



NINETEENTH REPORT OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT TO THE UN SECURITY COUNCIL PURSUANT TO UNSCR 1593 (2005)

INTRODUCTION

1. The Prosecutor of the International Criminal Court (ICC or the Court) submits the nineteenth report pursuant to paragraph 8 of UN Security Council Resolution (UNSCR) 1593 of 31 March 2005. This report outlines the judicial activities undertaken since the last report to the Security Council on 11 December 2013; on-going Office activities including the results of crime monitoring, and the cooperation received or lack thereof from the Republic of the Sudan and others.
2. In UNSCR 1593, the Security Council determined that the situation in Sudan continued to constitute a threat to international peace and security and, acting under Chapter VII of the UN Charter, decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the ICC. The Court exercised its jurisdiction in relation to the situation in Darfur in accordance with Article 13(b) of the Rome Statute pursuant to UNSCR 1593.
3. In UNSCR 2138, adopted on 13 February 2014, the Security Council again “*Emphasiz[ed] the imperative for all armed actors to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations and abuses of human rights and violations of international humanitarian law, and the need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee of safe, timely and unhindered humanitarian access to all areas by humanitarian agencies and personnel, while respecting the United Nations guiding principles of humanitarian assistance and the relevant provisions of International Humanitarian Law.*”
4. The resolution further “*deplor[es] the continued obstacles that have been imposed by the Government of Sudan on the work of the Panel of Experts during the course of its mandate, including restrictions to the freedom of movement of the Panel of Experts and UNAMID, and limitations on the Panel of Experts’ access to areas of armed conflict and areas of reported violations of human rights and international humanitarian law.*”

5. The resolution also calls on the Government of Sudan to *“fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for violations and abuses of human rights and violations of international humanitarian law, by whomsoever perpetrated”* and *“not[es] that acts of hostility, violence or intimidation against the civilian population, including IDPs, in Darfur and other activities that could endanger or undermine the Parties’ commitment to a complete and durable cessation of hostilities would be inconsistent with the Doha Document for Peace in Darfur.”*
6. In UNSCR 2148, adopted on 3 April 2014, the Council expressed *“deep concern at the impact of deteriorating security on the civilian population, including the significant increase in population displacements in 2013, and the consequent increase in humanitarian and protection needs, including related to sexual and gender-based violence and violence against children; noting that humanitarian actors were able to reach the majority of people in need of humanitarian assistance in Darfur in 2013, with the notable exception of those vulnerable populations in areas of active fighting, including the East Jebel Marra region; in this regard, expressing particular concern at reports of an escalation of violence in Darfur since February 2014, resulting in the displacement of a large number of civilians, and at the denial of access for UNAMID and humanitarian actors to the affected areas by the Sudanese authorities; and further expressing concern over the insufficient availability of funding for humanitarian actors.”*
7. In a joint press statement on 27 March 2014, UNAMID Deputy Joint Special Representative, Joseph Mutaboba, and the UN Resident and Humanitarian Coordinator in Sudan, Ali Al-Za’tari, expressed deep concern over the increasing violence in Darfur, noting that more than 215,000 people had been displaced since the beginning of 2014. They added that *“[m]any people in Darfur have no choice but to flee their homes in fear”* and *“it is particularly troubling that, in the face of this violence, the UN and the humanitarian community at large are being increasingly constrained from helping the majority of those affected...Due to the access restrictions and security constraints placed upon humanitarian agencies, even monitoring the numbers of people who have been displaced from their homes is increasingly challenging.”* It is worth reflecting that this number comes after last year, in which 460,000 people were reportedly newly displaced in Darfur, as mentioned in the Office’s December 2013 report and statement to the Security Council.
8. The Office notes with great concern that despite the fifty-five UN Security Council resolutions adopted on the Sudan since 2004, hardly any of them have been implemented. Repeated demands from the Security Council to the Government of the Sudan, ranging from disarming the Janjaweed to ending aerial bombardments, to ending impunity and bringing justice and accountability to the victims, have gone

deliberately unfulfilled. This should be of serious concern to the Security Council. The Office has raised this issue previously, but raises it again here in the expectation that Council members will view the consistent pattern of non-cooperation on the part of the Government of the Sudan as constituting a serious problem that requires immediate redress and will undertake the necessary measures to address it. The Government of the Sudan's persistent refusal to implement the Council's resolutions directly curtails efforts of the Council to curb or prevent crimes in Darfur, an issue of concern relevant to the mandates of both the Council and the Court.

