding over the Security Council when resolution 1593 (2005) was adopted (see S/PV.5158). We have favoured the referral of the situation in Darfur to the ICC, while cautioning that referrals should not be approved lightly. Resolutions referring situations to the Court must strengthen the integrity of the Rome Statute and promote international criminal justice in a non-selective manner.

In his first briefing to the Council as ICC Prosecutor, Mr. Khan has recalled that the United Nations can provide funds to the Court in relation to situations referred by the Security Council. I commend Mr. Khan for raising this issue and express Brazil's full support for this proposal. The current situation, where only States parties cover the cost of Security Council referrals, is neither fair nor sustainable.

I will focus Brazil's comments on three issues: complementarity, cooperation and completion.

First, complementarity is one of the cornerstones of the Rome Statute system. Brazil welcomes the Prosecutor's willingness to explore options to expedite accountability for the crimes committed in Darfur. We welcome attempts to bring procedures not only closer to the victims, but also to where the evidence is located. Complementarity efforts should provide an opportunity to strengthen local institutions so that States can fulfil their primary responsibility to investigate and prosecute crimes committed in their territories. We take this opportunity to encourage the Sudan to ratify the Rome Statute.

Secondly, cooperation is among the main tools to ensure successful outcomes by the ICC. Brazil welcomes the Prosecutor's visit to the Sudan last August, including the signing of a memorandum of understanding, which is an important step to

strengthen cooperation. Another positive initiative is the proposal to deploy a full-time investigation team in the Sudan. When conditions on the ground allow it, a field presence of the ICC, with the consent of the host State, can facilitate investigations and contribute to the development of a fruitful relationship between the Office of the Prosecutor and the Sudanese authorities. Brazil underscores the importance of ensuring that the Court has access to documents and other evidence in the Sudan and that witnesses receive adequate protection.

Thirdly, completion strategies should be an integral part of the Rome Statute system. We welcome the confirmation of charges in the Ali Kushayb case and stress the importance of delivering justice to victims before completion of the situation. Brazil appreciates the Prosecutor's intention to provide a road map for completion of Security Council referrals, including in Darfur. International criminal justice is a temporary solution when States with jurisdiction are unwilling or unable to investigate and prosecute the most serious crimes. In the long run, it is imperative to build a culture of accountability at the national level, with strong institutions that are able to fight impunity.

In conclusion, Brazil reiterates its support to the resumption of the transitional process in the Sudan and to the United Nations-facilitated intra-Sudanese political dialogue announced recently by Special Representative Volker Perthes. That process, led by the United Nations Integrated Transition Assistance Mission in Sudan, should not only address paralysis and polarization in Khartoum, which have given rise to violent protests and popular frustration, but also stimulate the Sudanese people to seize further ownership of its own democratic institutions.

**Mrs. Alhefeti** (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to thank the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, for his comprehensive briefing, and I welcome him in his first briefing on the Sudan in the Security Council. I would like to note in that regard that we closely follow the work of the Court and the efforts made by the Prosecutor and his team. I also welcome the Representative of the Sudan to today's meeting.

Despite the recent developments in the Sudan, the country has made important gains over the past two years, which we believe must be preserved and built upon. At this critical juncture, it is therefore imperative for the Security Council to play a positive

role and encourage the Sudanese parties to continue engaging in dialogue in order to reach a consensus on how to advance the transitional process, in line with the Constitutional Document and the Juba Peace Agreement. We also welcome the launching of the United Nations-facilitated and Sudanese-led dialogue initiative aimed at supporting the Sudanese parties to overcome the current situation.

As my country remains a supporter of the right of our brotherly Sudanese people to live in a secure, stable and prosperous country, we stress our firm support to implement the Sudanese-led transition process that lays the groundwork for a just, lasting and inclusive peace in the country.

Turning to today's discussion, we are of the view that the Sudan's cooperation with the ICC is part of the Sudan's multifaceted approach to accountability. We note in that context the memorandum of understanding on the cooperation between the Sudan and the Court, which was signed in August 2021, as well as the subsequent visits hosted by the Sudan for a team from the Office of the Prosecutor, including in December 2021. We hope that those efforts reflect genuine and honest dialogue between the Court and the Sudan based on the principle of complementarity noted in the Court's Statute and in line with the national laws of the Sudan.

Furthermore, we recognize the steps that the Sudan has taken to implement transitional justice mechanisms, consistent with the terms of the Juba Peace Agreement, including the work under way to establish a transitional justice commission and the activation of the Sudan's Truth and Reconciliation Commission. We hope that those efforts will bring justice for the victims of Darfur and create the conditions conducive to establishing sustainable peace in the Sudan. We stress that the international community needs to provide the necessary support to the Sudan, at its request, in order to build its capacity as it pursues to implement justice and accountability mechanisms.

In conclusion, my country emphasizes its commitment to the sovereignty, independence, territorial integrity and national unity of our brotherly Sudan.

