



THIRTY-SIXTH REPORT OF THE PROSECUTOR OF THE INTERNATIONAL
CRIMINAL COURT TO THE UNITED NATIONS SECURITY COUNCIL PURSUANT
TO RESOLUTION 1593 (2005)

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EXECUTIVE SUMMARY

This Report reflects the activities pursued by the Office of the Prosecutor (“OTP” or “Office”) in relation to the situation in Darfur over the reporting period of August 2022 to January 2023. During this period, the Office worked with focus to implement the renewed strategic approach and roadmap in relation to the situation in Darfur outlined by the Prosecutor in his previous report to the Security Council.¹ While significant steps towards accountability have been taken in the last six months, a true paradigm shift can only be achieved through enhanced cooperation from Sudanese authorities.

Substantial progress has been achieved with the landmark trial of Mr Abd-Al-Rahman, the first case before the International Criminal Court (“ICC” or “Court”) in relation to the situation in Darfur and the first stemming from a referral by the United Nations Security Council. Through the courage of victims and witnesses who have come forward to provide their testimony, the Court has heard accounts of alleged crimes against humanity and war crimes in the Wadi Salih and Mukjar localities of West Darfur, including acts of murder, rape, destruction of property and pillaging. The Office anticipates concluding its case as planned in February. The pace of this trial makes it the most efficient since the establishment of the ICC.

The Office has also been able to take important steps forward in other key lines of inquiry highlighted in this Report. This progress has drawn in particular on enhanced cooperation with third States and international institutions which has allowed the Office to secure new forms of evidentiary material relevant to identified suspects.

This work has also been supported by the allocation of additional dedicated resources, reflecting the prioritisation of Security Council referrals by the Prosecutor as outlined in his previous reports. Specifically, the Office has ensured the addition of further staff with proficiency in the Arabic language to the Darfur Unified Team while also allocating additional law enforcement professionals seconded from States Parties.

¹ <https://www.icc-cpi.int/news/thirty-fifth-report-prosecutor-international-criminal-court- united-nations-security-council>.

Progress has also been made with respect to the engagement of victims, witnesses, and affected communities. The Prosecutor's visit to Sudan in August 2022, and in particular his visit to Darfur and camps for internally displaced persons, provided an important platform for dialogue and the strengthening of collaboration with local communities. During his visit, the Prosecutor heard directly from victims and affected communities as to their legitimate expectations of justice and how the Office can partner more effectively with those impacted by alleged crimes in Darfur. During the reporting period, the Office also held its first thematic roundtable with civil society organisations, dedicated to addressing crimes targeting or affecting children. This included the participation of a number of civil society organisations from Darfur.

However, while important steps forward have been taken by the Office, the full cooperation of Sudanese authorities remains central to accelerating investigative work and delivering on the legitimate expectations of survivors. In his last Report, the Prosecutor highlighted that a pivotal moment was being reached in which cooperation of the Government of Sudan must be improved, detailing four key steps they should take in the coming six months. During his visit to Sudan, the Prosecutor received concrete commitments from the most senior members of the Government of Sudan that this cooperation would be forthcoming. These commitments have not been kept. Little real progress has been seen from Sudanese authorities across the four priority areas outlined by the Prosecutor.

While some small steps have been taken in areas such as provision of visas, the Office restates its central requests to Sudanese authorities to:

- (i) provide unimpeded access to documentation and witnesses in Sudan. In the current reporting period the Office has faced unnecessary challenges even in receiving access to public archives;
- (ii) support the establishment of a field presence in Sudan; and



- (iii) ensure prompt responses to requests for assistance submitted by the Office to the Sudanese authorities. 34 requests for assistance to Sudanese authorities remain outstanding, with no response received as of the date of this Report.

These challenges in cooperation with Sudan have negatively impacted evidence-collection activities and have therefore delayed work towards the presentation of a completion strategy for the situation. This however remains a priority of the Prosecutor for coming reporting periods.