9. The Office is likewise concerned about the high level nature of UN contacts with those under ICC arrest warrants, as demonstrated by a recent lengthy meeting in January 2014 at an African Union summit between Deputy Secretary-General Jan Eliasson and Omar Al Bashir. As the Office suggested last year in its June 2013 report, and as it has suggested bilaterally, application of the non-essential contacts policy requires a rigorous assessment as to whether such contacts are strictly required for carrying out essential UN-mandated duties. Without such an on-going assessment, both leading up to and following contacts with those under ICC arrest warrants, there is too great a risk these individuals will take advantage of the UN's goodwill to legitimize their own actions. The Office encourages the UN to make public all of its contacts with those wanted under ICC arrest warrants, including a critical analysis of why such contacts are deemed both before and after the fact to have been strictly required for carrying out essential UN-mandated duties. The isolation of those wanted under ICC arrest warrants is an essential step toward the arrest of those under ICC arrest warrants, something that must be undertaken if the Court is to fulfil its mandate to put an end to impunity for the perpetrators of Rome Statute crimes and thus to contribute to the prevention of such crimes.
10. Finally, the Office is concerned about recent allegations of manipulation of UNAMID reporting and of intentional cover-up of crimes committed against civilians and peacekeepers, in particular those committed by the Government of the Sudan forces. These allegations are supported by documentation from the former UNAMID spokesperson. Reports of UNAMID being unduly influenced by two or three people and information coming from the mission being "manipulated", are clear warnings that the international community may not be adequately informed about the situation in Darfur. UN reports are an important and increasingly unique source of public information about the situation in Darfur, and must be held to the highest standard for the sake of the victims in Darfur. The Office calls on the UN Secretary-General to undertake a thorough, independent and public inquiry into these allegations based on the cases the

former spokesperson has documented. The Office further encourages States Parties to the Rome Statute in the Security Council to support such an independent and public inquiry taking place as soon as possible.

1. RECENT JUDICIAL ACTIVITIES

11. The Office's judicial activities are on-going. In particular, preparation for the trial of Mr Abdallah Banda Abakaer Nourain is on track. A brief summary of recent judicial activity in the Banda case follows.
12. In January 2014, Trial Chamber IV rejected the Defence Request for the Termination of the Proceedings. The Chamber declined to hold the Prosecution responsible for the logistical and technical investigatory difficulties claimed by the Defence. The Chamber also disagreed with the Defence argument that it was faced with a "flagrant violation" of the Prosecution's disclosure obligation.
13. On 20 March 2014, the Trial Chamber issued a Decision on the participation of victims in the upcoming trial proceedings. The Chamber established, *inter alia*, the modalities of the possible participation of various types of victims.
14. In late March 2014, the Prosecution requested a ruling from the Trial Chamber on the permissible scope of witness preparation. The Prosecution requested the Chamber to issue guidelines that maintain the prohibition on rehearsing testimony, while at the same time permitting witness preparation in order to increase the Court's truth-finding function and the efficiency of the proceedings. A decision on this request is pending.
15. During the same period, the Prosecution also requested the Trial Chamber to provide notice, pursuant to Regulation 55(2) of the Regulations of the Court, that there is a possibility of the facts contained in the charges being re-characterised to accord with Articles 25(3)(b), (c), (d), or 28(a). The Prosecution submitted that it is necessary to provide notice under Regulation 55(2) because it is clear from the record that there are multiple ways to characterise Mr Banda's alleged criminal responsibility. A ruling on this request is pending.
16. In early April 2014, the Prosecution sought leave to add five witnesses to its list of trial witnesses, as well as nine witness statements and related documents to its list of evidence. A ruling on this request is pending.
17. On 15 April 2014, the Defence requested that the trial start date of 5 May 2014 be vacated, and a new date be set for March 2015. On 16 April 2014, the Trial Chamber

noted that in light of the logistical difficulties the Registry has encountered, the trial commencement date of 5 May 2014 was not feasible. The Chamber vacated the date of the commencement of the trial. A decision on the new date for start of trial is pending.