**Mr. Kuzmin** (Russian Federation) (*spoke in Russian*): I would like to thank Mr. Karim Khan. We have taken note of his information. The position of the Russian Federation on the activities of the International Criminal Court (ICC) has not changed. The authority of any judicial body is based on its openness, impartiality,

apolitical nature and the legal validity of its judgments. Unfortunately, the ICC is still far from such standards.

We would like to comment separately on the recent decisions of the ICC. Those decisions indicate that the ICC maintains the unacceptable practice of at-will interpretation of the norms of international law and Security Council documents. The ICC Appeals Chamber, in considering the legal objections of defendant Ali Muhammad Ali Abd-Al-Rahman regarding jurisdiction, assumed that it had the authority to interpret the provisions of resolution 1593 (2005).

In that regard, we would like to recall that the ICC is an organ created on the basis of an agreement between a limited number of States. Indeed, the authors of the Rome Statute provided for the possibility of the Security Council referring situations to the ICC. However, that does not mean that the Security Council has given the ICC the right to interpret the will of the Council. Interpreting the resolutions of the Security Council is a competency that falls only to the Council itself or to a body that the Council specifically endows with such authority. That is not the case with the ICC. It would be simply absurd if an external body with a limited number of participants could impose on the States Members of the United Nations its own reading of the content of United Nations documents, including those that can impact the entire international community.

Resolution 1593 (2005) expressly states that States that are not parties to the Rome Statute do not have any obligation thereunder. The approach of the ICC is also confusing given that a diametrically opposite position was taken by the Special Tribunal for Lebanon. That Tribunal, acting on the basis of resolution 1757 (2007), did so under the logical presumption that it lacked the authority to interpret Council documents.

The persistent attempts of the ICC, which has not achieved much success in areas of investigative and judicial activities thus far, to prove its worth through creative interpretation — essentially rewriting — of norms international law cannot but cause concern.

In conclusion, I would like to offer a few words about the situation in the Sudan. The Russian Federation has consistently called for the normalization of the political situation in the country. We are convinced that, against the backdrop of ongoing political instability, the main objective is national reconciliation. The ICC has done nothing to that end in all of its 15 years of work on the Darfur dossier. With regard to the provision of justice,

the Sudanese — I am confident — will be able to deal with that on their own.

**Mr. Flynn** (Ireland): I would like to thank Prosecutor Khan for his briefing and report. I also welcome the representative of the Sudan.

Since we last heard from Mr. Khan's predecessor on the situation in the Sudan (see S/PV.8791), the democratic transition has suffered a significant setback following the military coup of 25 October. It is regrettable that this has interrupted the significant progress made up to that point in the Prosecutor's investigations.

We remain deeply concerned about the deteriorating security situation in Darfur and have noted reports from the United Nations Integrated Transition Assistance Mission in Sudan, the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees of attacks against civilians in West and North Darfur. Reports of civilian deaths, the rape of women and girls, forced displacement of thousands and the destruction of property are deeply worrisome and include acts that may fall within the jurisdiction of the International Criminal Court (ICC).

We deplore reports since the coup of alleged serious violations of international humanitarian law and the use of sexual violence and attacks on medical personnel and facilities as tools to intimidate and punish women and men for exercising their civil and political rights. We call on the Sudanese authorities to protect civilians, bring this violence to an end and ensure accountability for such incidents.

We welcome the new consultative initiative intended to address the constitutional crisis and hope it will lead to a road map for a reset of the democratic transition. It is imperative that we do not lose the hard-won gains achieved since 2019, including as they relate to accountability and justice.

We urge a return to the progress we saw in the Court's work prior to the events of October. That progress was exemplified by Prosecutor Khan's visit to Khartoum, the conclusion of a further memorandum of understanding with the civilian-led transitional Government and plans to deploy an investigative team based full-time in the Sudan. The allocation of additional resources to the Office's Darfur team is also positive, including increasing the number of team

members and the focus on ensuring that the team has the adequate skills.

We welcome the significant progress in Mr. Abd-Al-Rahman's prosecution, the first confirmation of charges in a Security Council referral. His trial commences 17 years after the adoption of resolution 1593 (2005), demonstrating the importance of the Council's and the Court's continued focus on accountability in the Sudan.

However, we note that four ICC arrest warrants remain outstanding. We urge Mr. Banda to surrender to the Court and reiterate our call on the Sudanese authorities to cooperate fully with the ICC and surrender the three additional fugitives in Sudanese custody, in line with their obligations.

Cooperation remains key to the Court's continued work in the Sudan. In that regard, we note that there is ongoing engagement by the Sudanese authorities. However, we also support the Prosecutor's request for access to evidence and witnesses in the Sudan, as well as full and safe access to the Sudanese territory. We urge the Sudan to nominate focal points to facilitate continued work with the Court and to ensure the safety of witnesses and their ability to testify.

As the Prosecutor pointed out in his report, the violence we are witnessing in Darfur today reminds us why we need to break the cycle of impunity. It is for that reason that Ireland remains a strong advocate for the work of the Court and the Prosecutor's Office in the Sudan. As the Juba Peace Agreement acknowledged, justice and accountability are crucial for building peace in the Sudan. The Prosecutor can count on our continued support for his work and that of his Office.

