



Security Council

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Letter dated 12 June 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council

I have the honour to enclose herewith a copy of the briefing provided by Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, as well as the statements delivered by the representatives of Belgium, China, the Dominican Republic, Estonia, France, the Russian Federation, Saint Vincent and the Grenadines, South Africa, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam, in connection with the video-teleconference on the agenda item entitled “Reports of the Secretary-General on the Sudan and South Sudan” convened on Wednesday, 10 June 2020. A statement was also delivered by the representative the Sudan.

In accordance with the procedure set out in the letter dated 7 May 2020 from the President of the Security Council addressed to the Permanent Representatives of the members of the Security Council (S/2020/372), which was agreed in the light of the extraordinary circumstances caused by the coronavirus disease pandemic, the briefing and statements will be issued as an official document of the Security Council.

(Signed) **Nicolas de Rivière**
President of the Security Council



Annex I**Statement by the Prosecutor of the International Criminal Court,
Fatou Bensouda**

It is a pleasure once again for me to interact with the Council, albeit virtually, as I present my Office's thirty-first report on the Darfur situation, pursuant to resolution 1593 (2005).

At the outset, I wish to congratulate France on assuming the presidency of the Council and to express my sincere appreciation for facilitating today's briefing amid a rather hectic work plan for the month of June for this organ. I am grateful for the flexibility and the importance attached to this briefing.

As the world continues to navigate the uncertain and unprecedented era of the global coronavirus disease (COVID-19) pandemic, the wheels of justice have continued to turn at the International Criminal Court (ICC), and in my Office in particular. We have made every effort to adapt to the current reality of a virtual world, and the Office has maintained a notable degree of business continuity despite the challenges presented by the pandemic, including the closure of the ICC premises since March.

As many members will be aware, yesterday, ICC suspect Ali Kushayb was transferred into the custody of the Court following his surrender. This is a pivotal development in the Darfur situation, especially for the victims who have waited so long for justice. I hope that the suspect's transfer to the Court also sends a clear and unequivocal message that, no matter how long it takes or the obstacles placed in our path, my Office will not stop until the alleged perpetrators of Rome Statute crimes are brought to justice. Indeed, while many had either abandoned hope in the situation or had actively sought to stifle progress, we maintained our focus and perspective, never giving up on our investigations despite cooperation challenges or on building the necessary networks and partnerships.

Our commitment to the situation and the victims in Darfur remains unwavering, as does our conviction about the importance of fighting impunity for atrocity crimes. There should be no escape from justice for perpetrators of the world's most serious crimes under international law. We have continued to make important progress in the collection of evidence to strengthen our cases relating to the Darfur situation, in line with our strategic plans, and will continue to honour our obligations under the Statute.

I would be remiss if I did not seize this occasion to express once again my sincere appreciation for the impressive cooperation of all those States, organizations and individuals that contributed to this pivotal development, in particular the Governments of the Central African Republic, the Republic of Chad, the French Republic and the Netherlands, as well as the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. Apart from the success of the operation, this development also demonstrates, in clear terms, support for the ICC and its crucial mandate and, indeed, how effective the Rome Statute system of international criminal justice can be through timely and devoted collaborative action. We have always welcomed such efforts and look forward to continued collaboration in the service of the Rome Statute.

I cannot be faulted for also being proud of my dedicated team, along with colleagues from the Registry of the Court, whose tireless efforts in the exercise of our respective independent mandates contributed to yesterday's development and successful transfer to the ICC. That outcome was achieved notwithstanding the complexities of the operation, which were aggravated by having to operate

in the context of the COVID-19 pandemic. And here, I salute my colleagues for the hours of preparation and travel time dedicated to the operation in these exceptional circumstances.

This development highlights yet another obvious need. All ICC suspects for whom arrest warrants have been issued must face justice. I take this opportunity to call on Mr. Abdallah Banda and all other ICC suspects who are at large to follow Mr. Kushayb's lead and surrender to the ICC and answer for the charges against them through a fair, objective and independent judicial process.

We remain optimistic that the ongoing transitional process in the Republic of the Sudan augurs well in terms of prospects for finally achieving justice for Darfur victims. In particular, we are encouraged by the ongoing peace talks in Juba between the Government of the Sudan and rebel groups and urge all parties to stay the course in their quest for durable peace in that country. We have noted with keen interest media reports indicating that an agreement was reached with rebel groups and that justice in Darfur requires those against whom arrest warrants were issued by the ICC to appear.

To date, the Court has yet to receive official communication from the Government of the Sudan relating to any agreements reached in respect of the Court's pending arrest warrants. At this point in time, my Office has not been informed by the competent authorities of the Sudan what actions they intend to take in relation to the ICC suspects. Accordingly, I take this opportunity to appeal to the Security Council and, through the Council, to the authorities of the Government of the Sudan to intensify dialogue with my Office to ensure accountability for the heinous crimes that have taken place in Darfur.

I am pleased to note that I had the honour of placing a courtesy call to His Excellency the Prime Minister of the Sudan, Mr. Abdalla Hamdok, concerning yesterday's transfer of the ICC suspect into the custody of the Court. I was encouraged by that open and helpful conversation. I remain hopeful that a new chapter of constructive engagement between the ICC and the Sudan, rooted in mutual respect and a genuine commitment to providing justice for the victims of heinous crimes committed in Darfur, may be on the horizon. Dialogue between my Office and the Government of the Sudan is imperative.

In keeping with the requirements of the Rome Statute, all ICC Darfur suspects must be brought to justice through genuine proceedings, either in a courtroom in the Sudan or at the Court at The Hague. To that end and pursuant to the principle of complementarity and my mandate as ICC Prosecutor, I reiterate that I welcome dialogue with the Government of the Sudan, while reassuring victims of the atrocity crimes committed in Darfur of my steadfast commitment to ensuring that those responsible for them ultimately face justice.