The Office will continue its efforts to deliver on the renewed strategic approach to the situation in Darfur in the coming reporting period, with a focus on completion of the trial of Mr Abd-Al-Rahman and the achievement of key investigative steps in other priority lines of inquiry with the support of third States, international and national organisations. The Government of Sudan should consider this moment as an opportunity to meet the commitments it has made to the Office to effectively cooperate and build a basis from which the steps now being taken towards accountability can represent a collective success.

More critically, it is essential for Sudan to demonstrate its ability to deliver on promises made to its own people that the suffering of victims in Darfur will be addressed and justice finally delivered.



I. INTRODUCTION

1. Pursuant to Resolution 1593 (2005), the Security Council referred on 31 March 2005 the situation in Darfur, Sudan to the Prosecutor of the ICC, as of 1 July 2002.
2. This Report provides an update on the implementation of the renewed investigative and prosecutorial strategy presented by ICC Prosecutor Karim A. A. Khan KC (“the Prosecutor”) in relation to the situation in Darfur, Sudan in his August 2022 Report (the “Thirty-fifth Report”). It takes stock of progress and developments within each of the key lines of inquiry that were described in the abovementioned report and assesses steps taken across the three strategic principles underpinning the new approach outlined by the Prosecutor.
3. It is recalled that upon assuming office, the Prosecutor immediately and voluntarily recused himself, pursuant to article 42(6) of the Rome Statute, from all cases where a conflict of interest may be perceived to arise due to his prior participation in ICC proceedings as defence counsel. This included recusal from the case of Mr Abdallah Banda Abakaer Nourain (“Mr Banda”). As a result, responsibility for oversight of this case has been taken by Deputy Prosecutor Nazhat Shameem Khan.

II. PROGRESS ON THE ROADMAP

4. In his last report, the Prosecutor outlined the extensive stock-taking exercise undertaken by the Office in relation to the situation in Darfur, Sudan. In doing so, the Thirty-fifth Report outlined the key investigative and prosecutorial activities completed by the Office across three main lines of inquiry since the beginning of the investigation and provided an overview of the main challenges impacting progress.
5. On the basis of this overarching assessment, the Report presented a roadmap for future action based on the following three key principles: (i) empowering victims, witness and affected communities; (ii) strengthening cooperation with Sudanese national



authorities; and (iii) increasing cooperation with third States and international and regional organisations.

6. In line with this renewed strategy, a more targeted approach to investigations has been established, with real-time tracking of progress and clear benchmarks against which action can be measured provided.
7. This section provides an update on steps taken in each of the three key lines of inquiry in relation to Darfur and then outlines the progress made since August 2022 across the three key strategic principles underpinning the new strategy.

(i) Progress in key lines of inquiry

a. Trial of Mr Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb

8. Following its opening on 5 April 2022, the trial in the case against Mr Abd-Al-Rahman has made swift progress. This represents a landmark trial, the first ever stemming from a Security Council referral and the first in relation to the situation in Darfur before the Court.
9. Mr Abd-Al-Rahman is charged with 31 counts of crimes against humanity and war crimes in the Wadi Salih and Mukjar localities of West Darfur. These alleged crimes include murder, rape, destruction of property and pillaging during an attack on Kodoom, Bindisi and surrounding areas in August 2003, and the torture and murder of a total of more than 200 detained men and boys in the areas of Mukjar and Deleig in February / March 2004.
10. During the reporting period, the Prosecution has presented evidence with respect to allegations that Mr Abd-Al-Rahman, a senior Militia/*Janjaweed* leader, was present during all three charged incidents. The Prosecution alleges that Mr Abd-Al-Rahman gave orders at certain execution sites outside of both Mukjar and Deleig, where large



numbers of males were shot to death by members of the Militia/*Janjaweed* and/or government forces.