**Mr. Mills** (United States of America): I thank the Prosecutor for his report today and his briefing to us on the investigation of the International Criminal Court (ICC) into the situation in Darfur. The United States has welcomed his leadership since his tenure began.

As the United States affirmed at the recent meeting of the Assembly of States Parties to the Rome Statute, where we participated as an observer State, the United States stands ready to engage with the ICC to advance our shared objective of ensuring accountability for the most serious international crimes. We also welcome the recent election of two Deputy Prosecutors and ongoing review and reform efforts, which aim to strengthen

the Court as an institution and enhance the delivery of justice.

The United States certainly welcomes the Prosecutor's position that situations referred by the Council must be given greater prioritization in his Office's work. We are pleased that he made it a priority to visit the Sudan so early in his tenure, and we appreciate the efforts of his team to reinvigorate investigations and engage victims and witnesses, including through follow-up visits to Khartoum. We also welcome his appointment of a Special Adviser focused specifically on the situation in Darfur, and we look forward to continuing to work with him on his Office's investigation into this situation.

When we convened on the ICC's Darfur investigation in June last year (see S/PV.8791), the prospect for justice, so long awaited by victims, as the Prosecutor said this morning, seemed within reach. The past few months, though, have brought into greater relief the daunting challenges facing the Sudan. The United States remains committed to accountability for the situation in Darfur — it is imperative for durable peace and stability in the Sudan.

The Sudan cannot wait to resolve its current political crisis, which has impacts far beyond the capital. A restored transition must immediately get to work to deliver on the commitments of the Constitutional Declaration and to implement the Juba Peace Agreement. As described in the Sudan Panel of Experts' recent report, armed militias and their supporters have continued to attack, kill and loot with impunity in Darfur. Intercommunal violence — with continuing cycles of attacks and counter-attacks rather than any genuine resolution — threatens social cohesion, diminishes the likelihood of peaceful cohabitation and the sustainability of the peace process. Women and girls face the persistent threat of rape while carrying out basic livelihood activities. That is yet another horrific reminder of the prevalence of sexual violence in Darfur and beyond and makes the Prosecutor's recent initiative to advance accountability for gender persecution all the more important.

The United States also notes and condemns the December attacks on the World Food Programme warehouses and other storage facilities that may be depriving nearly 2 million people in need of assistance of life-saving aid. Thousands of people have been

forced to flee to Chad. We reiterate our call for a full investigation and for perpetrators to be held to account.

The Sudanese authorities must do more to address the security vacuum, ensure the protection of civilians and, most fundamentally, address the root causes of violence in those regions. Justice and accountability are a vital part of the Juba Peace Agreement, which creates a framework to address the crimes of the past and the foundation for a future in which the rights of all persons in the Sudan are respected. Just as the Security Council recognized in referring this situation to the ICC over 15 years ago, the Juba Peace Agreement recognizes that the ICC — together with domestic judicial institutions and broader transitional justice mechanisms — has a central role in delivering justice to victims.

As detailed in the Prosecutor's report, the Sudanese authorities have welcomed visits by the current and former Prosecutor and their staff and have enabled them to revitalize their investigations in Darfur. That cooperation must continue. The memorandum of understanding signed in August, which we just heard about, was a positive step, and we are encouraged by the Prosecutor's signal that it remains in effect.

As Sudanese stakeholders work to find a way forward to address the current crisis, the United States strongly urges authorities to continue to comply with their international legal obligations pursuant to resolution 1593 (2005) and to cooperate with the ICC. The Sudanese authorities must continue to permit ICC teams to travel within the country and cooperate with requests for evidence and other information and assistance, including through the nomination of focal points for the Office of the Prosecutor. Those who are subject to arrest warrants by the ICC must face justice and be transferred to face trial.

In conclusion, the fact that the trial of former Janjaweed commander Ali Muhammad Ali Abd-Al-Rahman is scheduled to begin in April, 15 years after the arrest warrant was issued, is a testament to what can happen when demands for justice never falter. The United States will continue to stand by the Sudanese people in support of the ICC's efforts to advance accountability.

**Mr. Hoxha** (Albania): I welcome and thank Prosecutor Karim Khan for today's briefing, for his thirty-fourth report and for the work that he is doing.

As a party to the Rome Statute, Albania supports the work of the Prosecutor and the International Criminal Court (ICC). In our view, it plays a crucial role towards ending impunity and bringing justice to the victims of the heinous crimes against humanity, including for women and children, everywhere it operates, including in Darfur. We echo and fully reiterate Prosecutor Khan — there must be justice. And, yes, he should use the whole panoply of tools of the ICC, as he highlighted.

Beyond being a cornerstone principle of international law, accountability is a powerful deterrent against current and future abuses. It helps those who have suffered to heal their wounds and understand that their suffering will not be ignored, forgotten or left unnoticed or unaddressed. It also reminds the perpetrators that, sooner or later, justice will knock on their door. Without accountability, human rights will be denied, crimes will be perpetuated and impunity for past conflict-related crimes will persist, thereby undermining legitimacy and prospects for peace and conciliation. In our view, a lack of accountability equals a license to kill.