Even as the Sudan continues its extraordinary transition, the situation on the ground remains volatile. The reported attempt to assassinate Prime Minister Hamdok in March underscores the fragility of the situation. At times like these, the Sudanese people look to the Council and the international community more than ever for tangible support and encouragement to forge ahead with their efforts to find lasting peace, of which justice and accountability are essential components.

I reiterate my Office's commitment and readiness to engage with all sectors of the interim Government to ensure genuine justice for the crimes committed in Darfur in accordance with the requirements of the Rome Statute. My Office is pursuing its efforts to reach out to the Sudanese Government in order to open lines of communication with all its relevant components. Those efforts have been impeded by the COVID-19 pandemic, which has restricted travel and demanded

the attention of Governments all over the world, including that of the Sudan. Given the current restrictions on international travel and personal interactions, my Office stands ready to facilitate virtual meetings with all stakeholders in the Sudan at the earliest opportunity in order to raise greater awareness about my Office's work, the Court's jurisdiction and what can be expected going forward.

We are not oblivious to the tremendous challenges that the Government of the Sudan is currently facing, and can only wish it success in this transition phase towards achieving greater human security and prosperity for the Sudanese people. Securing justice for past crimes in Darfur must remain a priority as part of this national reset and response.

The ICC arrest warrants for the four suspects in the Darfur situation remain in force. As I note in my report to the Council, Mr. Al-Bashir is serving a two-year sentence in the Sudan for a conviction relating to financial corruption. Furthermore, the Sudan's Public Prosecutor has reportedly announced additional charges relating to the 1989 coup. I am also aware of recent reports that the Sudan's anti-corruption body recently confiscated assets valued at \$4 billion from Mr. Al-Bashir, his family members and associates. Mr. Ahmad Harun and Mr. Abdel Raheem Hussein are both reportedly in the custody of the Government of the Sudan, awaiting charges to be laid by the Public Prosecutor. I am concerned by recent reports that both of those ICC suspects are ill with COVID-19, and trust that adequate measures are being taken by the authorities to attend to their health in detention. Mr. Abdallah Banda, who is still at large, remains an ICC fugitive who should be arrested and surrendered to the Court. Pursuant to resolution 1593 (2005) and the subsequent orders of ICC Judges, the Sudan still has an international legal duty to surrender all the suspects subject to an ICC arrest warrant to the Court without delay.

Regarding recent judicial activities, on 11 May, my Office filed a public redacted version of its observations on the possibility of a trial in absentia in the specific circumstances of the case against Mr. Banda. As set out in more detail in the filing, my Office argued that neither the Rome Statute nor the Rules of Procedure and Evidence permit a trial in absentia of an accused person, particularly in the circumstances of the case against Mr. Banda. On 13 May, the Trial Chamber, by majority, granted leave to the Legal Representative for Victims to file observations on the issue.

My team continues to monitor alleged crimes in Darfur that may fall within the Court's jurisdiction. There have been allegations of attacks on the Krinding camp for internally displaced persons, as well as villages near El Geneina. The attacks reportedly resulted in significant casualties and caused the displacement of thousands of people. There were also reports of continuing sexual and gender-based violence. Attacks such as these must stop, and the protection of civilians must remain a priority.

I welcome reports from the International Organization for Migration (IOM) that the number of returnees in 2019 exceeded the number of internally displaced persons in Darfur. However, I am concerned by reports of harassment of IOM staff and of the looting of humanitarian supplies from five local non-governmental organizations in Kabkabiya, North Darfur. I remain deeply concerned about the protection of civilians and the impact of the COVID-19 pandemic on humanitarian assistance.

I welcome the Council's decision, last week, to adopt resolution 2525 (2020), which extends the mandate of the African Union-United Nations Hybrid Operation in Darfur until 31 December. I also welcome the Council's adoption, on the same day, of resolution 2524 (2020), which establishes a new political mission in the Sudan, the United Nations Integrated Transition Assistance Mission in Sudan.

The progress my Office has made thus far in this situation would not have been possible without the principled cooperation and unwavering support of a number of States, including those who sit on the Council. Allow me to express my sincere gratitude for that support. I must also express my heartfelt thanks to the inspirational individuals and organizations that continue to do everything in their power to pursue justice and accountability for crimes in Darfur.

Allow me to reiterate that my Office attaches great importance to enhancing its fledgling relationship with the Government of the Sudan. We are alive to the complexity of the Sudan's transition process and the competing priorities that the Sudanese authorities must attend to. Even so, meeting the legitimate demands of the Sudanese people for justice and accountability must remain at the forefront.

It is 17 years since many of the crimes occurred in Darfur. My Office has not been able to access the territory of the Sudan in the last 13 years. Now is the time for that to change. Mr. Kushayb's surrender to the Court further highlights the importance of that cooperation. I call on all the members of the Council, States parties to the Rome Statute and the international community more broadly to support and encourage the Government of the Sudan to fully and promptly cooperate with my Office. It is my hope that, when I next brief the Council, I will be in a position to report on key milestones in my cooperation with the Sudanese authorities. I hope the Council does not only share my optimism but will work hard to ensure that we achieve that aim.

I recall the salient words of His Excellency the Permanent Representative of the Sudan to the United Nations Omer Mohamed Ahmed Siddig in his response to my last report to the Council on 18 December 2019 (see S/PV.8691). Mr. Siddig referred to a new reality for the Sudan that has accountability as its cornerstone and in which there is no place for impunity. That is the goal that my Office and the Government of the Sudan, with the support of the Council, must work together to deliver for victims in Darfur. In that collective effort, there is no time to waste. Justice for Darfur has already been too elusive for too long. It is past time for that unsatisfactory state of affairs to change. A window of opportunity has been opened. We must collectively seize it. Let us act together to finally bring justice to the victims in Darfur.