18. In May 2014, the Prosecution submitted that Mr Banda is under an obligation to appear for trial on any date ordered by the Trial Chamber and his appearance at trial is non-negotiable under his summons to appear issued pursuant to Article 58 of the Rome Statute. Any failure of Mr Banda to abide by the Trial Chamber's order for the commencement of trial should lead to the immediate issuance of an arrest warrant against him. The Prosecution further submitted that a start trial date of 1 October 2014 is appropriate and fair.
19. In the case of Omar Al Bashir, the Chambers have continued to track his travels and have interacted extensively with States about meeting their obligations to arrest and surrender him to the Court.
20. On 23 January 2014, Omar Al Bashir travelled to Juba, South Sudan, to attend the extraordinary meeting of the Intergovernmental Authority on Development (IGAD) countries. From 29-31 January, Omar Al Bashir travelled to Addis Ababa, Ethiopia to attend the African Union Summit on Agriculture and Food Security, where he met the Deputy Secretary-General of the UN, Jan Eliasson. On 17 February, Omar Al Bashir attended Liberation Day celebrations in the Mekele in the Tigray region of Ethiopia. From 26-27 February, he attended the Common Market for Eastern and Southern Africa (COMESA) Summit in Kinshasa, Democratic Republic of the Congo, a State Party to the Rome Statute. Between 25 and 29 March, Omar Al Bashir travelled to Chad to address a forum for tribes living on the border. On 25 April, he once again travelled to Addis Ababa, Ethiopia, to attend the 3rd Forum on Security in Africa from 26 to 27 April.
21. Since the Office of the Prosecutor's last briefing to the Security Council on 11 December 2013, Pre-Trial Chamber II has issued a number of decisions in relation to Omar Al Bashir's travel. On 30 January 2014, Pre-Trial Chamber II issued a decision on Omar Al Bashir's travel to Addis Ababa, Ethiopia from 29 to 31 January 2014, recognizing that the Federal Republic of Ethiopia as a non-State Party was not under any obligation to cooperate with the Court, but noting the language of UNSCR 1593 that "*urge[d] all States and concerned regional and other international organizations to cooperate fully*" with the Court. Pre-Trial Chamber II therefore ordered the Registry to transmit to the Federal Republic of Ethiopia the requests for arrest and surrender, as well as the current decision, and invited the Federal Republic of Ethiopia to arrest Omar Al Bashir and surrender him to the Court.

22. On 17 February 2014, Pre-Trial Chamber II issued a decision, taking note of the Registrar's 10 February report that no reply from the Federal Republic of Ethiopia was received to the Court's *note verbale*, and confirming that Omar Al Bashir's visit had taken place. The Chamber again instructed the Registrar to communicate the present decision to the Federal Republic of Ethiopia and to invite Ethiopia to cooperate with the Court in the arrest and surrender of Omar Al Bashir. On 29 April, Pre-Trial Chamber II issued another decision on Omar Al Bashir's April 25-27 travel to Ethiopia, reminding Ethiopia of the requests to arrest and surrender Omar Al Bashir, and inviting Ethiopia to arrest and surrender him to the Court.
23. On 26 February 2014, Pre-Trial Chamber II issued a decision during Omar Al Bashir's visit to the Democratic Republic of the Congo (DRC), reminding the DRC of its obligation as a State Party to the Rome Statute to arrest and surrender Omar Al Bashir to the Court and requesting the DRC to immediately do so, and ordering the Registrar to report on Omar Al Bashir's visit. In a 26 February press release, the President of the Assembly of States Parties called upon the DRC to cooperate with the Court.
24. On 3 March 2014, Pre-Trial Chamber II issued another decision, inviting the DRC authorities to submit observations on Omar Al Bashir's visit by 14 March 2014 on its failure to arrest and surrender Omar Al Bashir on the one hand, and on its failure to consult with the Court about any problems identified which might have hindered its cooperation. Following the 18 March observations submitted by the DRC, which cited "time and legal constraints" as factors in its non-cooperation, on 9 April 2014, Pre-Trial Chamber I issued a further decision. In particular, the DRC cited limited advance knowledge of Omar Al Bashir's arrival, that the invitation was made by COMESA and not by the DRC, that the short length of the visit inhibited the DRC's ability to make a decision with such "legal, diplomatic and security obligations," that an arrest would have had "heavy consequences" for the DRC, and that with more time, the DRC would have presented these difficulties to the Court. The Pre-Trial Chamber acknowledged these difficulties, but found the DRC's arguments unconvincing, responding that the Court's request could not have come as a surprise and that Omar Al Bashir's one day on the ground was enough time to arrest him, and certainly enough time to consult with the Court. The Pre-Trial Chamber further rejected the notion that COMESA could organize activities on the territory of the DRC without the DRC's knowledge and consent. On the legal arguments about Omar Al Bashir's immunity, the Pre-Trial Chamber addressed the DRC's arguments that Omar Al Bashir's immunity remained intact, which cited his visits to other States Parties as relevant precedent. The Chamber found that there could be no lack of clarity about Omar Al Bashir's lack of immunity

under Article 27 of the Rome Statute and that the consultation required of the DRC by the same Statute with the Court would have made this clear. The Pre-Trial Chamber found that the DRC had violated the terms of UNSCR 1593, made a finding that the DRC had failed to cooperate with the Court, and referred the finding to the Assembly of States Parties and the Security Council for further action.