Albania remains very concerned by the precarious security situation prevailing in the Sudan and the ongoing violations of human rights by the military authorities. We expect the security services, the military and other armed groups to refrain from using further violence against peaceful protesters and civilians across the country, including and especially in Darfur. The killing of civilians, sexual violence and the injuring of hundreds more by the security services and other armed groups since the 25 October military takeover are unacceptable.

Albania welcomes the confirmation of charges in the Ali Kushayb case. That is a tangible outcome from resolution 1593 (2005), and we are happy to hear that the case is solid. We call upon the Sudanese Government to fully and meaningfully cooperate with the Office of the Prosecutor in the four cases to grant access to the territory, the archives, witnesses, crime scenes and, based on the memorandum of understanding signed on 12 August 2021, to fully investigate the crimes committed and bring the perpetrators to justice. We expect General Al-Burhan to honour his promise and keep his word regarding full cooperation with the ICC.

Albania supports the 2019 Constitutional Declaration and considers it the only road map to overcoming the nation's current political crisis.

The legitimate wish of the Sudanese people to build their future in freedom and dignity inevitably requires a return to civilian leadership through an honest and inclusive dialogue with representatives of a wide political spectrum and civilian society, including women and youth.

**Mr. Agyeman** (Ghana): I thank Mr. Karim Khan, Prosecutor of the International Criminal Court (ICC), for briefing the Council on the report on the activities of the Court's file on the Sudan. As a new member of the Council, Ghana would like to take this opportunity to assure the Prosecutor of its full cooperation in the implementation of his mandate, especially as it relates to cooperation with the Council. We wish him every success in his new role with the Court and note that this is his second briefing to the Council in his present capacity.

Ghana believes that the Court plays an important role within the global justice and security architecture in helping to maintain international peace. As the sixth State party to join the Rome Statute, we remain committed to the objectives of the Court and to the development of a complementary international criminal justice system that holds accountable the perpetrators of the most serious crimes of international concern, seeks justice for victims of atrocity crimes and, above all, acts as a deterrent to perpetrators of the four classes of egregious crimes that the Court has jurisdiction over.

Ghana therefore welcomes the Prosecutor's report on the activities of the Court with regard to the Sudan file and wishes to focus on the following three points.

First, we reiterate the shared conviction that impunity cannot and must not be allowed to stand wherever it occurs and for whomsoever.

It is in that respect that in the case of the former Sudanese President, Omer Al-Bashir, and the other individuals facing ICC arrest warrants for the alleged crimes they committed in Darfur, including genocide, war crimes and crimes against humanity, we reaffirm the position that accused persons should be made to face the course of justice and given an opportunity to account for their actions or inaction in connection with the very serious crimes with which they have been charged.

We recall the Council's resolution 1593 (2005), by which it decided, in operative paragraph 2, that

“the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the Court”.

In that regard, Ghana calls on the Sudan to assist the Office of the Prosecutor with access to documents, archives and other evidence in the Sudan. The Office of the Prosecutor should also have access to witnesses, including those in custody in the Sudan, and, finally, full and safe access to the territory of the Sudan, including crime scenes in Darfur.

While taking note of the efforts made by the transitional Government of the Sudan towards the ratification of key human rights treaties, Ghana encourages the transitional Government to fully translate into reality its commitment to the rules-based international order and to ending decades of impunity by transferring the ICC’s outstanding fugitives without delay.

Ghana welcomes the confirmation of charges in the Ali Kushayb case, since that is the first confirmation of charges in a Security Council referral. The voices of the victims continue to cry out for justice; they should not be made to wait any longer.

Secondly, while calling on all States that have indicted persons to cooperate with the Court, Ghana believes that the efficiency of the Court lies in effectively implementing the principle of complementarity, which is a core principle of the Rome Statute. In that regard, Ghana reaffirms its call on States parties to consider the issue of complementarity as a key tool in trying the crimes within the jurisdiction of the Court and one of the options in reducing the workload of the Court. After all, it is primarily the responsibility of States to protect their citizens. We therefore encourage the Court to work with national judicial systems that may require capacity-building, including those on the African continent, to take ownership of some of those trials. Certainly, the independence of those national courts should be paramount in capacity-building efforts.

The third issue of importance to our delegation is witness protection before, during and after the trial process. As the Court proceeds with investigations into the cases in Darfur and other areas of interest, it has been observed that in some instances witnesses have been recanting, which adversely impacts the case for the prosecution and invariably casts a slur on the Court. In that connection, Ghana calls on the Court to do more in getting the victims involved in the whole process and

giving them the needed protection before, during and after the trials. We believe that this will give victims the confidence required to testify during trials.

In concluding, I would like to urge the Prosecutor to be encouraged by Lady Justice, who, being blindfolded and holding suspended scales, looks neither east nor west but towards the evidence in order to deliver fair, impartial and equitable justice for victims. Ghana therefore hopes for a balanced and global approach to the investigation of crimes within the jurisdiction of the Court, devoid of the perceived region-centric approach.