To conclude, on 29 May, I had the opportunity to brief the European Parliament's Subcommittee on Human Rights in relation to a number of situations before the Court, including Darfur. In the course of my exchanges with the Subcommittee, I was encouraged in particular by the strong support expressed for the mandate of the ICC and the independent exercise of its prosecutorial and judicial functions, as set out in the Rome Statute.

For victims of atrocity crimes and affected communities in many conflict situations around the world, the ICC represents a last beacon of hope for independent and impartial justice. Yesterday's development, with the transfer of Mr. Kushayb to the Court, is also significant in that context, and it embodies the resilience, tenacity and reach of justice, as well as the crucial importance of the ICC in the global fight against impunity. We are committed to continuing to honourably fulfil our duties under the Rome Statute, without fear or favour, in the pursuit of justice for the world's most heinous crimes. We count on the Council's support as we make progress in this necessary journey forward towards a more just world.

Annex II**Statement by the Permanent Representative of Belgium to the United Nations, Marc Pecsteen de Buytswerve**

I would like to warmly welcome Prosecutor Fatou Bensouda, and I thank her for her comprehensive briefing to the Security Council.

The announcement yesterday of the arrest, surrender and transfer to the International Criminal Court (ICC) of Mr. Kushayb, suspected of war crimes and crimes against humanity allegedly committed in Darfur, is a major breakthrough that Belgium strongly welcomes. It is not only a significant development in the situation that the Security Council referred to the ICC, but, more broadly, for the cooperation with the Court. Once again, we have to underline that the ICC cannot implement its mandate effectively without the assistance of States. We would therefore like to congratulate the Central African Republic, France, Chad and the Netherlands, as well as the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, for their support to the Court and their cooperation.

The political situation in Darfur has continued to change positively since the Prosecutor's last briefing in December (see S/PV.8691), including in the field of justice. In February, we were encouraged by the Government's commitment to transitional justice processes and statements regarding cooperation with the ICC. We welcome the fact that accountability for crimes in Darfur remains a central issue in the peace negotiations between the Government of the Sudan and rebel groups in Juba. We now invite the Sudan to reply positively to the Office of the Prosecutor's call for dialogue in order to explore all options available to facilitate fair and genuine proceedings against the four other suspects in the Darfur situation, at The Hague or in the Sudan.

In accordance with the principle of complementarity enshrined in the Rome Statute, the Sudanese authorities could indeed fully implement their international obligations by initiating prosecutions in the Sudan for the crimes detailed in the ICC arrest warrants, provided that they respect the principles set out in the Statute. In the meantime, however, they remain bound by their obligation to cooperate with the Court, in accordance with resolution 1593 ((2005). This not only involves the arrest and surrender to the ICC of the individuals concerned, but also implies granting the Office of the Prosecutor access to the Sudan's territory so that it can conduct its investigations there for the first time since 2007.

It is the cooperation of all States, more than only the Sudan, that is essential to advancing justice for the most serious crimes in Darfur, as demonstrated by the arrest of Mr. Kushayb. In that regard, Belgium encourages neighbouring States to provide the necessary support to the Office of the Prosecutor in its efforts to track Mr. Banda, who remains a fugitive from the Court. We also invite all United Nations missions and agencies to strengthen their cooperation with the ICC in Darfur.

Just over 15 years ago, the Council referred the situation in Darfur to the ICC (see S/PV.5158). Today the hope of the victims has never been greater, not only for accountability but also with regard to achieving and sustaining peace. As attacks on civilians and humanitarian aid workers continue in Darfur, as well as violence against internally displaced persons and incidents of sexual and gender-based violence against women and girls, we need justice more than ever. Belgium therefore counts on the Council and all United Nations Member States to support the Court, as well as the Sudanese authorities, in order to put an end to impunity in Darfur and, as a consequence, participate in a solution for lasting peace in the Sudan.

Finally, I would like to come back to the Prosecutor's briefing on the situation in Libya last month (see S/2020/371). On that occasion, I expressed Belgium's deep concern over recent threats made against the Court's officials and their families. Unfortunately, the situation has further escalated, and we expect new measures in the coming days. This is very concerning.

I must once again reiterate Belgium's unwavering support for the ICC as an independent and impartial judicial institution. More than ever, the Court and its entire staff can count on my country to continue to uphold and defend the principles and values enshrined in the Rome Statute as well as to preserve its integrity.

Annex III

Statement by the Acting Deputy Permanent Representative of China to the United Nations, Yao Shaojun

China listened to the briefing by Prosecutor Bensouda very attentively. We welcome the Ambassador of the Sudan participating in this meeting.

The political process in the Sudan has made positive progress. The situation in Darfur has significantly improved, and the Sudan's peace process has made important steps forward. China welcomes these developments. Last week, the Security Council adopted resolutions 2524 (2020) and 2525 (2020). China supports the establishment of the United Nations Integrated Transition Assistance Mission in Sudan, requested by that country, and the withdrawal of the African Union-United Nations Hybrid Operation in Darfur as soon as possible. China believes that the Sudan is able to handle its own affairs and safeguard its national sovereignty, security and stability. China calls on the international community to work together and provide more constructive assistance for the Sudan to achieve stability and development, while respecting the country's sovereignty, unity and territorial integrity.

