



**THIRTY-EIGHTH 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 sets out the activities pursued, challenges faced, and milestones achieved by the Office of the Prosecutor (“OTP” or “Office”) in relation to the situation in Darfur over the reporting period of August 2023 to January 2024.¹

The dire security situation in Sudan, continuing armed conflict, and escalating violence are of the most serious concern to the Office. In line with its mandate pursuant to UN Security Council Resolution 1593 (2005), the Office has accelerated investigations with respect to crimes committed in Darfur as part of the current hostilities between the Sudanese Armed Forces (“SAF”) and the Rapid Support Forces (“RSF”). During the reporting period, the Office has deployed investigative missions regularly to the field in order to advance this work and is also carrying out extensive open-source investigations and analysis. In this effort, the Office is harnessing its partnerships with civil society actors, victims’ groups, national authorities and international and regional organisations. The Office is addressing this investigation as a significant priority.

The present conflict is one of catastrophic scale and has led to dire humanitarian repercussions. The ongoing investigation into recent crimes includes, but is not limited to, crimes committed in Geneina, the capital of West Darfur. Other areas of Darfur are also of significant interest to the Office from an investigative point of view in the light of alleged crimes committed in these states.

As is the case across all situations addressed by the Office, it is prioritising in particular investigations addressing crimes of sexual and gender based-violence.

¹ The previous Report can be accessed at [37th Report of the ICC Chief Prosecutor on the situation in Darfur \(icc-cpi.int\)](https://www.icc-cpi.int/37th-Report-of-the-ICC-Chief-Prosecutor-on-the-situation-in-Darfur).



The Office is conducting these investigations with a view to delivering its overarching strategic objective of ensuring that its mandate can be delivered at the speed of relevance to affected communities. This will remain the core objective guiding the work of the Darfur investigation team in the coming reporting period.

In parallel with investigations into ongoing alleged atrocities, significant progress has been achieved in recent months in the trial of Mr Ali Muhammad Ali Abd-Al-Rahman (“Mr Abd-Al-Rahman”), the first case before the ICC in relation to the situation in Darfur and the first stemming from a referral from the UN Security Council. This trial was resumed in October 2023, with the defence case scheduled to continue in the coming weeks.

During the reporting period, the Office has also been able to take important steps forward in other key lines of inquiry. Progress achieved has drawn in particular on cooperation from third States and international partners which has allowed the Office to secure evidentiary material relevant to persons of interest and individuals subject to arrest warrants in the context of the Darfur situation.

While investigative advances have been achieved on the basis of information collected from third States and other external partners, the Office has not benefited from similar cooperation from the Government of Sudan. The status of cooperation between the Government of Sudan and the Office has remained the same. No request for assistance has been executed, and no access to documentary evidence has been provided. The only exceptions to this status quo have been the appointment in October 2023 of a new cooperation focal point and the very recent approval of visas in December 2023 and January 2024 supporting an intended mission of the Office's representatives to Port –Sudan, now postponed.

Faced with these challenges, the Office has further increased its engagement with new cooperation partners, civil society organisations (“CSOs”) as well as affected communities, victims and survivors who have fled to Chad following crimes allegedly committed against



them in Darfur. The Office intends to build further on these positive developments in the coming period.

In the coming reporting period, the Office will urgently continue its efforts towards the fulfilment of its mandate with a focus on the following objectives:

- Secure additional evidence in relation to crimes committed in Darfur since April 2023;
- Work towards investigative outputs under the line of inquiry into alleged atrocities committed in the context of current hostilities;
- Continue to ensure prompt and effective engagement in the on-going trial of Mr Abd-Al-Rahman so as to support the efficient conclusion of the trial this year;
- Deepen cooperation with States in support of all Darfur investigations, with a particular focus on securing provision of information in relation to ongoing alleged atrocities;
- Increase engagement with affected communities and grass roots organisations in Chad, Darfur, and elsewhere to accelerate investigative work;
- Consolidate progress with respect to the outstanding cases in the Darfur situation; and
- Provide proactive and meaningful assistance with respect to efforts by national authorities to investigate potential perpetrators, in line with the enhanced complementarity initiatives of the Office.