**Mr. Wickremasinghe** (United Kingdom): I should like to start by thanking the Prosecutor of the International Criminal Court (ICC) for his briefing to the Council and for the thirty-fourth report on the situation in Darfur pursuant to resolution 1593 (2005)

First, the United Kingdom would like to welcome the confirmation of charges in the case of Mr. Abd-Al-Rahman more than 16 years after the Security Council referred the situation in Darfur to the Office of the Prosecutor. That is a positive development and a sign of the patient and tireless work that is required to deliver justice. We also welcome the continued attention and priority placed on the situation in Darfur, as demonstrated by the Prosecutor’s first official visit to the Sudan in August. The signing of a memorandum of understanding, as well as the Government’s commitment to facilitating a full-time presence of the Office in the country, were potentially indicative of wider positive gains on justice and human rights since the 2019 revolution.

It is, however, regrettable that the military coup on 25 October has placed such progress at risk. The interruption of investigative activities in the Sudan has been a significant setback to the Court’s effort to deliver justice for the people of Darfur. We therefore urge the Sudanese authorities to build on the previous positive engagement with the Court and the commitments made by various parties, including in the memorandum of understanding and in the Sudan’s obligations under resolution 1593 (2005).

The United Kingdom echoes the Court’s request for access to evidence, archives and witnesses and unfettered access to the territory of the Sudan, including crime scenes in Darfur. As detailed by the Prosecutor in his report, the situation in Darfur continues to be characterized by increasing violence, resulting in deaths and the large-scale displacement of

civilians. The already fragile situation has been further exacerbated by the ongoing political crisis following the October coup.

Accountability for past human rights violations has a vital contribution to make in ending the cycle of violence and addressing the root causes of conflict. In that regard, we urge the Sudanese authorities to fully cooperate with the Court.

Finally, I would like to commend the efforts of the Prosecutor and his team to help deliver justice to the people of Darfur. The United Kingdom stands ready to assist the ICC in facilitating the four ICC warrants that remain outstanding in the Darfur situation and calls for the surrender of Mr. Banda, who remains a fugitive from the Court.

**Mr. Fodda** (France) (*spoke in French*): I, too, thank Prosecutor Khan for his report and briefing. His visit to Khartoum in August 2021, just a few weeks after taking office, demonstrates the importance that the Prosecutor attaches to the situations that have been referred by the Security Council to the International Criminal Court. France welcomes the new memorandum of understanding concluded during this visit. This instrument completes the framework of cooperation with the Sudanese Government and extends it to each of the four suspects who have not yet been surrendered to the Court. It is now time for implementation.

France is indeed convinced that the mission entrusted by the Security Council to the International Criminal Court is all the more essential in this period of transition in the Sudan. Building a lasting and inclusive peace in the region will not be possible without justice. The fight against impunity for the perpetrators of the most serious crimes is part of restoring democratic life and reconciliation in the country.

In this respect, recent events in the Sudan have had very worrying consequences on the conduct of investigative activities. Cooperation has suffered significant setbacks since October. We urge the Sudanese authorities to fully implement their commitments under resolution 1593 (2005), the Juba Peace Agreement, and the memorandums signed with the Office of the Prosecutor. Not only does this mean re-establishing channels of communication with the Court without delay, but also providing all necessary assistance to investigators. The investigators must have secure access to Sudanese territory, and in particular to crime scenes in Darfur, to archives and evidence, as

well as to witnesses, including those who are held in detention centres.

France welcomes the concrete progress that has been made in the case against Mr. Abd-Al-Rahman, also known as Ali Kushayb. We have taken note of the confirmation by Pre-Trial Chamber II on 9 July 2021 of the 31 charges that had been brought. It is now essential that the witnesses in this case be able to testify safely and without hindrance, particularly in the context of the trial scheduled to begin next April. Beyond that, while complementarity remains a cardinal principle, the execution of outstanding arrest warrants is crucial. We call on the Sudan to promptly surrender Mr. Harun to the Court. We again urge Mr. Banda to surrender immediately to the Court so that he can be tried.

France's commitment to the Sudan is inextricably linked to the continuity of the democratic transition. The current political impasse calls into question the many achievements of the past two years. We support the facilitation efforts of the Special Representative of the Secretary-General, Mr. Volker Perthes, in favour of dialogue between the Sudanese parties.

The situation remains very worrying, with a climate of repression and intimidation against demonstrators and the media being maintained by the authorities, and characterized by arrests, detentions, searches and recurrent Internet blackouts. France condemns the violence that has resulted in the deaths of at least 60 people since 25 October, and the sexual violence, the perpetrators of which must be prosecuted.