25. As the Office has pointed out before, in a number of its decisions, the Chamber has reiterated *“that, unlike domestic courts, the ICC has no direct enforcement mechanism in the sense that it lacks a police force. As such, the ICC relies mainly on the States’ cooperation, without which it cannot fulfil its mandate. When the Security Council, acting under Chapter VII of the UN Charter, refers a situation to the Court as constituting a threat to international peace and security, it must be expected that the Council would respond by way of taking such measures which are considered appropriate, if there is an apparent failure on the part of States Parties to the Statute or Sudan to cooperate in fulfilling the Court’s mandate as entrusted to them by the Council. Otherwise, if there is no follow up action on the part of the Security Council, any referral by the Council to the ICC under Chapter VII of the UN Charter would never achieve its ultimate goal, namely, to put an end to impunity. Accordingly, any such referral would become futile.”*
26. On 24 March 2014, Pre-Trial Chamber II issued a second decision on Omar Al Bashir’s November 2013 visit to Kuwait, renewing its invitation to the State of Kuwait to arrest and surrender Omar Al Bashir, should he visit Kuwait again. On 25 March 2014, Pre-Trial Chamber II issued a decision noting Omar Al Bashir’s potential 25-29 March travel to Chad, reminding Chad of its obligation to arrest and surrender Omar Al Bashir to the Court.

2. ON-GOING OFFICE ACTIVITIES

27. The Office has continued to prepare the case against Mr Banda. It has also undertaken steps to maintain its evidence for the other cases, in anticipation of eventual arrests.
28. The overview of allegations of crimes reflected in this section points to the need to consider new investigations in the Darfur situation. The lack of arrests and cooperation from the Government of the Sudan has presented an on-going challenge for the Office.
29. The Office continues to monitor relevant crimes allegedly committed in Darfur, whilst its investigations face challenges due to security and access issues.

2.1 Monitoring of current crimes

30. The Office continues to monitor a number of trends that could constitute Rome Statute crimes, including: alleged attacks by the Ministry of Defence, either targeting or indiscriminately affecting civilians and other persons, as well as alleged attacks on civilians by rebel movements; alleged acts affecting the persons displaced and alleged abductions of, and attacks on, humanitarian aid workers and peacekeepers, among others.

2.2 Alleged aerial bombardments affecting civilians

31. In UNSCR 2138, the Security Council demands all parties to the conflict in Darfur to *“exercise restraint and cease military action of all kind, including aerial bombardments.”* Regardless, according to the UN Panel of Experts on the Sudan in its 22 January 2014 report, *“[t]he air force continues to support ground operations by the army or its tactical objectives by aerial bombardments.”* It further states that despite allegations made by the Government of the Sudan, indicating that aircrafts were deployed to protect sovereignty, citizens and the borders with the Central African Republic, Chad and Libya, *“it received various reports mentioning the use of attack/close air support aircraft in air strikes on civilian targets.”*

32. The majority of the alleged bombardments took place in East Jebel Marra, an area known for being under the control of rebel forces, including bombings on 30 December 2013, killing one person and destroying livestock; on 12 December 2013, reportedly killing two children, on 10 and 21 January 2014, each reportedly killing one person and destroying livestock; on 28 January 2014, reportedly killing two people; on 6 March 2014, on 16 through 20 March 2014 in ten villages in East Jebel Marra, and on 27 March 2014, reportedly killing three. Images taken on 21 March 2014 show various locations burning, and it is alleged that accompanying ground attacks by militia/Janjaweed burned or destroyed the targeted villages.

33. Bombings also took place from 29 December 2013 to 1 January 2014 in central Jebel Marra in nine villages, burning most of the houses and farms in these areas. Bombings from 20 to 21 March 2014 in four localities killed at least five people. Bombings on 30 December 2013 in West Jebel Marra reportedly killed one person; two people on 1 January 2014 in north Jebel Marra; one person on 10 January 2014 in North Darfur, along with the destruction of several houses, and one person on 6 March 2014 in North Darfur.