The situation in Darfur, both with respect to current atrocities and prior international crimes, is a test for the basic premise that all individuals are deserving of justice.



It is the collective obligation of all, including the Office of the Prosecutor, the Security Council, and all actors engaged in hostilities in Sudan, to ensure that where the basic line of war crimes, crimes against humanity and genocide is or risks being crossed, focused and meaningful action is taken to protect the most vulnerable in Darfur. The Office offers its partnership and commitment to this cause in the coming, crucial, six months.



I. INTRODUCTION

1. Pursuant to UN Resolution 1593 (2005), on 31 March 2005, the Security Council referred 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 investigative and prosecutorial strategy presented by the Prosecutor in relation to the situation in Darfur, Sudan in his July 2023 Report (the "Thirty-seventh Report"). The Report addresses key lines of inquiry as well as the key principles underpinning the Office's strategy in this situation.

II. PROGRESS ON THE ROADMAP

3. This section provides an update on the four key lines of inquiry addressed in the last report of the Prosecutor, now incorporating a dedicated and priority line of inquiry with respect to crimes committed in the context of current hostilities in Darfur. It further provides information on initiatives undertaken across the three thematic priorities highlighted in the Office's strategy in relation to the situation in Darfur.

(i) Progress in the context of key lines of inquiry

- a. *The ongoing investigation into crimes allegedly committed in Darfur since April 2023*
4. The Office is urgently investigating crimes allegedly committed or being committed since the breakout of intense hostilities in Khartoum on 15 April 2023, between the Sudanese Armed Forces ("SAF") and Rapid Support Forces ("RSF").
5. As declared by the Prosecutor in July 2023 during his address to the Security Council on the situation in Darfur, "we are not on the precipice of a human rights catastrophe, we are in the midst of one". In this context, the Office commenced investigations, which included the launch of a public appeal with respect to 2023 crimes falling within the ICC jurisdiction in the Darfur situation and is conducting an intensive review of information continually being received from witnesses and relevant partners.
6. The catastrophic scale of this conflict and dire humanitarian repercussions are clear from the ongoing investigations of the Office and have also been the subject of various public reports, including from the International Organization for Migration ("IOM")



in December 2023, which estimates that 7.1 million people have been internally displaced since the new conflict began in April. More than 1.5 million people have fled to neighbouring countries, particularly Chad, Egypt and South Sudan. With this conflict and its related humanitarian crisis, according to the IOM, close to 25 million people are currently in need of humanitarian assistance and protection. Other reports suggest that thousands of civilians are reportedly killed in Darfur since the beginning of the conflict and hundreds subject to sexual violence.

7. The ongoing investigation into recent crimes includes, but is not limited to, crimes committed in Geneina, the capital of West Darfur. Other states of Darfur are also of significant interest to the Office from an investigative point of view in the light of alleged crimes committed in these states.
8. As the Prosecutor recalled in the last report and his statement to the UN Security Council, all parties involved in the ongoing conflict must comply with international humanitarian law and ensure in their actions and decisions that civilian populations, protected persons and objects are not targeted or subject to crimes.
9. Despite resource constraints, the Office has established a dedicated team of investigators, analysts, lawyers, and other subject matter specialists to carry out the investigation. The Office has had multiple missions to the region outside of Sudan investigating current and ongoing crimes in Darfur. As reflected in the frequency of these missions, the work of the Office in this line of inquiry has accelerated significantly over the reporting period.²
10. This field-based investigative action has allowed the Office to collect a number of key witness statements, as well as other forms of documentary and audio-visual evidence. In parallel, the team has carried out extensive open-source investigations, both through the work of internal staff as well as in cooperation with several external partners. Screening questionnaires have been developed and used to identify and prioritise likely witnesses. Using the information collected during investigations, the team is also carrying out extensive analysis, developing timelines of key events, assessing the extent of victimisation and constantly identifying leads to move the investigation forward.
11. Repeated outreach missions have also been carried out to refugee camps in the east of Chad, where hundreds of thousands of Sudanese refugees have taken shelter, after having fled Darfur. The Office's representatives have been encouraged by the support

² https://asp.icc-cpi.int/sites/default/files/asp_docs/ASP22-STMT-PROS-ENG.pdf page 5.



they received in these camps, and the strength displayed by the victims for the investigations conducted by the Office. Partnerships with these communities are essential in delivering justice for crimes committed.

