



Mrs. Fatou Bensouda
Prosecutor of the International Criminal Court

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

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Thank you, Mr. President, Your Excellencies:

1. The purpose of the regular reports that I am requested to provide to this Council is to update you on developments and progress on the investigation and prosecution of those alleged to be responsible for the commission of crimes in Darfur. Following my Office's investigations and submission of evidence to the Judges, and following their independent assessment, the Judges have concluded that the evidence provided to them established that certain individuals in the Sudan should be brought before the International Criminal Court (the "Court") to answer charges, including allegations of rape.
2. To date, none of these individuals have been brought to justice, and some of them continue to be implicated in atrocities committed against innocent civilians. It is becoming increasingly difficult for me to appear before you to update you when all I am doing is repeating the same things I have said over and over again, most of which are well known to this Council. Not only does the situation in Darfur continue to deteriorate, the brutality with which crimes are being committed has become more pronounced. Women and girls continue to bear the brunt of sustained attacks on innocent civilians. But this Council is yet to be spurred into action. Victims of rapes are asking themselves how many more women should be brutally attacked for this Council to appreciate the magnitude of their plight.
3. In the almost ten years that my Office has been reporting to this Council, there has never been a strategic recommendation provided to my Office, neither have there been any discussions resulting in concrete solutions for the problems we face in the Darfur situation. We find ourselves in a stalemate that can only embolden perpetrators to continue their brutality.
4. As I have stated previously on many occasions, we need to engage to define a new approach to the Darfur situation. This requires strategic thinking and changes from all sides. Faced with an environment where my Office's limited resources for investigations are already overstretched, and given this Council's lack of foresight on what should happen in Darfur, I am left with no choice but to hibernate investigative activities in Darfur as I shift resources to other urgent cases, especially those in which trial is approaching. It should thus be clear to this Council that unless there is a change of attitude and approach to Darfur in the near future, there shall continue to be little or nothing to report to you for the foreseeable future. The question for the Council to answer is what meaningful purpose was my reporting intended to serve and whether that purpose is being achieved?

Mr. President,

5. The recent allegations of rape of approximately 200 women and girls in Tabit should shock this Council into action. It is disturbing and indeed it should be a matter of great concern to this Council that even as my Office and the international community intensify efforts to end the scourge of sexual and gender-based crimes, the Government of the Sudan denied full access to Tabit, thus frustrating full and transparent investigations into serious allegations of sexual and gender-based crimes. This Council must demonstrate its strong condemnation with the Government of Sudan's failure to facilitate access to Tabit and should demand unimpeded full investigations of these crimes without delay.
6. It is unacceptable that investigations of such sensitive and serious crimes were conducted in a situation in which perpetrators have effective control over their victims in their homes and in their villages, and where, investigators can offer no protection to victims after they have left the crime scene.

Mr. President,

7. Following my appeal and this Council's support for investigations of allegations of manipulation and underreporting by UNAMID, I thank the United Nations Secretary General for taking immediate steps to investigate these allegations and for availing my Office of its Executive Summary. It is my Office's hope that the Secretary General and this Council will take appropriate measures to address the issues identified in the report and to effectively implement its recommendations. It is worth recalling that UN reports are an important and unique source of public information that my Office relies on for its activities in most situations and it is for this reason that any allegations of manipulation and underreporting become a matter of concern for my Office.

Mr. President,

8. We have taken note of Mr. Omar Al Bashir's travels during this reporting period, which have been markedly fewer. The question of Mr. Al Bashir's travels remains a matter before this Council as does his status as a fugitive from justice.

Mr. President,

9. I share this Council's deep concern at the serious deterioration of the security situation in Darfur, and its profoundly negative impact on civilians, in particular women and children. As the Secretary-General has rightly pointed out, sexual

and gender-based violence remains a pervasive feature of the conflict in Darfur, as do attacks on human rights defenders, civil society members and community leaders. These unacceptable attacks are aimed at the foundations of communities and as such are seriously corrosive of any future stability. As such, Mr. President, they must stop.

10. Massive new displacements that have taken place this year have compounded an already fragile situation.
11. Equally concerning is the on-going patterns of aerial bombardments and armed attacks on civilian populations by militia/Janjaweed, and in particular, the ongoing involvement of the newest iteration of the Janjaweed, the Rapid Support Forces, led by Mohamed Hamdan. My Office's factual indicators seem to illustrate a similar pattern of indiscriminate and disproportionate attacks against civilians by the Rapid Support Forces.

Mr. President,

12. It is worth repeating once again as has been done many times before that the Government of the Sudan, as the territorial State, has the primary responsibility and is fully able to implement the Court's warrants of arrest consistent with its sovereign authority. Notwithstanding this clear responsibility, 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.
13. I remain open to constructively engage with the Council on the Darfur issue. What is needed is a dramatic shift in this Council's approach to arresting Darfur suspects. I appreciate efforts being made to ensure that this Council produces a substantive response to the eight outstanding communications from the Court. Likewise, I believe that concerted efforts to promote cooperation with the Court may help to fill the gap. In that regard, I call on all States and this Council to find creative ways to support those amongst them that may be most vulnerable to planned visits by Mr. Omar Al Bashir or other individuals against whom warrants of arrest have been issued.
14. I thank you, Mr. President, Your Excellencies, for your attention. |OTF