11. Over the course of 8 months, during 78 sitting days, the Court has heard more than 267 hours of evidence from 50 witnesses. The Prosecution will soon call its remaining witnesses, before concluding its case by February 2023.
12. The pace of this trial makes it the most efficient since the establishment of the ICC. This has been achieved through the focused presentation of the most relevant and probative evidence and the agreements reached between the Prosecution and the Defence on multiple important issues, including acceptance of the existence of a non-international armed conflict in Darfur, Sudan during the relevant period. The Office also wishes to recognise that proceedings have benefited significantly from effective management practices by judges of the Trial Chamber, allowing for the trial to proceed promptly.
13. The Court has also made use of procedural rules allowing for the introduction of witness evidence in written form. To date, the prior recorded testimonies of 31 witnesses have been introduced in writing before further questioning by the Parties, participants and the Trial Chamber. Additionally, the evidence of 24 witnesses is to be introduced wholly on the basis of their written statements, without the need for in-court testimony. The prompt cadence of proceedings has also been facilitated by the use of video link technology to hear the evidence of 9 witnesses to date.
14. Despite the ongoing challenges in securing effective cooperation from the Government of Sudan, it is expected that by the end of the Prosecution's case it will have relied on a total of 82 witness testimonies.
15. The Office acknowledges the profound courage and determination of those witnesses who have testified before the Court, without whom any trial would be impossible.



16. The Court has, time and time again, heard witnesses express the importance of this trial for the victims of the alleged crimes and their communities. Witnesses have told the Court that they never dreamt that the day would come when the perpetrators of those crimes would face a justice process.
17. One witness, when asked what, in his view, should be done to try to repair the harm to his community, responded:
- “It is very important that we approach the victims and listen to them. We need to know their stories. We need to know what they say about who killed their family members, who displaced them, who took away their belongings, who seized their cattle. It's a very serious crime that was committed and not a single person, not even a hundred people, can describe it enough. And that's why I recommend that the world must prosecute the criminals and we have to tell the victims and show the victims that there is justice in this world. The world -- the entire world needs to move to help those people restore their lives.”²
18. There are currently 274 victims authorised to participate in the proceedings. It is still possible for persons to apply to be recognised as victims in the case. Legal representatives of victims have participated throughout all stages, ensuring that the rights and interests of victims are voiced and considered.
19. In the course of the trial, the Court has heard evidence about the impact of the alleged crimes on individual victims, as well as families and communities. Witnesses have spoken about profound loss, including the loss of family members and childhood friends, the displacement from their lands, the disruption to children's education, and the difficulty of making a life in camps for displaced people in Sudan or in new countries. The Court has also heard about the stigma experienced by victims of sexual violence and also that suffered by their children.
20. Following the closing of the case of the Prosecution, victims will have the opportunity to call evidence, present their views and concerns, and make further submissions

² ICC-02/05-01/20-T-054-CONF-ENG CT, p. 70, l. 16-p. 71, l. 7.



about the impact of the alleged crimes. The presentation of victims' views and concerns is scheduled to start in May 2023. Opening statements for the Defence are scheduled for July 2023.

b. Cases of Omar Al Bashir, Abdel Raheem Hussein, and Ahmad Harun

21. Mr Ahmad Muhammad Harun ("Mr Harun"), and Mr Abdel Raheem Muhammed Hussein ("Mr Hussein") are each charged with war crimes and crimes against humanity, including murder, persecution, forcible transfer, rape, torture and pillaging, allegedly committed in the Wadi Salih and Mukjar localities in Darfur between 2003 and 2004. Mr Omar Hassan Ahmad Al Bashir ("Mr Al Bashir") is charged with war crimes and crimes against humanity, including murder, extermination, forcible transfer, torture, rape and pillaging, and with the crime of genocide, allegedly committed between 2003 and 2008 in Darfur.
22. Messrs. Al Bashir, Mr Hussein and Mr Harun remain in custody in Sudan and have not been tried for the conduct alleged by the ICC. The warrants remain active and Sudan remains under an obligation to either try, in a court of law, these suspects for the conduct underlying the ICC Arrest Warrants or surrender them to the Court. Currently they have done neither, in breach of their international obligations.
23. In the current reporting period, the OTP has also undertaken focused investigative activity with respect to the cases against Messrs Al-Bashir, Hussein, and Harun. Though access to and cooperation from Sudan have been very limited, the Office has been able to conduct narrow enquiries within the country. Through strengthened cooperation with third States, the Office has collected information bearing on the establishment of important facts in these investigations.
24. The deepening of operational relationships outside Sudan has allowed the Office to conduct a comprehensive mapping process with respect to information held by national authorities relevant to the investigation. This has been followed by the