2.3 Alleged ground attacks affecting civilians

34. During the reporting period, clashes between government, militia/Janjaweed and rebels continued. According to multiple sources, armed clashes and unilateral attacks affecting civilians have escalated since the end of February 2014, coinciding with the deployment of the paramilitary group Rapid Support Forces to Darfur. The paramilitary group is allegedly under the command of Mohamed Hamdan, known as Hemeti, and comprises 5,000 to 6,000 militiamen. Reportedly, the movements and military operations of the Rapid Support Forces are arranged in coordination with the General Command of the Sudanese army. After Hemeti's reported recruitment of Darfuris in December 2013, the armed group was allegedly stationed near El Obeid, North Kordofan, and redeployed to Darfur in mid-February 2014.
35. Some sources refer to the Rapid Support Forces as Janjaweed. The information available suggests that the Rapid Support Forces are similar in structure and modus operandi to the paramilitary group that the Office has referred to in previous reports as militia/Janjaweed. The following factual indicators seem to show a similar pattern of indiscriminate and disproportionate attacks against civilians by the Rapid Support Forces: in all of the reported attacks, crimes against civilians were allegedly committed; all of them were allegedly committed from the end of February onwards, coinciding with the deployment of the Rapid Support Forces to Darfur; in 12 of the 17 reported attacks, civilian villages were set ablaze; in the majority of the attacks, the presence of rebels in the attacked areas is not reported while in others the information available is ambiguous, and all of the attacks were carried out in areas located in South and North Darfur.
36. As a side effect of the reported inability of the Government of the Sudan to fulfil its financial obligations with various allies that formed the militia/Janjaweed, such groups are reportedly seeking alternative sources of revenue, including heavy inter-communal fighting over natural resources. To this end, these units are allegedly using weaponry initially supplied by the Government to support other activities as well.
37. The rebel forces have been acting either independently or under the umbrella groups Sudan Revolutionary Front (SRF), comprising the Sudan Liberation Movement led by Abdel Wahid (SLA-AW), the Sudan Liberation Movement led by Minni Minawi (SLM-MM), the Justice and Equality Movement (JEM) and the Darfur Joint Resistance Forces comprising the SLA-AW, the SLA-MM and the Liberation Movement for Justice led by Taher Hajar (LMJ-TH).

38. Among the main reported incidents are clashes on 10 January 2014 in El Salam IDP camp in Nyala, and clashes between Misseriya and Salamat tribe members from 17 to 20 February 2014 in Sali village, Um Dukhun, Central Darfur, killing at least twenty eight people and displacing approximately 15,000. In addition, the town market was allegedly looted and some parts of the town were reportedly set ablaze. On 27 and 28 February 2014, around Um Gunya, southeast of Nyala, South Darfur, militia/Janjaweed members, numbering approximately 4,000, attacked civilians in Land Cruisers. As a result, at least thirty-eight civilians were killed, with many others wounded and a number of houses looted and set on fire. Approximately 57,000 people were forcibly displaced. Militia/Janjaweed burned down between thirty-five and fifty villages in the area of Hijer Tunjo, Um Gunka, Sani Deleiba, Tukumari, Himeida, Birkatuli and Afona and reportedly raped twenty women and girls, with perpetrators calling the victims “Tora Bora”, accusing them of supporting the rebels. Reportedly, the paramilitary group was under the command of Ahmed Hamdan, aka “Hemeti”, and Abbas Abdel. On 4 and 5 April 2014, in Shag Hiraf, East Darfur, fighting between the Hamar and the Ma’aliya tribes resulted in more than twenty killed, with livestock looted and a number of villages burned.
39. On 7 and 8 March 2014 in Saraf Omra, North Darfur, fighting between militiamen led by Musa Hilal, tribesmen and government forces reportedly took place. Allegedly, the militiamen under Musa Hilal’s control burned down several neighbourhoods, looting the market, shops and houses. According to the UN Secretary General, more than 2,000 houses were looted and destroyed. Reportedly, many of the goods looted by the militiamen were offered for sale after the attack in El Geneina, West Darfur where Hilal is reported to have a large number of supporters. As a consequence of the attack, nineteen people were reported to have been killed but the exact number remains unknown. The information available suggests that militiamen responding to Hilal are responsible for the alleged crimes. The victims of the attack were reportedly members of the Gimir and Tama tribes. In addition, an estimated 65,000 people were allegedly displaced. According to the information available, the affected area was not related to rebel forces at the time of the alleged attack. The satellite imagery from 25 March 2014 by Sentinel Project displays Saraf Omra before and after the reported attack by the militia forces responding to Musa Hilal. In the imagery, it is possible to observe the increase in the number of people displaced from Saraf Omra.