12. The crimes being reportedly committed by the SAF and RSF and any other groups at present must cease. Innocent lives are being lost and Sudan is on the brink of collapse. All parties to the conflict have an obligation in accordance with international law to refrain from targeting protected persons and objects. These obligations cannot be ignored. Violations of international humanitarian law are not without consequences for their perpetrators, in particular where, as we see in the present conflict, innocent civilians and protected structures are being continuously targeted.
13. Statements by those involved in this conflict about their compliance with international norms lose their meaning in these circumstances. The SAF and RSF and their affiliated groups remain liable for their actions or lack thereof.
14. The OTP continues to monitor alleged accountability efforts by parties to the conflict and will continue to document these efforts through communication with the parties.

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

15. Since the Thirty-seventh report, the trial against Mr Abd-Al-Rahman (“Ali Kushayb”) resumed with the conclusion of the case for the Legal Representatives of the Victims, and the opening of the Defence case.
16. From 18-19 October 2023, the Court heard the views and concerns of two additional participating victims. The victims powerfully described the attacks on their villages as well as the attacks on Kodoom, Bindisi and Deleig, including incidents of murder, rape, looting and burning of homes.
17. They provided first-hand accounts of the experience of losing family members, homes and possessions only to then face more hardship in the Internally Displaced People’s (“IDP”) camps, with a lack of basic necessities such as food, sanitation, medical services and education. The victims also conveyed how the recent conflict that has erupted in Sudan since April 2023 has further exacerbated the difficult living conditions within the IDP camps. While describing the harrowing nature of their experiences, the victims also emphasised the importance of achieving justice and accountability on the behalf of, in particular, the women and children of their community. In the words of one of these participating victims:



“This is a mission that we all carry, because we have to show our children what happened, how we used to live, and we have to tell them also what happened. It’s also important to take these children also back to the places where these incidents happened. And, certainly, the children understand that something happened and there’s a reason why we’re not in our villages anymore. Hopefully, in the future, people will have an opportunity to return to their lands because there are lots of inheritance – lands that can be inherited, and this is one of our rights also. It has been very long since we’ve been out of our land. This is why it’s important for us to teach our children everything and to tell them about everything that has happened before.”³

18. From 19-20 October 2023, the Defence team for Mr Abd-Al-Rahman delivered its opening remarks. The co-counsels for the Defence outlined the contours of their case.
19. From 23 October to the date of this Report, the Defence has called six witnesses, including two experts. The Defence case was scheduled to re-commence on 15 January 2024 with additional witnesses who have yet to testify. However, following a request by the defence to postpone the resumption of their case, a status conference took place on 16 January 2024 and as at the date of this report, the Chamber’s related decision is pending.
20. The case against Mr Abd-Al-Rahman remains on track to be one of the most efficient in the Court’s history with a likely conclusion in the first half of 2024.

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

21. Mr Abdel Raheem Muhammed Hussein (“Mr Hussein”) and Mr Ahmad Muhammad Harun (“Mr Harun”) 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. Arrest Warrants for Mr Al Bashir, Mr Hussein and Mr Harun remain active, and Sudan remains under an obligation to either genuinely try, in a court of law, these suspects

³ ICC-02/05-01/20-T-127-Red-ENG WT 18-10-2023 68 T, 57:17-58:2.



for the conduct underlying the ICC arrest warrants or surrender them to the Court. In relation to Mr Harun, the Office has in particular been able to further strengthen this case during the reporting period through the collection of additional relevant information.

