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*Statement to the United Nations Security Council on the situation in
Darfur, the Sudan, pursuant to UNSCR 1593 (2005)*

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Mr President,

1. It is with a deep sense of frustration, even despair, that my Office presents its seventeenth briefing to this Council on the situation of Darfur, Sudan, since the Council referred this situation to my Office through Resolution 1593 in 2005. Regrettably, each briefing has been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse.
2. The deep sense of my Office's disappointment should come as no surprise to this Council, given the serious concerns shared within the United Nations about the situation in Darfur.
3. In particular, my Office shares the concerns of the head of UN Office for the Coordination of Humanitarian Affairs, Valerie Amos, that 300,000 people have been displaced in the first five months of 2013 alone, more than were displaced in the last two years. Her warning that the international community cannot let Darfur slip off the radar must be seriously heeded.
4. As set out in this Council's resolution 2091 of 14 February 2013, the ongoing aerial bombardments in Darfur, which can only be attributed to one party in this conflict; the use of sexual violence as a weapon of war; the deliberate imposition of restrictions on delivery of humanitarian aid even in the face of an urgent humanitarian crisis; and the ongoing impunity for these crimes are major problems for Darfur and for all of us who care about what happens to the Darfuri victims who suffer the brunt of these crimes.
5. My Office shares the concerns of this Council that business relations with the Sudan, if not monitored carefully, could have the effect of facilitating, funding and supporting crimes against civilians. Normalization of relations with the Sudan should not come at such a high price to victims.
6. I have noted in particular the Council's concern about the actions of some individuals affiliated with the Government of the Sudan and armed groups, who continue to commit violence against civilians, impede the peace process, and disregard the demands of the Council. I believe the link between these different actions is critical; I would submit that those individuals who commit crimes are inherently disinterested in the peace process or the demands of this Council. They do not put the true interests of the Sudan first. And as long as they enjoy impunity for the crimes they commit, they will continue to represent a threat to international peace and security. It is for this reason that this Council referred the situation in Darfur to the ICC, to address individual criminal responsibility for the most

serious crimes of concern to the international community, with a view to ending impunity. We have done our part and it is up to this Council to live up to the legitimate expectations of Darfur's victims, namely that individuals alleged to be responsible for their daily sufferings are brought to justice. These individuals are few among a population of millions who continue to endure untold daily suffering at the hands of these few. We cannot ignore the disproportionate effects of their actions, which is the reason why my Office is providing this briefing again today.

Mr President,

7. I echo the concerns of the African Union Peace and Security Council, publicized in March 2013, that the Government of the Sudan must end impunity in Darfur by bringing all criminals to justice, must arrest and try those suspected of crimes against UNAMID, and must facilitate the work of humanitarian organizations and the delivery of aid by cancelling visa restrictions for staff, which has been described as a federal government responsibility.
8. I encourage both the United Nations and the African Union to work together with my Office to monitor actual progress in this regard. We have repeated this call too many times without effect; we cannot simply repeat history in having these discussions. My Office has taken note of some reports of prosecutions of rebels under the Government of the Sudan's anti-terrorism act, but of no real prosecutions of systematic crimes committed by government forces. This cannot be allowed to continue.
9. In my previous report, I expressed my commitment to working with regional organizations endeavouring to contribute to a comprehensive solution, including the League of Arab States and the African Union. The recommendations of the African Union High-Level Panel on Darfur on justice, if implemented, would go a long way toward addressing the challenge of the deliberate imposition and tolerance of impunity not only in Darfur, but in the Sudan as a whole. I encourage the African Union to take up this invitation for dialogue on the justice recommendations of the High-Level Panel with enthusiasm and conviction.

Mr President,

10. I also note reports of ongoing involvement of ICC indictee Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, with the Sudanese Central Reserve Forces in clashes in Central Darfur in April 2013. According to recent reports, witnesses have placed

Kushayb at the center of an attack on the town of Abu Jeradil, 30 kilometers south of Um Dukhun, on April 8, riding in a government vehicle, together with units from the Central Reserve Police, the Border Intelligence, and other government-affiliated militia. Reportedly, large numbers of heavily armed men, most wearing khaki uniforms, arrived in two phases, first on foot and then in vehicles. They shot indiscriminately, burned homes and shops, stole livestock, and looted goods. More than 100 civilians were killed, with scores more injured, and more than 30,000 mostly women and children were displaced into Chad. Although most of the refugees are of Salamat ethnicity, refugees from non-Arab ethnic groups such as the Masalit, Kajaksa, Fur, Dajo, and Tama also fled the fighting. As one witness recounted, "They didn't see any difference between communities, they just wanted people to leave. They stole our cows and burned our crops and took our clothes from our house and burned the house down. We saw them." Observers have suggested that the Government of the Sudan wanted to appease members of the Misseriya and Ta'isha tribes who participated in the Janjaweed/militia by helping them to seize the land of the Salamat, considered by some to be Chadian nationals, and forcibly displacing them in the process. My Office has noted many other such incidents in the past; this is part of an ongoing pattern.

11. My Office has also pointed with concern to the ongoing involvement of ICC indictees Ahmad Harun and Abdel Raheem Hussein in alleged crimes elsewhere in the Sudan. These alleged crimes are of concern to the international community and require urgent and concerted action. Again, this is a question of potential individual criminal responsibility, not of group or organizational responsibility. The repeated travels of President Bashir, in particular to Chad, are also a matter of concern that requires this Council's attention. It is a matter of great concern that this Council has failed to act on any of the seven formal communications from the Judges of the ICC regarding these matters.
12. I note the 20-23 May visit of UN OCHA Head, Valerie Amos, to Khartoum, including a meeting with ICC indictees President Omar Al Bashir, Abdel Raheem Hussein, and Ahmad Harun. The Office expresses its appreciation for the UN's prior notification of the meeting, as well as the UN's assessment that the meeting was considered to be strictly required for carrying out essential UN-mandated duties. I strongly encourage the UN to conduct an ongoing critical analysis of such contacts, to assess whether they have indeed succeeded in contributing to the successful conduct of UN-mandated duties. We must ask ourselves whether the gain to the UN is worth the costs of such contact. We must be careful not to embolden fugitives from justice to think that they will be rewarded for manipulating their way into positions of "indispensability" even as they continue to commit crimes.

Mr President,

13. I encourage this Council to find creative ways to engage with all relevant organizations addressing the Darfur situation, including the ICC, to assess progress in shared goals, in particular for the ICC, the goal of bringing to justice those alleged to have committed the most serious crimes of concern to the international community. Since the Guatemala initiative last October and the Informal Interactive Dialogue last month, the relationship between the ICC and the Council has begun to strengthen in a much-appreciated positive way. However more needs to be done to unlock the potential of our two institutions to prevent and resolve conflicts and to stop the suffering of millions of victims of crimes committed during such conflicts. We stand ready to continue doing our part, but time is long past due for this Council to act with courage and conviction by adopting appropriate measures within its mandate to ensure that Sudan fugitives are brought to justice sooner rather than later.

Thank you.