Political instability is having a particular impact on the security situation in Darfur, as evidenced by the continuing intercommunal violence and the looting of United Nations compounds, particularly those of the World Food Programme. It is important that the perpetrators of these crimes not enjoy impunity. We also reiterate our call for the authorities to accelerate the deployment of the joint protection force provided for in the Juba Peace Agreement. The protection of civilians, including humanitarian and medical personnel, and the guarantee of full, safe, and unhindered humanitarian access are now the sole responsibility of the Sudanese authorities and must remain priorities for them. Alongside its partners, particularly its European partners, France will remain engaged in favour of the political transition in the Sudan.

**Mrs. Ngyema Ndong** (Gabon) (*spoke in French*): Today's debate in the Security Council on the thirty-

fourth report of the Prosecutor of the International Criminal Court (ICC) pursuant to resolution 1593 (2005) is particularly timely, as it comes at a time when that country is going through a pivotal period in its history. I would like to take the opportunity of this first statement by Gabon on the work of the Court to congratulate Mr. Khan on his election as Procureur of the International Criminal Court and to commend the dynamism he has shown since taking office. His briefing this morning has once again demonstrated this dynamism. I also welcome the representative of the Sudan at today's meeting.

It is important to ensure the full implementation of resolution 1593 (2005) and bring justice to the victims and survivors of the conflict in Darfur. The International Criminal Court has a key role to play in ensuring that the commitments made in the context of strengthening international criminal justice are not just wishful thinking. I take this opportunity to reaffirm my country's commitment to the integrity of the Rome Statute and the promotion of the rule of law, as well as our determination to fight impunity.

Gabon takes note of the judicial activities carried out by the ICC during the reporting period. We welcome the commitment of the Sudanese authorities to fully cooperating with the Court in support of its work, including by allowing a permanent presence of the Office of the Prosecutor in the Sudan as soon as possible. The fact that the Sudanese authorities agreed, on 12 August 2021, to sign a memorandum of understanding that sets out the modalities of the necessary cooperation between the Sudan and the Office of the Prosecutor is a significant step forward. We note with interest the Prosecutor's attention to civil society representing victims and survivors of the conflict in Darfur and encourage him to continue his efforts aimed at strengthening the efficiency and effectiveness of his office.

However, the efficiency of the measures taken or to be taken remains dependent on the improvement of the political and security situation in the Sudan. In this regard, we deplore in particular the interruption of investigation activities as a result of the persistent insecurity in the country in general and in Darfur in particular. Similarly, we regret that while the Court is struggling to bring justice to the victims of past conflicts, the continuing tensions in Darfur are causing new victims. We call on the relevant Sudanese

authorities to ensure that this climate of violence ceases and that justice is done for all victims.

In its efforts to bring justice for the crimes alleged to have been committed in 2003, we trust that the Office of the Prosecutor will bear in mind not only the protection and assistance owed to the victims, but also the fragile political situation in which the Sudan finds itself and the prospect of stabilizing the country. It goes without saying that a rapid return to constitutional order would be conducive to greater cooperation between the Court and the Sudanese authorities.

We hope that the Sudanese authorities will respond favourably and expeditiously to the designation of the focal points and that the judiciary will respond to requests for cooperation in the application of international criminal justice without hindering them. These are indispensable links in the continuation of fruitful cooperation in the fight against impunity.

In conclusion, I would like to reiterate our full support for the efforts of the Prosecutor and his Office and welcome the willingness expressed by the Sudanese authorities to cooperate fully with that Office. This partnership is vital for the effective implementation of resolution 1593 (2005).

**Mr. Geng Shuang** (China) (*spoke in Chinese*): I thank Prosecutor Karim Khan for his briefing and welcome the presence of the representative of the Sudan at today's meeting.

With the signing of the Juba Peace Agreement, Darfur entered into a new stage of peacebuilding. China encourages all signatories to continue the implementation of the Peace Agreement and calls upon Darfuri factions that have yet to sign the Agreement to join the peace process as soon as possible.

The recent intercommunal violence in Darfur underscores the fact that the security situation in the region remains daunting. The international community should support the Sudan in security capacity-building to enable it to shoulder the primary responsibility of protecting civilians in Darfur. However, long-term stability and security in Darfur can be achieved only by way of a reconciliation. The Juba Peace Agreement has made clear provisions for that, which include achieving legal justice, fighting impunity and establishing a truth and reconciliation commission. Since the country is currently facing multiple challenges, it should come as no surprise that the implementation of the Agreement

is encountering difficulties. The international community should therefore remain patient while it provides constructive assistance to the Sudan in order to implement the Agreement.

China has been watching closely as the ICC addresses the Sudan dossier and takes note of the Prosecutor's thirty-fourth report and the work done by Prosecutor Khan since he took office. The ICC should abide strictly by the principle of complementarity and effectively respect the judicial sovereignty of the Sudan. China hopes that the Court's actions, on the basis of Council resolutions, will be conducive to achieving long-term stability and security in Darfur.

**Mr. Mathur** (India): I would like to thank the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, for presenting the thirty-fourth report on the situation in the Sudan, submitted pursuant to paragraph 8 of resolution 1593 (2005), and for updating the Council on his first visit to the Sudan in August 2021. We also welcome the presence of the 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 ICC.