transmission of requests for assistance to relevant States in order to obtain the information identified.

25. The work of the Special Adviser for Darfur, Ms Amal Clooney, has been of significant value to the work of the Office in these lines of inquiry. The Special Adviser has been pivotal in facilitating the review and analysis of a high volume of information in the possession of the OTP, as well as providing significant support to outreach and cooperation efforts of the Office.

c. The case of Abdallah Banda Abakaer Nourain

26. Mr Banda is charged with three war crimes: violence to life, whether committed or attempted; intentionally directing attacks against personnel, installations, material, units or vehicles involved in a peacekeeping mission; and pillaging. These crimes were allegedly committed during an attack carried out on 29 September 2007 in Darfur, Sudan. Mr Banda remains a fugitive from justice. Under the direct supervision of Deputy Prosecutor Nazhat Shameem Khan, the Office is continuing to conduct investigative activities in anticipation of the eventual prosecution of Mr Banda once he is arrested and surrendered to the Court.

(ii) Progress across the key principles for renewed action in the Darfur Situation

27. In his last Report, the Prosecutor outlined a series of thematic priorities that would guide the action of the Office across its lines of investigative activities and cooperation efforts. Despite the unsatisfactory cooperation received from the Government of Sudan during the reporting period, real progress has been made in key thematic areas through engagement with impacted communities and victims, the strengthening of engagement with international partners and enhancement of cooperation with third States.



a. Empowering victims, witnesses and affected communities

28. The efforts of the Office to deepen engagement with victims, witnesses and affected communities have continued throughout the reporting period, both inside and outside Sudan.
29. In August 2022, the Prosecutor travelled to Darfur, visiting internally displaced persons camps in South Darfur State (Kalma IDP camp) and Central Darfur State (Hasaisa and Hamidiya IDP camps) where he engaged directly with affected communities and victims. The Prosecutor also had the opportunity to meet with displaced persons from West Darfur State. Through these engagements, the Prosecutor outlined the activities being undertaken by the Office to investigate and prosecute crimes allegedly committed in Darfur, while also listening to the expectations and hopes of victims and survivors with respect to action being taken by the Court.
30. In all IDP camps, victims and members of impacted communities called for accountability for past alleged atrocities, also highlighting ongoing challenges of those displaced including challenging living conditions and allegations of ongoing crimes targeting women and children in particular.
31. During his visit, the Prosecutor underlined his commitment, in line with the strategic priorities identified in his last Report, to strengthen communication with affected communities and civil society organisations, and to ensure that regular updates on the work of the Office are provided to those in IDP camps and other locations in Darfur. The Prosecutor noted that the anticipated establishment of a field presence of the Office in Khartoum would support more regular and structured engagement with communities. As reflected further below, the ability of the Office to pursue this enhanced engagement with local communities has been significantly hampered by the very limited cooperation received from the Government of Sudan.