China's position on the issue of the International Criminal Court (ICC) remains unchanged. China holds the view that the ICC should strictly observe the principle of complementarity, fully respect the legal sovereignty of the State and avoid interfering in its internal affairs. On issues related to the Sudan, the ICC should attach importance to the legitimate appeals of the Sudanese Government and the African Union regarding the ICC's engagement on Darfur and respect the views of the Sudanese Government.

China is ready to work with the international community to play a constructive role in achieving peace, stability and development in the Sudan.

Annex IV

Statement by the Special Envoy to the Security Council of the Dominican Republic, José Singer Weisinger

I welcome Prosecutor Bensouda and thank her for briefing the Council on the actions of the International Criminal Court (ICC) in Darfur.

The Dominican Republic takes note of the progress report presented by the Office of the Prosecutor. We are glad to know that accountability remains a priority in the peace negotiations between the Government of the Sudan and the rebel groups in Juba, South Sudan. In that regard, we welcome the positive statements and comments that representatives of the Sudanese Government have made to the media regarding their possible future relationship with the ICC. More important, this is the time for the Government of the Sudan to demonstrate that accountability is a priority for the authorities.

The Dominican Republic commends the efforts made by the Office, the Governments of the Central African Republic, the Republic of France and the Republic of Chad and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to arrest ICC suspect Mr. Ali Kushayb and put him in the custody of the Court. Now is the time for the long stagnation to give way to action. The people of Darfur deserve that the ICC and the international community continue to fight against impunity for all victims and their families.

We would also like to welcome the possibility that proceedings and trials against the ICC suspects take place in the Sudan. Besides being already expressly contemplated as a possibility in resolution 1593 (2005), that could represent a perfect first stage of cooperative and fruitful relations between the Sudan and the ICC.

We continue to be concerned about the complex and difficult situation in Darfur. We express our deepest condolences to all the victims and their loved ones who died or suffered as a result of the latest violent acts that took place during the reporting period. These acts must come to an end, and the people in the Sudan must have the peace they deserve.

In addition, we want to join the ICC in condemning any kind of attack against humanitarian aid workers in Darfur. Moreover, we strongly reject all sexual and gender-based violence against women and girls in Darfur. We call on the Government to help stop these atrocious acts, which represent an impediment for all girls and women to living in a non-discriminatory society, free from sexual harassment and sexual violence based on their gender.

Finally, the Dominican Republic reiterates its commitment and full support to the ICC and the Prosecutor's Office. Its work continues to be of the utmost importance in order to bring justice to the victims of war crimes, genocide and crimes against humanity. We call upon the Government of the Sudan to open its door to justice and to the end of impunity. It is time that the Sudanese people move forward towards a sustainable peace, based on democratic principles of justice and accountability.

Annex V**Statement by the Permanent Representative of Estonia to the United Nations, Sven Jürgenson**

I thank the Prosecutor, Ms. Fatou Bensouda, for her thirty-first report and for her excellent briefing to the Council today.

Let me start by reaffirming Estonia's commitment to promoting respect for international law and a rules-based international order. Allow me to express our full confidence in the International Criminal Court (ICC) as an independent and impartial judicial institution. In this light, we further reaffirm our strong support for the work of the ICC and its Prosecutor. In implementing its mandate, the Court has a particular role in eliminating impunity and ensuring justice for the victims of the crimes enshrined in the Rome Statute, without impediments.

As of yesterday, the former fugitive Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, has been in the custody of the ICC after surrendering himself voluntarily in the Central African Republic. This is an important step in the pursuit of justice for the crimes committed in Darfur. We join the Court in thanking the Central African Republic, France, Chad, the Netherlands and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic for their support in securing the arrest, surrender and transfer of Mr. Kushayb to the Court.

I will now turn to the situation of the Sudan. We have followed with interest the positive developments in the Sudan, in particular in relation to the peace process, and we hope that it can be concluded by 20 June. However, peace cannot be achieved without justice. This is why we call on the authorities to extend their meaningful cooperation to the ICC.

It is also important to ensure that every effort be made to prevent further violations on the ground. Estonia condemns, and calls for the cessation of, all acts of violence, which unfortunately continue to be perpetrated in the Sudan, including in the Darfur region, in 2020. We are particularly concerned about incidents of sexual and gender-based violence against women. We further join the Office of the Prosecutor in condemning attacks against humanitarian aid workers in Darfur. This is not a path towards sustainable peace.

At the same time, we welcome the Sudan's commitment to assuming full responsibility for the protection of civilians. We hope that the African Union-United Nations Hybrid Operation in Darfur, as well as the United Nations Integrated Transition Assistance Mission in Sudan, will be seen as useful allies by the authorities in helping to build the necessary capacities to provide civilians with full protection.

I now turn to the role of the complementarity of the Court. According to the Prosecutor's report, there is currently no information available whereby any of the ICC suspects held in the custody of the Sudanese authorities, including Mr. Al-Bashir, would be subject to domestic investigation or prosecution for the particular grave crimes alleged in the respective ICC warrants. As the ICC warrants remain in force, we call upon all States to fully engage and cooperate with the ICC on the arrest and surrender to The Hague of the now four remaining suspects.

We see time and again that, in any peace process, the rebuilding of a resilient society needs to include the elimination of impunity. Six months ago, in December 2019 (see S/PV.8691), the Prosecutor expressed hope that in the near future her Office would be granted access to the Sudan to facilitate its work and discuss the way forward. According to the clarification provided in the latest report, at the end of May, the Office has not been able to access the territory of the Sudan to conduct

investigations into the Darfur situation since 2007, precluding the Office from obtaining access to crime scenes, victims and witnesses, as well as documentary, judicial and forensic evidence.