The resignation of Prime Minister Abdalla Hamdok reflects the inherent challenges to the transition process. The United Nations-facilitated intra-Sudanese political process, which is aimed at salvaging the situation and keeping the transition process on track, needs to be Sudanese-led and guided by a constructive approach. The Constitutional Declaration, signed in August 2019, should drive that process, and all stakeholders need to display flexibility, mutual trust and understanding. It is crucial for the military and the civilian leadership to reach an amicable solution in order to take the transition process forward. The transition process should continue to address issues related to justice and accountability.

The transitional Government of the Sudan had 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 the Special Court, which will include matters relating to genocide, crimes against humanity and war crimes since 2002, is a step in the right direction. We also hope that the

Prosecutor will be able to keep up his engagement with Darfur during his next visit to the Sudan in April.

That pursuit of justice for victims of atrocity crimes in Darfur is also reflected in the cooperation shown by the Sudanese authorities. It is important that all sides continue to engage on outstanding issues in order to find mutually acceptable solutions.

As the Sudan transitions to a peaceful, stable and prosperous future, there is a need to provide it with all the assistance it needs to redress the issues of the past, promote intercommunal harmony and protect the fundamental rights of all its citizens. In that context, it will be important to build the capacities of the national judicial institutions of the Sudan.

Lastly, as we look forward to the Sudan's successful completion of the current transition phase, we remain confident that the Sudanese people will overcome the current challenges and strive further on their road to peace and development.

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

The people of the Sudan are having a promising yet volatile national dialogue on the nature of Government, democracy, justice and accountability. They seek to weld those elements together so that their totality can support peace and the development of shared prosperity.

That is clearly reflected in the Juba Peace Agreement, which includes a particular focus on transitional justice and national reconciliation and was advanced by the operationalization of the Truth and Reconciliation Commission in relation to Darfur and the Special Court for Darfur Crimes.

We believe that the International Criminal Court, in its engagement with the Sudan, should embrace the aspirations of the Sudanese people, as reflected in their established and desired justice and accountability processes. The Court can do more to support the principle of subsidiarity by investing in strengthening the national judicial and legal capacity of the Sudan.

As the Sudan works to strengthen its national institutional and legal frameworks, it should benefit from international support, as provided for under resolution 1593 (2005). Ideally, such support would be in keeping with the African Union's call for

African Union member States to share with the Sudan their lessons and best practices in transitional justice, including accountability for human rights violations, through a truth and reconciliation process. In addition, we strongly recommend that this transfer of knowledge be undertaken parallel to investment in national dialogue and reconciliation.

Finally, Kenya recalls that resolution 1593 (2005) invited the Court and the African Union to discuss practical arrangements to facilitate the Court's work, including the possibility of conducting proceedings in the region. We would like to hear from the Prosecutor the progress of such arrangements with the African Union.

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

But before I do, I want to briefly recall that 76 years ago on this day, 17 January, the Security Council met for the first time at Church House in London. There, Mr. Norman Makin, Australia's Ambassador and the first President of the Security Council, opened the meeting with the hope that "the Security Council will be a great power for good in the world" (*S/PV.I, p. 6*). He also reflected that our fellow Members of the United Nations have placed in our hands the primary, but not sole, responsibility for the maintenance of international peace and security and underlined that they have given us the authority to act on their behalf. Let us keep those sentiments in mind as we continue our work — they are just as true today.

I will now proceed with my national remarks.

There is a serious political crisis in the Sudan. The security forces' continued use of lethal force against peaceful protesters is unacceptable. We strongly condemn all breaches of human rights, including sexual violence, attacks on media, ambulances and hospitals and restricted access to medical services and free communication. The violence must stop. Against that backdrop, we continue to hear the clear aspirations of the Sudanese people and their demand for a civilian-led transition. Furthermore, we continue to hold the military leadership primarily responsible for the current constitutional and political crisis, as well as for the fragile security, economic and humanitarian situation in the country.

I turn now to the work of the International Criminal Court (ICC), which is so crucial to securing justice for victims and survivors of the most serious crimes in

Darfur. Norway would like to thank the Prosecutor for his first report on the situation in Darfur. We commend Prosecutor Khan's leadership and his commitment to prioritizing situations referred by the Security Council. However, that must also be complimented by consistent follow-up and support from the Council. We applaud his visit to the Sudan before the coup, a visit that resulted in the memorandum of understanding that the Prosecutor referred to in his briefing. We are encouraged to hear that the memorandum of understanding seems to remain in effect, and we call for its implementation. It took almost two decades, since the Security Council referred the situation in Darfur to the ICC, to achieve cooperation from the Sudanese authorities.

Finally, we had been making progress in the endeavour for justice for the victims of atrocities in Darfur. Therefore, even during the current crisis, we must continue to press for progress. The upcoming trial against former militia leader Abd-Al-Rahman, or Ali Kushayb, and promises during the Prosecutor's visit in favour of transferring suspects currently detained in the Sudan to the ICC represent milestones in that direction. Proper access to evidence remains crucial. We urge the military to abide by the commitments of the Sudan to the ICC, and we call for its full cooperation with the Court. We recall and underline the importance of fulfilling the obligations imposed by the Security Council.