32. As a response to these ongoing challenges, the Office has continued and extended its practice of engaging with civil society organisations and affected community representatives whether remotely, in The Hague, or in third States.
33. In the context of a new initiative launched in May 2022 by the Prosecutor to strengthen the Office's engagement with civil society organisations and provide them with opportunities to further contribute to its work, the Office held its first thematic roundtable with civil society, dedicated to crimes against children. Held in November 2022, the roundtable benefited from the participation of civil society organisations from Sudan, including a number from Darfur. This thematic roundtable, which was conducted semi-virtually, provided an opportunity to discuss the [Guidelines for Civil Society Organisations on documenting international crimes and human rights violations for accountability purposes](#), recently developed jointly by the Office and Eurojust with contributions from civil society organisations, national prosecutors, and international partners.
34. At the seat of the Court, and in furtherance of past interactions, the Office held briefing sessions with lawyers and representatives of both civil society organisations and affected communities on the Office's mandate and activities. In this respect, the Prosecutor and the Deputy Prosecutor Nazhat Shameem Khan had productive discussions with civil society organisations and participated in activities involving representatives of Darfur communities on the margins of the 21st session of the Assembly of States Parties to the Rome Statute which was held in The Hague from 5 to 10 December 2022.
35. As part of its efforts to increase avenues through which it can engage with witnesses, the Office will, in the upcoming reporting period, launch a public appeal for information in relation to the situation in Darfur. This appeal will allow individuals to contact the Office and provide information about what they know or witnessed, highlighting particular lines of inquiry in relation to which the Office is seeking further



information. Focus will be placed on those with knowledge of the planning, financing and implementation of policies leading to the commission of crimes under the jurisdiction of the Court.

b. Cooperation with Sudanese national authorities

36. In his previous report the Prosecutor outlined the following key steps that Sudanese authorities should take in the coming reporting period:

- Provide unimpeded access to documentation relevant to investigations of the Office;
- Ensure prompt responses to all requests for assistance submitted by the Office to the Government of Sudan;
- Take prompt action to facilitate an enhanced field presence of the Office in Khartoum;
- Provide unimpeded access to government or former government witnesses and other material witnesses.

37. Despite the clearest commitments made by the most senior members of the Government of Sudan during the visit of the Prosecutor in August 2022, the Office has received limited cooperation from Sudanese authorities in these priority areas in this reporting period.

(i) Provide unimpeded access to documentation relevant to investigations of the Office and ensure prompt responses to all requests for assistance

38. During the first visit of the Prosecutor to Sudan in August 2021, he requested the government's assistance to facilitate access to information that would help advance the Office's investigations with respect to the outstanding warrants of arrest issued by the Court.



39. During the Prosecutor's last visit to Sudan, the leadership of the Government of Sudan and in particular General Abdel Fattah Al- Burhan, committed to support immediate and unimpeded access to documentation and government and former government witnesses in Sudan relevant to the Office's investigations. Access to these two categories of potential sources of evidence was initially requested through requests for assistance.
40. In this respect, 9 new requests for assistance were submitted to the Government of Sudan since the last report to the Council. At the time of drafting this report, a total of 34 requests of assistance submitted since June 2020 have not been responded to.
41. During a mission to Sudan in early December 2022, members of the OTP delegation met with the Office of the Attorney General in order to follow-up on the above-referenced requests. The Office of the Attorney General indicated it was still awaiting responses from other governmental entities and no further response could be provided at that point. No update has been provided by the Government of Sudan since this meeting.
42. As a consequence, the Office was not able to secure physical access to document collections in Sudan relevant to its investigations during the reporting period.
43. The commitment made by Sudanese authorities to establish an interdepartmental committee to streamline the execution of the requests for assistance has also not been fulfilled.
- (ii) *Take prompt action to facilitate an enhanced field presence of the Office in Khartoum*
44. As outlined by the Prosecutor in August 2022 when briefing the Council from Khartoum, it is imperative for the Office to strengthen its proximity to survivors and impacted communities in order to accelerate its investigative work and increase engagement of national actors in its work.