Therefore, while wholeheartedly welcoming the steps taken by the Sudan at the national level to begin to implement accountability, we call on the authorities to extend their full cooperation to the ICC in all necessary matters. We hope that the events of yesterday will mark the beginning of a new dialogue between the Sudanese authorities and the Court, which is a prerequisite for any meaningful path to the justice and accountability that the victims still long for and deserve.

Annex VI**Statement by the Deputy Permanent Representative of France to the United Nations, Anne Gueguen**

[Original: English and French]

I, too, thank Prosecutor Bensouda for her report and presentation. Yesterday's transfer to the Court of Mr. Ali Kushayb is an important development for the victims of the crimes committed in Darfur and for international criminal justice, to which France is proud to have been able to contribute, alongside the Governments of the Central African Republic, Chad and the Netherlands.

This step confirms the remarkable work done by the Prosecutor and her teams and the relevance of the Court within the multilateral system. The Court must be able to carry out its missions in complete independence, within the framework of the Rome Statute. The Prosecutor must also be able to exercise her prerogatives without obstruction, threats or attacks.

In this context, we are encouraged by recent statements by the Sudanese authorities expressing their determination to fight impunity and their willingness to cooperate fully with the Court. Effective channels of discussion must now be established to enable an operational response to the Court's requests. The execution of the four other arrest warrants is essential.

During the period covered by the report, the situation in Darfur remained precarious. France condemns in the strongest possible terms the violence against civilians and violations of international humanitarian law, in particular gender-based and sexual violence, and attacks on the staff of humanitarian organizations. We call on the Sudanese authorities to implement their national plan for the protection of civilians.

The protection of human rights and support for the rule of law and accountability are at the heart of the mandate just given by the Security Council to the United Nations Integrated Transition Assistance Mission in the Sudan.

The Security Council also renewed the mandate of the African Union-United Nations Hybrid Operation in Darfur, which continues to play a major role in protecting civilians in Darfur and reporting on human rights violations.

With the opening of several offices of the Office of the High Commissioner for Human Rights in the Sudan, including in Darfur, the United Nations should thus be fully able to support the Sudanese authorities in building a fair, democratic and inclusive system.

We once again express the hope that the negotiations between the transitional Government and the armed groups, which are continuing in Juba, will be successful in building a just and lasting peace in the region.

Annex VII**Statement by the Deputy Permanent Representative of the Russian Federation to the United Nations, Gennady Kuzmin**

We note that security dynamics in Darfur have remained mostly unchanged. Isolated incidents, as well as sporadic but small-scale clashes in Jebel Marra between the Sudanese armed forces and the Sudan Liberation Army of Abdul Wahid Al-Nur, who actually remains the main spoiler of the peace process, do not change the picture.

Just recently, on 3 June, the Security Council decided on a future international presence in the Sudan by adopting resolution 2524 (2020), on the deployment of a new special mission, the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS). In its decision, the Security Council was guided, first of all, by the request of the Sudanese themselves for assistance during this important period for the country, transitioning from peacekeeping to peacebuilding.

UNITAMS is called upon to strengthen the Sudan's national capacity in a number of important areas, including national reconciliation in Darfur, as well as to mobilize economic support for the upcoming reforms. The Mission's good offices are also pivotal in the context of the ongoing peace talks in Juba, during which specific modalities for stabilizing the country will be determined.

Responding to the request of the Peace and Security Council of the African Union, the Security Council simultaneously, in resolution 2525 (2020), extended the mandate of the African Union-United Nations Hybrid Operation in Darfur until 31 December 2020 so that the drawdown of the joint United Nations-African Union peacekeeping operation may proceed in a calm and responsible manner.

We believe that these recent decisions of the Council will support Khartoum precisely as the Sudanese themselves need and expect. The above applies equally to the process of bringing to justice those who are guilty of crimes in that country.

Annex VIII**Statement by the Deputy Permanent Representative of Saint Vincent and the Grenadines to the United Nations, Halimah DeShong**

I join Council members in thanking Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for presenting her Office's the thirty-first report to the Security Council pursuant to resolution 1593 (2005).

Efforts by the Government of the Sudan to bring justice to the victims of the conflict in Darfur, as outlined in the Prosecutor's report, are laudable. Together with the ongoing negotiations in Juba, they are pivotal for restoring peace and stability in Darfur and reconciliation throughout the entire country.

Saint Vincent and the Grenadines welcomes these positive developments. However, we remain concerned about the protracted security and humanitarian challenges in Darfur, including threats against internally displaced persons; grave violations against children, persons with disabilities, women and youth made most vulnerable; and sporadic inter-communal conflicts. We therefore renew our call for institutional strengthening and capacity-building to protect the most dispossessed groups, and for the prosecution of perpetrators of atrocity crimes. We also look forward to the implementation of resolutions 2525 (2020) and 2524 (2020) to assist in this regard.

My delegation is mindful that the Sudan is not party to the Rome Statute and that its national judiciary is primarily responsible for prosecuting atrocity crimes. Equally, we are cognizant that all States are required to fulfil their international obligations in accordance with the purposes and principles of the Charter of the United Nations. With the adoption of resolution 1593 (2005), both the Sudan and the ICC were encouraged to cooperate and engage constructively to tackle impunity and do justice by the victims of atrocity crimes. In this context, Saint Vincent and the Grenadines stresses the importance of cooperation and reiterates the principle of complementarity in the application of international criminal law. We applaud the efforts of countries that led to the surrender of Mr. Ali Kushayb. We also emphasize that the jurisdiction of the ICC is invoked only when States are unable or unwilling to prosecute alleged perpetrators.