40. On 13 March 2014 in Mellit, North Darfur, in the context of an armed confrontation between the SAF and the Darfur Joint Rebel Forces, represented by SLA-MM and LMJ, ten civilians were reportedly killed and a number of people were injured. Additionally, allegedly several houses were destroyed and the market of Mellit was plundered.
41. On 4 March 2014, in Haskanita, El Taweisha and Ailliet, North Darfur, during clashes between the SAF and rebels, the umbrella group Darfur Joint Rebel Forces reportedly attacked civilians. As a consequence, approximately 81,300 people were displaced, a number of houses were set on fire, markets and civilian properties were plundered and at least thirty-one persons were killed. The number of civilian casualties and injured remain unknown. According to various sources, the Darfur Joint Rebel Forces are responsible for the alleged crimes. On 22 March 2013, the Sudanese Armed Forces reportedly retook El Taweisha and Ailliet.
42. Subsequent alleged grave attacks by the Rapid Support Forces took place on the following dates and locations: On 15 March 2014 in East Jebel Marra; on 16 March 2014 in Kutum, North Darfur; on 17 and 18 March 2014 in Mellit, North Darfur; on 19 March 2014 in Rubkona, North Darfur; on 20 March 2014 in Nyala, South Darfur; on 21 March 2014 in El Fasher, North Darfur; on 21 and 22 March 2014 in East Jebel Marra; on 22 March 2014 in Khor Abeche, South Darfur; on 24 March 2014 in Kutum, North Darfur; on 29 March 2014 in Mellit and Kutum, North Darfur; on 30 March 2014 in Kutum, North Darfur; on 31 March and on 1 April 2014 in Nyala, South Darfur; on 7 and 8 April 2014 in El Fasher, North Darfur; on 8 April 2014 in Tawila, North Darfur; on 10 April 2014 in Tawila, North Darfur, and on 15 April 2014 in East Jebel Marra, North Darfur. Images captured by the Satellite Sentinel Project on 28 March 2014 show the destruction and burning of Khor Abeche after the reported attack by the Rapid Support Forces on 22 March 2014.



2.4 Alleged widespread occurrence of sexual and gender-based crimes

43. The Office has received reports of different incidents of sexual crimes against women committed by militia/Janjaweed members as well as unidentified assailants. Members of a rebel force allegedly carried out one incident of sexual violence. The UN Secretary General stated, “[o]ne of the dominant characteristics of the Darfur conflict continues to be extensive gender-based violence, including the rape of women and girls.” The exact number of victims is unknown, in part due to under-reporting of sexual and gender-based crimes. As for the pattern, women are normally attacked either when they leave the IDP camps to collect firewood or to engage in trade or farming activities, or during attacks on villages. This assessment is consistent with the finding by the UN Panel of Experts on Sudan, which asserted that although most of the incidents took place outside the IDP camps when women were carrying out routine livelihood activities, some of them occurred within the camps.

44. Among the reported incidents are included: a 9 December 2013 attack in Sirba, West Darfur, that resulted in three women gang-raped by militia/Janjaweed members; a 15 December 2013 attack in Abata, Central Darfur, in which ten women were allegedly gang-raped by more than twenty militia/Janjaweed members for nine hours; an 18 December 2013 attack in Shangil Tobay, North Darfur, in which three women were allegedly gang-raped by unknown attackers; a 22 December 2013 attack in Kebkabiya, North Darfur, in which gunmen in military uniforms reportedly raped two women; a 4 to 5 January 2014 attack in Kass, South Darfur, in which militia/ Janjaweed members

allegedly gang-raped two women; a 7 January 2014 attack in Tawila, North Darfur, in which militia/Janjaweed members reportedly raped three women; a 19 January 2014 attack in Nertiti, Central Darfur, in which militia/Janjaweed members reportedly gang-raped one woman; a 27 January 2014 attack in Kebkabiya, North Darfur, in which militia/Janjaweed members reportedly gang-raped a twelve-year-old girl; a 1 February 2014 attack in Wadi Salih, Central Darfur, in which militia/Janjaweed members reportedly gang-raped a woman; a 3 February 2014 attack in Tawila, North Darfur, in which militia/Janjaweed members allegedly gang-raped a twelve-year-old girl for eight hours; a 12 February 2014 attack in Kutum, North Darfur, where militia/Janjaweed members, specifically from the Central Reserve Forces (mostly known as Abu Tira) reportedly raped a woman and a girl; a 21 February 2014 attack in Murnei, West Darfur, in which militia/Janjaweed members reportedly cut off a woman's hands and subsequently gang-raped her; a 25 February 2014 attack in Nyala, South Darfur, in which militia/Janjaweed forces, specifically from the Rapid Support Forces, reportedly gang-raped a ten-year-old girl; a 27 to 28 February 2014 attack in the Um Gunya area of South Darfur, in which militia/Janjaweed members, specifically from the Rapid Support Forces, reportedly raped twenty women and girls; a 28 February 2014 attack in Nertiti, Central Darfur, in which militia/Janjaweed reportedly raped two women, aged fifteen and seventeen; a 9 March 2014 attack in Sirba, West Darfur, in which militia/Janjaweed, specifically from the Central Reserve Forces (Abu Tira) allegedly gang-raped two girls for ten hours; a 15 March 2014 attack in Tawila, North Darfur, in which members of the SLM reportedly raped a deaf woman; a 16 March 2014 attack in Kutum, North Darfur, in which militia/Janjaweed members, specifically from the Rapid Support Forces, reportedly raped an undetermined number of women; a 20 March 2014 attack in Nyala, South Darfur, in which militia/Janjaweed members, specifically from the Rapid Support Forces, reportedly raped and subsequently kidnapped four girls; a 23 March 2014 attack in El Geneina, West Darfur, in which militia/Janjaweed members allegedly raped two young women; a 6 April 2014 attack in Zalingei, Central Darfur, in which six militia/Janjaweed members gang-raped a displaced girl, and a 22 April 2014 attack in Wadi Burley, South Darfur, in which militia/Janjaweed members raped five women.