Let me end by urging everyone to cooperate with the ICC so it can complete its vital mandate and so justice can finally be brought to victims and survivors. Prosecutor Khan has Norway's full support.

I now resume my functions as President of the Council.

I wish to again remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously.

I give the floor to the representative of the Sudan.

**Mr. Elbahi** (Sudan) (*spoke in Arabic*): I would like, at the outset, to congratulate you, Madam President, on your country's presidency of the Security Council during the month of January. I thank Mr. Karim Khan, Prosecutor of the International Criminal Court (ICC), for his briefing on the Darfur issue.

Achieving justice in Darfur is an important pillar of the efforts undertaken by the Sudanese authorities to establish security and stability in the region. Justice is one of the three pillars on which the December

revolution in the Sudan was based. Therefore, the Sudan has been, and will continue to be, committed to accountability, particularly in relation to international crimes. There is no doubt that combating impunity, ensuring accountability, achieving justice and healing wounds for the victims form the backbone of that justice.

The Sudan's commitment to achieving justice in Darfur does not flow solely from our commitment to fulfilling our international obligations but is also a response to popular calls for justice pursuant to the slogans heard during the revolution. As such, the Sudan will continue to seek justice in Darfur, with the conviction that peace and justice are inseparable. In doing so, our authorities are adopting a comprehensive approach aimed at improving the living conditions of our citizens in Darfur, and to that end the Juba Peace Agreement was signed. Our authorities are closely cooperating with all parties to the Agreement to ensure its implementation in a manner that achieves stability as well as comprehensive and sustainable peace.

It is important to note that the issue of justice is one of the most important main issues addressed in the Agreement, by stressing cooperation with the ICC and establishing transitional justice arrangements, including a special commission. We note that a transitional justice law has been adopted and is being finalized in accordance with legislative arrangements for the transitional period. In that context, the authorities are also working to implement their National Plan for the Protection of Civilians, with the participation of the parties to the Juba Peace Agreement.

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

First, since achieving justice for the crimes committed in Darfur is a priority for the transitional authorities, those authorities have opened the door for cooperation with the ICC, as a memorandum of understanding was signed between the Sudan and the Court in August 2021 to frame that cooperation and facilitate the tasks of the delegations of the court and its investigators who visit the country.

Secondly, the Sudanese authorities facilitated a visit by the new Prosecutor of the Court to Khartoum about five months ago, during which he met with officials and discussed how to enhance cooperation relations with the Court. The Sudan also received delegations from the Court, the last of which was in December 2021. We will continue on this cooperative path.

Thirdly, the authorities are working to change the reality of life in Darfur, which is witnessing a fundamental transition from war and conflict to building peace, through the formation of the Transitional Justice Commission, as a means to achieve justice in cases where it is difficult to use ordinary means of justice, by revealing the truth, justice, reparation and reconciliation. Upon announcing the establishment of the Commission, it will work to conduct an expanded dialogue so that its work meets the aspirations of the victims and is able to achieve the essence of justice.

In conclusion, we stress that the issue of combating impunity represents a noble goal of achieving justice and it is not a disputable issue. It represents, as we mentioned, one of the most important priorities of the transitional authorities and one of the most important elements of achieving peace throughout the country. Based on that, we affirm once again that we are firmly convinced of the need for and committed to combating impunity, particularly in Darfur-related crimes.

**The President:** I give the floor to Prosecutor Khan for any concluding remarks he might have.

**Mr. Khan:** I thank you, Madam President, for the opportunity to say a few words once again.

One thing that I think is clear to everybody is that the demand for justice is not going to go away, and the Office of the Prosecutor, which I have the honour to lead, will demonstrate and show the stamina and perseverance that the Darfuri people themselves have shown.

There can be no reconciliation without justice. This is not an incantation; it is a statement of fact. And in this quest we can look at a number of different options. The representative of Kenya asked about the engagement with the African Union. Resolution 1593 (2005), of course, talks about trials in the region. Last year, I met the former Chair of the African Union, President Tshisekedi Tshilombo, and then I went to Dakar and met the current Chair of the African Union, President Macky Sall. The States of the African Union have shown themselves to be leaders — world leaders, in the Hissène Habré case — of ensuring different solutions for accountability. I therefore think we can look at new partnerships.

As I said in my remarks, there is no magic in the forums of adjudication. The principle has to be to give life to the promise that every life matters and

that people who have lost everything have a right to have those facts properly investigated and put before an appropriate tribunal, whether it be the International Criminal Court or in the Sudan or a hybrid option, including support from the African Union. I hope that engagement will go further.

I say to the representative of Kenya that I hope that I will be attending the African Union Summit of Heads of State and Government next month, if it takes place.

We will discuss a variety of matters, including better engagement between the Office of the Prosecutor and the States of the African Union.

**The President:** I thank Mr. Khan for the clarifications he has provided.

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

*The meeting rose at 11.30 a.m.*