23. The ongoing conflict in Sudan is the tragic legacy of the armed conflict that began there in 2003 and led the UN Security Council to refer the situation in Darfur to the Office. The Office recognises the importance of accountability for past crimes and underlines its determination to seek justice for those crimes. The current conflict therefore presents a further call to action to Sudanese persons with information related to the acts of Messrs. Al Bashir, Hussein, and Harun to come forward and cooperate with the Office's investigation to contribute to justice and, in turn, peace. The present circumstances in Sudan, which threaten the very fabric of Sudanese society, highlight the crucial responsibility upon those who have participated in or witnessed the actions of Messrs. Al Bashir, Hussein and Harun, to seize this opportunity to help the Office to further advance its investigations so that the Office's work towards justice for both past and ongoing crimes can be delivered for victims.
24. During the six-month period since the last report, Sudan has been in a state of armed conflict. The OTP was not granted access to the territory of Sudan until the intended travel to Sudan in January 2024 following the recent issuance of visas.
25. Prior to the outbreak of armed hostilities, the ICC suspects were detained in Kober Prison in Khartoum. Shortly after the outbreak of armed hostilities, however, the OTP noted several reports that prisoners were released from, escaped, or otherwise left Kober Prison. Additionally, the OTP has noted several reports that Messrs Al Bashir and Hussein remain in the custody of the SAF at the Al-Alia Military Hospital in Omdurman. The OTP also noted reports that Ahmed Harun is at large in eastern Sudan and that Sudanese authorities are able to communicate with him. In light of the development in circumstances on the ground in Sudan, the Office has transmitted a formal request to the authorities of the Government of Sudan calling on them to provide information on the location of ICC suspects. To date the Government of Sudan has yet to respond to this request.
26. In September 2023, the Prosecutor met with General Abdel-Fattah Abdelrahman Al-Burhan on the sidelines of the UN General Assembly. In their meeting, the Prosecutor underlined the obligations of Sudan pursuant to UN Security Council Resolution 1593, the requirement to cooperate with the ICC, and international obligations to ensure justice for the people of Sudan. The Prosecutor also told General Al-Burhan that he



intends to visit Chad and Sudan as soon as this is permitted. General Al-Burhan repeated his commitment to cooperate with the Court.

27. In third States, the Office has actively sought and received information bearing on the establishment of key facts in this line of inquiry. The further deepening of the Office's relationship with cooperative States has led to new opportunities to collect evidence. The Office has identified significant additional information held by third States relevant to the investigation. Requests for assistance to obtain the information identified were sent, but as noted in the last two reports, responses and cooperation need to be further expedited in order to accelerate investigations.

d. The case of Abdallah Banda Abakaer Nourain

28. Former Commander of the Justice and Equality Movement, Mr Abdallah Banda Abakaer Nourain ("Mr Banda"), is charged with three counts of war crimes, allegedly committed during an attack carried out against the African Union Peacekeeping Mission at the Haskanita Military Group Site in Darfur on 29 September 2007. Mr Banda remains a fugitive from justice. Together with the Registry, the Office has continued its efforts to secure his arrest.
29. As previous reports have made clear, upon assuming office, the Prosecutor immediately and voluntarily recused himself from the case of Mr Banda, pursuant to article 42(6) of the Rome Statute. Accordingly, Deputy Prosecutor Nazhat Shameem Khan oversees investigative activities in this case, which have continued during the reporting period.

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

a. Empowering victims, witnesses and affected communities

30. In line with the Prosecutor's strategic vision to continuously deepen its work with civil society organisations ("CSOs"), the interactions between the Office and CSOs have increased over the reporting period, especially in the context of the Office's inquiries into allegations of crimes committed in Darfur since the outbreak of hostilities on 15 April 2023 in Sudan.
31. While the security situation has remained a barrier to communicating with representatives of CSOs that are still operating within Sudan, the Office has engaged extensively with CSOs outside Sudan through both in-person and virtual meetings. These engagements gave the opportunity to the Office to confirm the scope of its



investigation in furtherance of UN Security Council Resolution 1593 (2005), explain some of the challenges it has been facing and identify where CSOs may be able to assist the Office's endeavour. CSOs were notably keen on knowing more about the best practices in documenting atrocity crimes committed in Sudan.