45. As noted in the Thirty-fifth Report, the Registrar of the Court had undertaken significant steps to advance discussions with the Government of Sudan on the establishment of a country office of the Court in Khartoum. These initiatives have not received any further support from Sudanese authorities in the reporting period.
46. A number of commitments and promises were made by the leadership of the Government of Sudan to the Prosecutor during his visit in August 2022 to ensure that necessary steps are taken for a field presence that would enable the Court and its organs as well as participants in the proceedings relating to Mr Abd-Al-Rahman to be continuously present in Khartoum and carry out their activities. Attempts by the Court to make tangible progress and see those promises kept, have not been successful.
47. The leadership of the Government of Sudan, the Chairman and Deputy Chairman of the Sovereignty Council made a further commitment to the Prosecutor in August 2022: to ensure that ongoing challenges in the issuance of visas were addressed. This commitment has not led to demonstrable action in the reporting period. To the contrary, the Office has faced increased hurdles to the issuance of visas in order to facilitate its work on the ground in Sudan. While some single-entry visas have been granted after significant engagement with Sudanese authorities, no multiple-entry visas have been issued in this period. Rather, additional and seemingly unnecessary administrative requirements have been put in place that have hampered the work of the Office. Changes in institutional focal points by the Government of Sudan have also negatively impacted communication and operational support including for the execution of requests for assistance. Repeated efforts to improve these lines of communication have not been successful.



48. In light of the challenges faced in cooperation in recent months, the Office has not considered the present status of cooperation to be conducive to more detailed discussions on the possibility of complementarity efforts under the domestic legal framework in Sudan. The Office however remains open to engaging in such dialogue with Sudanese authorities if the Government of Sudan demonstrates a willingness to change its current stance with respect to cooperation.

(iii) *Provide unimpeded access to government or former government witnesses and other material witnesses*

49. Although encouraging commitments were made by the leadership of the Government of Sudan in August 2022, access to government archives as well as former government officials likely to assist the investigations in the Darfur situation remained foreclosed during the reporting period. The execution of the requests for assistance are an important part of the investigative plans of the Office, and provide a key opportunity for the Government of Sudan to demonstrate a genuine will to cooperate.

c. Increasing avenues for accountability: Cooperation with third States, international and regional organisations

50. During the reporting period, the Office has broadened and deepened its engagement with other States and entities in support of its investigative and prosecutorial activities.

51. Significant cooperation and assistance was received from a number of States with respect to the trial of Mr Abd-Al-Rahman. The timely response received from these States, encompassing both non-States and States parties to the Rome Statute, has enabled the Office to proceed swiftly with the presentation of testimony of witnesses, supporting the completion of 50 testimonies to date.

52. In the context of the Office's activities regarding other ICC suspects, namely Mr Banda, Mr Harun, Mr Hussein and Mr Al-Bashir, the cooperation challenges encountered with Sudan, in particular the lack of access to evidence in the holding of the



Government or to witnesses, was mitigated by the new avenues offered by other States and entities. Enhancements to this cooperation has led to the provision of information, access to witnesses, as well as the identification of other types of material likely to help advance these investigations.

53. The Office also continues to stand ready to work with regional partners, including the African Union, in order to identify creative solutions to enhancing accountability efforts including through action towards justice at the regional level.

III. LOOKING FORWARD

54. As reflected in this Report, tangible steps have been taken in the last reporting period to advance accountability in relation to the situation in Darfur. In a number of areas, including proceedings taken forward before the Court and the identification of new forms of evidence through cooperation with third States, significant momentum has been developed. The words of survivors who have provided their accounts in The Hague, and those that the Prosecutor met with in Darfur, reflect the real impact that the proceedings in relation to Mr Abd Al-Rahman have had on affected communities.

(i) Assessment of situation benchmarks

55. Despite this real progress, and as reflected earlier in this Report, an assessment of the key benchmarks identified in the last report of the Prosecutor shows that three out of five remain outstanding.

- **Establishment of a continuous field presence in coordination with the Registry by late 2022:** The Office and the Registry continue to seek to engage with the Government of Sudan in order to finalise arrangements. As mentioned in this Report, there has been very limited engagement by national authorities in the reporting period.