Finally, my delegation remains confident in the ICC's fundamental role of providing justice for the victims of genocide, war crimes and crimes against humanity, as well as ending impunity for perpetrators of these atrocities. We stand in solidarity with the people of the Sudan and reiterate our commitment to the ICC. Saint Vincent and the Grenadines looks forward to the day when all States Members of the United Nations can ratify the Rome Statute.

Annex IX**Statement by the Permanent Mission of South Africa to the United Nations**

At the outset, allow me to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her comprehensive briefing on the situation in the Sudan.

South Africa continues to support the full implementation of resolution 1593 (2005), which referred the situation in Darfur to the Prosecutor of the ICC to investigate war crimes, crimes against humanity and genocide. South Africa is encouraged by the progress relating to ongoing discussions regarding justice for the victims of the Darfur conflict. Public announcements indicating a commitment to bringing perpetrators to justice, including public statements by Sudanese officials indicating a commitment to cooperate with the ICC, are welcomed.

We congratulate the ICC and thank all the stakeholders for their significant contributions that resulted in the voluntary surrender of Ali Muhammad Ali Abd-Al-Rahman to the ICC yesterday. We welcome that development.

South Africa ardently supports the principle of complementarity and encourages States to develop their legal systems to ensure accountability for the most serious crimes. South Africa is therefore particularly pleased with reports that the Sudanese authorities have raised the possibility of proceedings in the Sudan against the ICC suspects, including by means of an ICC trial or by means of a hybrid court in Khartoum, which would allow the process of ensuring accountability for perpetrators and ensuring justice to take place closer to the victims of the crimes.

South Africa welcomes the continued peace negotiations in Juba, but expresses concern over the security situation.

South Africa is concerned about the civilian casualties reported to have occurred in Darfur. It is particularly disturbed by the incidents of sexual and gender-based violence against women and children as reported by the United Nations Panel of Experts on the Sudan, and condemns such actions in the strongest terms. Humanitarian aid workers provide assistance to vulnerable people during conflict and South Africa deplores all attacks against them as well as the looting of humanitarian supplies from local non-governmental organizations.

In conclusion, South Africa wishes to echo the concerns of the Prosecutor in relation to the protection of civilians and the impact of the coronavirus disease pandemic on humanitarian assistance, and stresses that sufficient weight should be given thereto. We urge all stakeholders in the Sudan to engage in constructive dialogue in order to restore peace and stability in the country. In this regard, the support of all stakeholders in the international community also remains vital for regional stability.

Annex X**Statement by the Permanent Representative of Tunisia to the United Nations, Kais Kabtani**

I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her Office's thirty-first report on the situation in Darfur, pursuant to Security Council resolution 1593 (2005), and for her informative briefing today.

I also wish to welcome the Permanent Representative of the Sudan to this meeting.

Tunisia welcomes the surrender and transfer to the custody of the ICC yesterday of suspect Ali Kushayb from the Central African Republic on counts of war crimes and crimes against humanity in Darfur. This is a momentous development in international justice for core crimes and a reminder that perpetrators of such atrocities cannot enjoy impunity. But in order to better appraise international accountability for serious crimes committed in Darfur, we must situate prosecutions in their proper contemporary context.

The need for resolution 1593 (2005) and for the ICC's intervention back in 2005 in the Sudan/Darfur situation reflected the failure then to prevent mass atrocities. Now the future of international engagement in the new Sudan is to be guided by the principle of Sudanese ownership of its ongoing transition and by a renewed sense of partnership, cooperation and support for the Sudanese Government from the Security Council and the broader international community.

It is within this framework, which was charted last week by the Council, that Tunisia views the future ICC course in the Sudan in relation to accountability for core international crimes allegedly committed by Darfur suspects: in a manner consistent with the principles of complementarity of the Rome Statute and of Sudanese ownership of post-conflict justice.

The ICC is said to be a backstop to national jurisdictions — an ultimate guarantee against impunity. ICC trials must not therefore come at the expense of domestic ownership of the political transition and judicial capacity-building to ensure sustainable and lasting rule of law.

Tunisia emphasizes that accountability in Darfur is best advanced through dialogue and the empowerment of national proceedings, premised on both the primacy of domestic jurisdiction and the necessity for international justice.

We are encouraged by the commitment of the ICC to maintain a cooperative relationship with the Government of the Sudan based on a spirit of respect and constructive engagement.

Tunisia also praises the commitment of Sudanese Prime Minister Hamdok to implementing the human rights, accountability and rule of law provisions of the Constitutional Document. But, despite their best commitment, Sudanese authorities will require both time and resources for institutional capacity-building in the context of a challenging post-conflict transformation. Sudanese courts should therefore be given a fair opportunity and breathing space to exercise jurisdiction, thus making complementarity a practical reality. Similarly, Sudanese authorities may explore opportunities provided for by the complementarity scheme as a tool for capacity-building, burden-sharing and a division of labour.

Meaningful interaction between the ICC and the Sudanese Government is therefore necessary to steer efforts towards common goals and help foster options for the joint objective of effective investigations and prosecutions, with due account taken of the constraints and realities of the Sudanese transition.

In conclusion, let me reiterate Tunisia's unwavering commitment to the Rome Statute and support for the impartial and independent work of the ICC, free from any interference. At a time when the multilateral system faces many challenges, it is crucial to empower the only permanent international court as part of efforts to promote a rules-based world order and support the global fight against impunity for the gravest crimes.

Annex XI**Statement by the Minister Counsellor and Legal Adviser of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Susan Dickson**

I would like to thank the Prosecutor for her Office's thirty-first report on the situation in Darfur, pursuant to Security Council resolution 1593 (2005). The work of the Prosecutor and her team is an important part of efforts towards achieving accountability for those subject to appalling crimes in Darfur. The International Criminal Court (ICC) also has an important role to play in global efforts to end impunity for the most serious crimes of international concern, and the United Kingdom fully supports its efforts to hold perpetrators to account and achieve justice for victims in Darfur.