2.5 Alleged crimes against human rights defenders, civil society members and community leaders

45. Alleged crimes targeting human rights defenders, civil society members and community leaders continued during the reporting period.
46. Among the incidents that took place are included a 21 January 2014 attack in Zalingei, Central Darfur, in which security forces attacked and beat students who protested

military fees imposed on residents in support of military operations, and an attack on 3 April 2014 at the University of Nyala in South Darfur, in which one hundred students were beaten and dispersed with tear gas, and seven arrested following a demonstration against the arrest of four students who had criticised the regime over on-going killings, lootings and burnings in Darfur. A case was allegedly opened against the seven arrested students for disturbing the peace. Another incident took place on 5 February 2014 in Mornei IDP camp in West Darfur, in which security forces reportedly arrested the head of the Kanjarde district following rejection by camp residents of a restructuring plan of the camp. Four additional sheikhs of Murnei IDP camp were arrested for the same reasons, and at least one was reportedly tortured. On 3 March 2014, two sheikhs in Ronga Tas IDP camp in Azum, Central Darfur, were arrested during similar protests against the restructuring of the camp. On 16 February 2014, in Zalingei, Central Darfur, security forces allegedly killed two and injured twenty-four during a protest against the Social Peace Conference organized by the Darfur Regional Authority, in the presence of the UNAMID Chief and the Governor of Central Darfur. On the same day, at the stadium in Zalingei, security forces reportedly kicked and beat Sheikh Matar Younis Ali Hussein, Koranic scholar at the Great Mosque and chairperson of the Young Rebels for Freedom and Democracy during a youth activity.

2.6 Alleged abductions of and attacks on humanitarian aid workers and peacekeepers

47. In 2013, sixteen peacekeepers were reportedly killed, raising the total number since 2008 to fifty-seven. In February 2014 in UNSCR 2138, the Security Council reiterated its condemnation of such attacks and once again called upon the Government of the Sudan to swiftly investigate these attacks and bring those responsible to justice.
48. Among these attacks are included a 29 December 2013 attack in Gereida, South Darfur, in which six “unidentified armed assailants wearing military uniforms” attacked a UNAMID convoy, killing a Jordanian and a Senegalese police officer. Reportedly government police forces have taken at least one assailant into custody.
49. Additionally, various humanitarian organisations have come under attack; in particular they are subject to looting. On 17 December 2013, in Nertiti, Central Darfur, militia/Janjaweed members reportedly robbed the British Tearfund organisation. On 3 January 2014, in Nertiti, “unidentified gunmen wearing military uniforms” allegedly looted the health centre of the British Islamic Relief Organisation after beating up the centre’s guard. On 15 January 2014, in Kass, South Darfur, approximately twenty-seven militia/Janjaweed members stole 450 livestock property of the American Tearfund organisation, which were intended for distribution among people in need. On

8 February 2014, in Kutum, North Darfur, unidentified gunmen in Land Cruisers beat the guards of the World Food Programme office and raided and robbed the office. On 18 March 2014, in El Fasher, North Darfur, militia/Janjaweed members, in particular from the Border Guards, looted the stores of the World Food Programme, which were reportedly filled with food aid products. On 26 March 2014, in Khor Abeche, South Darfur, militia/Janjaweed members reportedly looted and set fire to a health centre and a kindergarten property of the World Vision Organisation. On 11 March 2014, in El Fasher, North Darfur, a UNAMID employee was reportedly abducted, then freed on 1 May.