- **Securing physical access to Government of Sudan document collections relevant to investigations by December 2022:** The Office has not received permission from the Government of Sudan to access relevant archives. The Office notes with serious concern that even access to public records has been denied.
- **Completion of enquiries regarding identified holdings of third States by January 2023:** This benchmark has been met. As reflected above, this has led to the identification of significant amounts of new material relevant to ongoing investigations.
- **Securing responses to all outstanding requests for assistance to the Government of Sudan:** As reflected above, no further responses have been received from Sudan to requests for assistance from the Office.
- **Completion of the Prosecution case in relation to Mr Abd-Al-Rahman in early 2023:** This benchmark has been met. As noted above, the Prosecution case in relation to Mr Abd-Al-Rahman will be completed in February.

56. It is noted that all three of the unfulfilled benchmarks from this reporting period concern cooperation from the Government of Sudan.

(ii) Updated objectives

57. On the basis of the progress made and new challenges identified by the Office in this reporting period, the following areas have been identified for priority action of the Office in the next six months:

- Complete the Prosecution's case in the trial of Mr Abd-Al-Rahman in February. Based on this, it is anticipated that proceedings may be concluded within 2023, subject to judicial orders.



- Obtain the fulfilment of the commitments made by the Sudanese leadership with respect to a field presence in Khartoum, access to information, and responses to requests for assistance.
- Increase the number of field missions to Sudan in order to conduct investigative actions and carry out outreach activities that will enable affected communities to be fully appraised of the work conducted by the Office, in particular with regard to the trial of Mr Abd-Al-Rahman.
- Further increase the range of evidence received from third States, international and regional organisations, and other partners in support of ongoing investigative activities within the Situation.
- In line with the strategic priority of the Prosecutor to allow the Office to serve as a hub for support to investigations by national authorities of third States, the Office will provide evidence relevant to ongoing national investigations or proceedings in at least one case.
- Launch a public campaign in Sudan for information relevant to crimes falling within the jurisdiction of the Court.
- Increase the number of interactions with Sudanese civil society organisations engaged in the work of the Office, through activities both in Sudan, at the seat of the Court in The Hague and elsewhere.
- Maintain engagement and dialogue with the Government of Sudan to encourage cooperation and potentially create the conditions for discussions on avenues of complementarity. The Office will also continue to engage with the African Union to explore how it may play a central role in this process.



58. The Prosecutor intends to visit Sudan again in 2023 with a view to accelerating progress on the above benchmarks, in particular with respect to cooperation from the Government of Sudan.

IV. CONCLUSION

59. The recent challenges faced with respect to the cooperation expected and required from the Government of Sudan on the one hand and the assistance received from other States and partners in various areas as outlined in the report clearly demonstrate that justice for people in Darfur requires collaboration across all actors. It also demonstrates that no one State or actor has the ability to veto or frustrate the independent or impartial actions being undertaken by the Office pursuant to the mandate provided by the Security Council.

60. As reflected in this report, the current period is marked by a unique and significant step towards justice in the form of the trial of Mr Abd-Al-Rahman. The ability of survivors to speak to their experiences and see the process of justice begin to be done represents a too limited but real and meaningful success for impacted communities, the Office and the Security Council.

61. There remains one pillar of activity that if fully harnessed could lead to a further significant increase in progress achieved. The Government of Sudan can, should and must do more to fulfil its obligations and commitments to cooperate with the Office pursuant to UNSC Resolution 1593, the Memorandum of Understanding concluded with the OTP, and the recent pledges made by the current leadership. As was emphasised on multiple occasions by the Prosecutor, the situation in Darfur cannot be a never-ending story. Justice cannot be further delayed.

62. Promises made to the international community, to the Prosecutor and most importantly to survivors and the families of victims in Darfur must now be honoured.



63. The Office of the Prosecutor is committed to continue the pursuit of justice in Darfur and remains ready to take forward this work in partnership with all actors.