The Sudan is at a historic moment, one year on from the removal of a brutal regime. Along with the people of the Sudan, we look forward towards a transition to a democratic and peaceful Sudan. Part of that future, as recognized within the Constitutional Document agreed following the 2019 revolution, is the pursuit of accountability and transitional justice. This must be delivered as soon as possible for the victims in Darfur, who are long owed justice for the crimes committed against them.

As the Prosecutor details in her report, there has been progress in Darfur over the past several years, and we welcome that. But issues of concern remain. This reporting period has included incidents of violence, the most serious in El Geneina, which have resulted in death, injury and the further displacement of many civilians. Concern over sexual and gender-based violence and violence towards returnees continues, and we must not forget that more than 2 million people are still internally displaced. The Council agreed last week (see S/2020/496) to a new Mission to support the Sudan's transition and peace process and, with that, attention must remain on the protection of civilians. The United Kingdom is pleased that accountability for Darfur and justice for victims remains a central issue in the ongoing peace talks between the Government of the Sudan and armed groups in Juba.

I would like to thank the Prosecutor and her team for their continued dedication and work on this situation during this reporting period. The United Kingdom welcomes the progress that has been made by the Office of the Prosecutor to further and strengthen their investigations despite a difficult operating environment, including the impact of the coronavirus disease (COVID-19). We welcome reports yesterday that one of the indicted individuals, Ali Kushayb, is in the custody of the ICC. The United Kingdom commends the authorities of the Central African Republic, France, Chad and the Netherlands as well as the leaders of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic on the role that they played in getting him into custody in The Hague.

As the Prosecutor highlights, a positive development emerged in February of this year when the Government of the Sudan stated its intention to try those indicted by the ICC for the crimes for which they have been charged. United Kingdom Ministers welcomed this announcement, which signifies an important step in the Sudan's progress towards fulfilling the goals of the revolution and achieving a peace settlement in Darfur. However, we do not yet understand how the Government of the Sudan will cooperate with the ICC. We urge it to productively engage, and swiftly, with the Court and the Prosecutor. The willingness demonstrated in February is to be commended, and we sincerely hope that as a signal of that willingness, the Prosecutor will be permitted to visit the Sudan and Darfur as soon as COVID-19 implications allow. A way forward needs to be agreed, along with greater clarity

on how the individuals concerned will be tried and the nature of the justice that the Government in Khartoum has committed to delivering. The United Kingdom stands ready to assist, where helpful, as part of our wider commitment to supporting the people of the Sudan.

We again thank the Prosecutor and her team for their continued commitment to pursuing these investigations and achieving justice for victims in Darfur.

Annex XII**Statement by the Minister Counsellor of the United States of America to the United Nations, Mark Simonoff**

I thank the Prosecutor for her briefing.

Despite the impacts of the coronavirus disease pandemic, which are being felt everywhere, we are heartened to see continued positive developments in the Sudan over the past few months. The civilian-led transitional Government, in its discussions with the armed opposition, is demonstrating that it is committed to justice for victims of atrocities in the Darfur conflict.

We have been encouraged by concrete steps parties in the Sudan have taken to build a more stable, secure and human rights-respecting future. We commend the civilian-led transitional Government for agreeing to justice and accountability measures in the transitional justice and reconciliation protocol negotiated in February with the Darfur armed opposition, including through the formation of a special court in Darfur to try atrocity crimes. Actions like this, taken to address the decades of violence committed with impunity against Darfuri victims, will increase the prospects for a just and enduring peace across the Sudan.

We are encouraged by Prime Minister Hamdok's Eid speech on 25 May, during which he stated that the perpetrators of the 3 June 2019 massacre, when 127 protestors were killed during a sit-in and other protesters were beaten and sexually assaulted, will be held accountable. Genuine accountability would be a positive step for the Sudan, a clear break from the past and a clear demonstration of its commitment to freedom of peaceful assembly. We urge the Prime Minister and the civilian-led transitional Government to honour this commitment. We also call for the national independent committee investigating the massacre to conduct a thorough, credible investigation that addresses all the crimes committed on that day and identifies those responsible for the grave crimes that were committed so that they can be brought to justice.

The United States will continue our efforts to deepen diplomatic relations with the new Sudanese Government and support ongoing peace negotiations with armed opposition groups. We will continue to encourage them to use a survivor-centred approach during these negotiations and ensure that the voices of women, youth and other groups who have borne the brunt of the Al-Bashir regime's violence are heard, in order to ensure that crimes against the Sudanese people committed under the Al-Bashir regime are not forgotten or ignored.

The United States supports the Sudan in its path to upholding democratic values, strengthening an independent justice system and pursuing legal reform to ensure equality for all, regardless of gender, religion or ethnicity. We will continue to support Sudanese efforts to ensure justice and encourage open, inclusive national dialogues about how transitional justice mechanisms can facilitate truth, justice, reconciliation and healing.

There are few in the Sudan more deserving of facing justice than Omar Al-Bashir. While we are encouraged by his recent conviction in April, we note that the charges narrowly related to financial corruption. We believe that more needs to be done.

As we have said for over a decade, there will be no lasting peace in the Sudan until there is genuine accountability for all of the crimes that have been committed against the Sudanese people. To date, no one has been held accountable for the estimated 300,000 people killed in Darfur, the rampant sexual violence or the looting and burning of homes. Those most responsible for the crimes committed in

the conflicts in Darfur and the Two Areas must be held accountable for their actions. We have received reports that Ali Kushayb is in custody. Ali Kushayb must be held accountable for his alleged abuses. The people of Darfur, victims, survivors and their families deserve justice.