32. The Office's participation in activities organised and coordinated by other non-governmental organisations has also allowed the Office to contribute to the strengthening of Sudanese CSOs' capacities in the area of documentation, while promoting a better understanding of the Court's functioning and the Office's mandate. The Office will continue and seek to expand these activities throughout 2024.
33. Reflecting the priority of the Office in deepening dialogue with civil society, the Office recently invited representatives of Sudanese CSOs and experts to participate in the OTP Roundtable on Trauma informed approach to investigations and prosecutions. The Office had wished to welcome more CSOs based in Sudan to the roundtable, but this was unfortunately not feasible due to the impact of the conflict in Sudan on their ability to travel outside the country.
34. One of the many unfortunate consequences of the ongoing conflict in Sudan is the deteriorating humanitarian situation in which hundreds and thousands of civilians from Darfur have found themselves. Many have had no other choice than fleeing hostilities or potential violations of their rights to find safety in neighbouring countries. Large refugee flows to neighbouring Chad have reached almost half a million since April 2023, according to the UN Refugee Agency. As referenced above, the Office has thus travelled to relevant refugee camps and transit areas to engage with affected communities and victims of alleged crimes committed against them in Darfur. The Office has been grateful for the assistance of UN agencies and the support of the Chadian authorities, including the Chadian refugee board, in the deployment of its teams to these locations.
35. These engagements took place in October and December 2023 and have been essential in allowing the Office to explain its mandate, identify potential witnesses, deepen understanding of the different aspects of the conflict in Darfur and collect evidence directly. They have also been essential in enhancing the Office's ability to build trust with victims, survivors and witnesses in support of the ongoing investigation. These field missions will continue throughout 2024 and will be expanded to more refugee camps in Chad.
36. While these outreach activities have primarily targeted refugees in Chad, the Office has also continued its extensive engagements with Darfuri diaspora organisations in



Europe and elsewhere. Reflecting this, the Prosecutor held a major roundtable with Sudanese diaspora civil society organisations in London on 16 January 2024.

37. In his last report to the Security Council, the Prosecutor announced the launching of a public appeal seeking from witnesses and other stakeholders information potentially relevant to crimes allegedly committed in Darfur until today. As a result of this appeal, the Office has received a number of relevant submissions which are being followed up on in the context of its investigations.
38. Those with information relevant to the ongoing investigation in relation to the situation in Darfur can make further submissions via [OTPLink](#).

b. Cooperation with Sudanese national authorities

39. The designation in October 2023 of a new focal point for cooperation by the Government of Sudan following the Prosecutor's meeting with General Al-Burhan on the margins of the UN General Assembly has been the first positive step taken since the Prosecutor's visit to Sudan in August 2022, before the very recent issuance of visas to the Office. While this appointment and the issuance of visa are welcome, much more remains to be done, in particular with respect to both the execution of outstanding requests for assistance, the first of which dates back to 2020, and the facilitation of the Defence case in the context of the trial of Mr Abd-Al-Rahman.
40. The Office reported in July 2023 that 38 outstanding requests for assistance were still not executed by the Government of Sudan. While two new requests for assistance have since been communicated to the Government of Sudan, the Office has determined that a total of 5 requests have become obsolete as the assistance that was sought in these requests was no longer necessary or has become less relevant as a result of advances in its investigations and the development of the ongoing conflict in Sudan. Therefore, 35 requests for assistance are presently pending.
41. It is of particular importance to the Office that its most recent request be responded to in a timely manner considering the evolving situation on the ground and the current investigative focus of the Office. This request relates to information regarding the investigative committee set up under the Office of the Attorney General by the SAF to investigate alleged crimes committed since the outbreak of armed hostilities in April 2023.