50. Allegedly, the delivery of humanitarian assistance to civilians affected by protracted violence in Darfur was further hindered by the reduction in the number of aid workers. The crisis in Darfur has reportedly led to a nearly two-thirds reduction in the number of aid workers, from some 18,000 in early 2009 to 6,800 aid workers in late 2013. The suspension of the activities of the International Committee of the Red Cross (ICRC) on 1 February 2014 and the downsizing of the ICRC mission on 19 May 2014, the closure of the office of the aid organization Agency for Technical Cooperation and Development (ACTED) in Zalingei, Central Darfur on 20 March 2014, the expulsion on 9 April 2014 of the head of the UN Population Fund from Sudan by the Sudanese government, which accused her of violating Sudanese law and interfering in the domestic affairs of the country, and the expulsion of the British-based humanitarian NGO Merlin on 17 April 2014 constitute measures reportedly taken by Sudanese authorities that negatively affect the civilian population in need of humanitarian aid.
51. In areas reportedly under rebel control, the most populated being Jebel Marra, humanitarian data is increasingly scarce since the Government of the Sudan's expulsion of thirteen international NGOs in 2009. The provision of humanitarian assistance to thousands of inhabitants in Jebel Marra has also become nearly impossible. The Security Council has urged the Government of the Sudan to respond to the situation of the civilian population in Jebel Marra after the Panel of Experts, UNAMID, and humanitarian agencies personnel were denied access. It further insisted that the authorities adopt measures to allow timely, safe, and unhindered access for humanitarian relief to this area.

2.7 Forced displacement

52. Since February 2014, approximately 250,000 people have been newly displaced. This number is reportedly higher than the number of people displaced in 2011 and 2012

combined, and about half of the number of persons displaced in 2013. Reportedly, Darfur is currently hosting over 2,000,000 internally displaced persons.

53. The Security Council has addressed the issue of displacement, *“expressing deep concern at the impact of deteriorating security on the civilian population, including the significant increase in population displacement in 2013, and the consequent increase in humanitarian and protection needs [...]”*.
54. Reportedly, timely humanitarian assistance to those in need throughout Darfur has been hindered mainly by restrictions on access to the affected areas, particularly areas of active fighting, delays in the issuance of staff work permits, and the cancellation of field missions. The Security Council addressed the issue by *“[e]xpressing particular concern at reports of an escalation of violence in Darfur since February 2014, resulting in the displacement of a large number of civilians, and at the denial of access of UNAMID and humanitarian actors to the affected areas by the Sudanese authorities; and further expressing concern over the insufficient availability of funding for humanitarian actors [...]”*.

3. COOPERATION RECEIVED OR LACK THEREOF FROM THE GOVERNMENT OF THE SUDAN AND OTHER PARTIES

55. Under UNSCR 1593, the Security Council decided that the *“Government of Sudan and all other parties to the conflict in Darfur shall cooperate fully and provide any necessary assistance to the Court and the Prosecutor.”* Pursuant to this resolution and the orders of the Court’s judges, the pending warrants of arrest have been transmitted to the Government of Sudan for execution.
56. The Sudan, as the territorial State, has the primary responsibility and is fully able to implement the warrants, consistent with its sovereign authority. It has consistently failed to do so. At the same time, it has also failed to provide any meaningful measure of justice at the national level.
57. Since the December 2013 report to the Security Council, the Office notes once again that Mr Al Bashir has travelled to Juba, South Sudan on 23 January 2014; to Addis Ababa, Ethiopia from 29-31 January; to the Tigray region of Ethiopia on 17 February; to Kinshasa, the DRC, from 26-27 February; to Chad from 25-29 March, and to Addis Ababa, Ethiopia from 25-27 April.
58. The Office takes this opportunity to recall the eight communications from the Court informing the Security Council about non-cooperation in the Darfur situation, either by the Government of the Sudan or by other States, in relation to all four suspects. The

Office appreciates and encourages the sustained efforts that States Parties to the Rome Statute in the Security Council have made and continue to make to ensure that the Council produces a substantive response to these communications.

4. CONCLUSION

59. The catastrophic humanitarian situation in the Sudan and continuing perpetration of serious crimes against civilians is simply unacceptable.
60. The Office calls on the Security Council to ensure Sudan's compliance with UNSCR 1593, and calls on States Parties to the Rome Statute to promote cooperation and affect the arrest of individuals wanted by the ICC in the Darfur situation. The individuals under ICC arrest warrants have occasionally succeeded in visiting States Parties, as recently with Omar Al Bashir's visits to Chad and the DRC. This is not simply a challenge for those States Parties he may visit. It is a challenge for all States Parties to the Rome Statute to provide the necessary support and assistance to their fellow States Parties to ensure that an effective arrest and surrender can take place. The Office calls on States Parties to take proactive steps to support their fellow States Parties that may be more vulnerable to future visits by individuals under ICC arrest warrants. The Office notes in this regard that in addition to the obligations of States Parties to the Rome Statute, all Member States of the United Nations are urged by the Security Council to cooperate with the Court's investigations and prosecutions in Darfur. The Office will continue to monitor the Darfur situation.
61. Without stronger action by the Security Council and State Parties, the situation in Sudan is unlikely to improve and the alleged perpetrators of serious crimes against the civilian population will not be brought to justice.