We must also ensure that those who oppose the Sudan's efforts to address its painful past have no power to hijack the Sudan's future. We were deeply concerned to learn of the attempted assassination attempt against Prime Minister Hamdok. Such attempts undermine the Sudanese people's hard-fought liberation efforts.

The United States has historically been and will continue to be a strong supporter of meaningful accountability and justice for victims of atrocities through appropriate mechanisms. Perpetrators of atrocity crimes must face justice, but we must also be careful to recognize the right tool for each situation.

I must reiterate our long-standing and principled objection to any assertion of International Criminal Court (ICC) jurisdiction over nationals of States that are not party to the Rome Statute, absent a Security Council referral or the consent of such States. Our concerns regarding the ICC and the situation in Afghanistan are well known.

Our position on the ICC in no way diminishes the United States commitment to supporting accountability for atrocity crimes, violations of international humanitarian law, and gross violations of human rights.

Annex XIII

Statement by the Deputy Permanent Representative of Viet Nam to the United Nations, Pham Hai Anh

I would like to welcome the presence of Ambassador Omer Mohamed Ahmed Siddig, Permanent Representative of the Republic of the Sudan, at this meeting.

We take note of the work of Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), as reflected in her report and briefing.

Viet Nam maintains its previously stated position regarding the Sudan. Additionally, we welcome the recent positive developments in the country. We commend the efforts of the transitional Government in promoting peace, stability and development in the Sudan in general and in Darfur in particular, as well as in responding to the coronavirus disease (COVID-19) pandemic. We welcome the establishment of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS), which will better support the Sudan in the light of the new realities. We once again emphasize the importance of UNITAMS carrying out its mandate on the basis of respecting the independence, sovereignty and territorial integrity of the Sudan, in close consultation and cooperation with the host Government.

Our position remains that the State has the primary responsibility for the implementation of international humanitarian law and the prevention and suppression of serious criminal acts, especially genocide, war crimes and crimes against humanity. We hope that the Government of the Sudan will take the appropriate measures in resolving issues related to serious violations of international humanitarian and human rights law. The prevention and suppression of serious criminal acts should be conducted in accordance with the fundamental principles of international law, including those relating to a State's independence and sovereignty.

Annex XIV**Statement by the Permanent Representative of the Sudan to the United Nations, Omer Mohamed Ahmed Siddig**

Allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month. I assure you of our full cooperation.

The Sudan has witnessed remarkable positive developments since December 2018 that have created a new political reality that will undoubtedly lead to the establishment of a system in which the values of freedom, justice and the rule of law prevail.

It has been nearly 14 months since the Sudanese revolted against injustice, repression and dictatorship, longing for freedom, dignity and a decent life. That revolution's distinct slogan is "peace, freedom, and justice". Justice was and still is a primary goal of our Sudanese people's revolution. The tenets of justice are to fight and prevent impunity, ensure accountability for perpetrators and secure reparations and redress for the victims.

In that context, it is necessary to emphasize the professionalism, independence and competence of the Sudanese judiciary and its ability to achieve justice in accordance with national laws, international criminal law and international humanitarian law. On 8 April, the Supreme Court of Appeal upheld the decisions of the Special Lower Court against the deposed former President, Omer Al-Bashir, by imprisoning him for two years after his conviction for corruption.

The files of Mr. Al-Bashir and others were again transferred to another court by the Sudanese Public Prosecution Office on charges of undermining the democratic regime in 1989. Al-Bashir and those implicated in crimes committed in Darfur will face justice and be tried accordingly.

Since the realization of comprehensive peace in the country is one of the top priorities of the transitional Government, rounds of peace talks continued with the armed struggle factions in Juba, the capital of the Republic of South Sudan. Agreement on the majority of political and security arrangements has already been achieved. Hopefully, a lasting peace agreement will be signed on 20 June.

On 10 March, an agreement was signed between the Government of the Sudan and the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten, as a framework of cooperation to address sexual violence, and now the remarkable decrease in the number of cases and victims has been widely recognized. We hope and are determined to close this file in the very near future, especially in view of the implementation of the national plan of the Sudan for protecting civilians, which has now been issued as a document of the Security Council (S/2020/429).

In confirmation of the transitional Government's firm desire to implement its obligations in line with the exit of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the establishment of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS), a robust national plan for the protection of civilians was deposited with the Security Council. The plan was crafted so as to be implemented with a view to meeting all international standards for the protection of civilians. It deals with addressing the roots of intercommunal conflicts, strengthening the rule of law and human rights, focusing on combating violence against women and children, ensuring access to justice and building sustainable peace on the premise that the priority in all of this lies with the Sudanese Government.

The Sudan reiterates its welcome to UNITAMS, which the Government had voluntarily requested to be established as a follow-on mechanism to succeed UNAMID so as to help the Sudan achieve the goals of the transitional period in order to achieve the aspirations of the Sudanese people.

In conclusion, I reiterate that my Government is opening a new chapter based on close cooperation and collaboration with the international community. We affirm that the issue of combating impunity represents the noble goal of achieving justice. That is not contested; it falls primarily in the realm of the responsibilities of the relevant national judicial organs. Against that backdrop, we reaffirm that the transitional Government of the Sudan has a firm conviction and a strong commitment to fight impunity and that it has already set out in earnest on the path to addressing the atrocities and crimes committed in Darfur, in a manner that satisfies the conscience of the nation and the Sudanese people. The promise of the December revolution that was codified in the ruling Constitutional Declaration is that there is no room for anyone to escape justice or accountability.