42. As the Office must investigate equally both exculpatory and incriminating evidence, it has also requested the RSF to provide information with respect to the investigative committee it has also set up and the activities carried out by this committee with respect to alleged crimes committed in Darfur since 15 April 2023. Although the Office welcomed the initial response provided by the RSF, recent follow-ups, including on 17 January 2024, to provide the remaining information requested are yet to be responded to.
43. The importance of progress in the trial of Mr Abd-Al-Rahman also requires the cooperation of the Government of Sudan and all the parties involved in the conflict to facilitate the work of the Defence through unfettered access to potential defence witnesses who reside or are located in areas under their respective control in Sudan.
44. The Office hereby underscores the obligation upon both the Government of Sudan and the RSF pursuant to the UN Security Council Resolution 1593 to proactively take steps to further cooperation with the Office through the provision of access to material witnesses including those within the ranks of SAF and RSF, and documentation, and where the security situation allows, access to locations under their control.
45. While the situation in Sudan remains volatile, the Office has taken steps to undertake a field mission to Port Sudan and has thus requested from the Government to provide the Office's representatives with multiple entry visas. In this regard, the Office acknowledges the provision of a single-entry visa to its staff and the availability by the new focal point to meet and facilitate meetings in Port Sudan between the Office and other national authorities. Although the Office has taken some preliminary steps to carry out the mission, recent developments in relation to the conflict in Sudan have led to the decision to postpone the mission until after 1 February 2024.
46. Facilitating this access to Sudan, if this were to materialise, would mark a significant new opportunity for the Office's investigations, provided tangible assistance and cooperation follow, including the issuance of further visas in the months to come.
- c. *Increasing avenues for accountability: Cooperation with third States, international and regional organisations*
47. Cooperation with third States and other organisations remains critical for the success of the Office's investigations in relation to the situation in Darfur. The cooperation received from States, enabling the Office to conduct investigative activities on their



territory or by providing it with information, is essential and will remain so as the Office progresses its activities.

48. As stressed above, swift responses from third States including through the facilitation of access to individuals deemed material to the Office's investigations residing on their territory, would help the Office's efforts to deliver on its mandate in a timely manner. This is not just relevant for the cases against Messrs. Al Bashir, Harun and Hussein, but also for the ongoing crimes allegedly committed in Darfur since April 2023.
49. The Office is encouraged by the steps taken to access new holdings of relevant material in the possession of third States and the expansion of the Office's partnership and cooperation with new entities with respect to material relevant to investigations of recent alleged crimes as well as in the pending cases.
50. The Office also relied on the continuous support from UN agencies both on substantive matters and its field operations and deployments. This partnership which has proven effective in the Office's operations across various situations is equally important for its ongoing investigations of the alleged crimes in the Darfur situation.
51. The initiatives by several Sudanese and international CSOs to document crimes allegedly committed in Darfur will assist the Office and contribute to the work of other accountability mechanisms, when the required conditions are met. These efforts must be coordinated to avoid duplication, protect the interests of victims and witnesses, and to ensure an optimum contribution to the delivery of justice.

III. LOOKING FORWARD

52. The Office's activities in the Darfur situation continue unabated on various fronts. The continued cooperation from States, international organisations and CSOs, and the expansion of the Office's network of partners with new entities will remain essential to adjudicate outstanding cases against suspects still at large, enable the completion of the ongoing trial of Mr Abd-Al-Rahman and progress the ongoing investigation concerning recent crimes.
53. This section assesses the progress of the work of the Office based on the previous situation benchmarks and sets updated strategic goals based on the developments in its activities in this reporting period.



(i) **Assessment of situation benchmarks**

54. The Office's Thirty-seventh report highlighted the completion of a number of benchmarks and identified new objectives which have been the focus over the reporting period. Below is the status of the objectives set by the Office in its last report:

- **Enhance tracking and collection of information with respect to alleged ongoing crimes that may fall within the jurisdiction of the Court pursuant to UN Security Council Resolution 1593 (2005):** the tracking and collection of information and evidence with respect to alleged recent crimes (committed since April 2023) has gradually improved through access to crime base witnesses, other sources and information providers. The Office intends to further build upon its ongoing efforts and accelerate its collection. This benchmark is to be assessed towards the end of the next reporting period especially with regards to ongoing crimes.
- **Further increase collection of evidence from third States, international and regional organisations, and other partners in support of ongoing investigative activities within the situation:** this benchmark has been partially met. While the collection of evidence from third States and other partners has seen some progress, its investigations would benefit from swifter responses to its requests for assistance including through the facilitation of access to individuals deemed material to the Office's investigations residing on States' territories, in particular.
- **Secure key material and information through the public online campaign launched in July 2023 for information relevant to alleged crimes in Darfur within the jurisdiction of the ICC:** this benchmark has been met. As previously indicated, the Office was also able to secure relevant material and information which are being followed up on while it is also collecting relevant evidence through witnesses' interviews. The OTP Pathway will continue to serve for the provision of information to the Office.
- **Take all reasonable measures to ensure the trial of Mr Abd-Al-Rahman maintains momentum, including continuing relevant assistance connected to presentation of the case of the Defence:** it is the Office's assessment that this benchmark has been met. Following the Court recess, the trial of Mr Abd-Al-Rahman will ideally continue for a short period on the basis of the number of witnesses the Defence intends to call in support of its case presentation. The Office was able to take all reasonable and necessary measures to prepare in response to the evidence adduced by the Defence, and it intends to keep this momentum until the completion of the Defence case.



- **Expand partnerships with additional States that may help advance the Office's investigations in the Darfur situation:** this benchmark has been partially met. The expansion of the Office's partnerships has also improved in a number of areas such as with CSOs, and new non-governmental entities, but can be expanded with respect to specific third States with which the Office did not have clear or effective cooperation previously. The Office intends to increase its efforts in this area.

(ii) Updated objectives

55. As the Office activities continue to be undertaken, and as there are new prospects of cooperation and partnership in support of the Office's mandate, the Office intends to work towards achieving the following new objectives over the next six months:

- Secure additional evidence in relation to crimes committed in Darfur since April 2023, including but not limited to Geneina in West Darfur;
- Work towards investigative outputs under the line of inquiry into alleged atrocities committed in the context of current hostilities;
- Continue to ensure prompt and effective engagement in the on-going trial of Mr Abd-Al-Rahman so as to support the efficient conclusion of the trial this year;
- Deepen cooperation with States in support of all Darfur investigations, with a particular focus on securing provision of information in relation to ongoing alleged atrocities;
- Increase engagement with affected communities and grass root organisations in Chad, Darfur, and elsewhere to accelerate investigative work;
- Consolidate progress with respect to the outstanding cases against Omar Hassan Ahmad Al Bashir, Abdel Raheem Muhammed Hussein and Ahmad Muhammad Harun; and
- Provide proactive and meaningful assistance with respect to efforts by national authorities to investigate potential perpetrators, in line with the enhanced complementarity initiatives of the Office.



IV. CONCLUSION

56. This reporting period has been marked by a number of challenges, including those related to the worsening security situation in Sudan. However, new opportunities have also arisen and the Office has worked intensively to capitalise on these in order to deliver on its mandate with respect to the Darfur situation.
57. International crimes falling under the jurisdiction of the Court cannot be addressed through a passive posture or through the acceptance of continued non-cooperation. It is never too late to make the right decision, to undo what was unjust and to chart a new course of action for the realisation of justice. This is the hope of millions of people in and outside Sudan, and particularly from Darfur. The wrong decisions of the past have contributed to the new dark chapter that is being written in Sudan since April 2023. Timely and effective cooperation from States with the Office through the provision of evidence as well as access to key witnesses and other persons of interest are essential to change this course.
58. The Office remains committed to see the cases against Messrs Al Bashir, Hussein and Harun adjudicated, while it is also taking the required steps to progress the trial of Mr Abd-Al-Rahman. The designation of a new focal point and the new line of communication between the Government of Sudan and other partnerships developed by the Office will help to progress both those cases as well as the new investigation of crimes being allegedly committed in Darfur since April 2023.
59. Any remaining cooperation obstacles must urgently be overcome so that the repeated promises made by the Sudanese authorities to the people of Darfur are finally kept. Equally, other States and partners have both the moral duty and the legal obligation by virtue of the UN Security Council Resolution 1593 to genuinely and effectively assist the Office through the timely provision of critical evidence and support.
60. As conflicts escalate in other parts of the world, the situation in Sudan risks becoming the forgotten atrocity. This risks becoming the second time the world has failed Darfur. We must not allow this to happen.