



**THIRTY-NINTH 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 from February to July 2024.

The ongoing situation in Darfur is a profound human tragedy. It represents an unprecedented humanitarian crisis marked by allegations of crimes falling under the jurisdiction of the International Criminal Court (“ICC” or “the Court”) committed on a massive scale. In this reporting period, the Office has increased its collection of information and evidence concerning *inter alia*, gender-based crimes, crimes against children, indiscriminate targeting of civilian populations, attacks against internally displaced persons camps, killing, pillaging and shelling of or targeting of civilian objects.

These ongoing allegations have been the subject of a focused and active investigation by the Office of the Prosecutor since the announcement made in July 2023 by Prosecutor Karim A.A. Khan KC, following the outbreak of hostilities in Khartoum on 15 April 2023 between the Sudanese Armed Forces (“SAF”), and Rapid Support Forces (“RSF”) and affiliated armed groups.

With a primary focus on alleged crimes (including gender-based crimes and crimes against children) committed in Al Geneina and its surrounding areas in West Darfur, the Office’s investigation has been progressing rapidly over the last six months - complemented by more recent efforts by the Office to monitor and preserve evidence relating to crimes in El Fasher. The Office’s investigation has benefited in particular from:

- Extensive deployments of investigators on the ground in Chad and other countries, supporting significant engagement with affected communities and the collection of testimonial and other forms of evidence. In refugee camps in Eastern Chad the Office has heard repeated and urgent calls for justice, with emphasis also placed on an acute need for more humanitarian assistance. The Office is grateful to Chadian authorities for the cooperation they have provided to the Office in support of these deployments;
- Deployment by the Office to Port Sudan to engage with relevant national authorities of Sudan, resulting in positive developments in cooperation;

- Productive engagement by the Office for the first time with the tribal leadership of Arab communities from Darfur, commencing an important dialogue that seeks to support the provision of information relevant to investigations;
- Ongoing receipt of responses to a public call for information and cooperation made by Prosecutor Khan in June in relation to allegations of international crimes in Darfur including in Al Geneina and El Fasher;
- Extensive engagement with civil society partners in Sudan and in third countries in order to deepen cooperation, support, mutual learning on approaches to documentation and increase information flow to the Office in support of investigations; and
- The ongoing collection and analysis of video, audio and other documentary evidence by the Office, including through advanced open-source investigation techniques, building on cooperation with an increasingly diverse range of external partners.

Together, these steps have supported significant progress in the collection and analysis of evidence, and legal characterisation of the facts in relation to ongoing allegations of international crimes in Darfur. In the coming reporting period, the Office will be taking targeted steps to fill remaining evidentiary gaps with a view to presenting, in due course, applications for warrants of arrest to the Pre-Trial Chamber of the International Criminal Court.

The progress made by the Office in this reporting period has been possible thanks to the cooperation of victims and survivors, as well as States and non-State actors, with new partnerships being developed by the Office to diversify relevant information in support of its inquiries. In this regard, the Office has placed particular emphasis on engagement with Civil Society Organisations (“CSOs”), including by contributing to strengthening their capacities in support of their documentation efforts for their potential subsequent use in accountability processes. The Office also continues to engage with a number of key States in order to encourage the provision of responses to requests for assistance within a timeframe that is supportive of the implementation of its mandate.

In addition to accelerating its investigation in West Darfur, and calling for additional evidence relating to the same, the Office has received information relevant to the deteriorating situation in North Darfur and its capital El Fasher, and has worked with cooperating partners to preserve relevant evidence.

Additional investigative activities have also been undertaken to further strengthen evidence in relation to individuals already subject to arrest warrants. This work has been supported through the development of new partnerships and cooperation avenues, as well as access to new witnesses with regards to the cases against Messrs Al Bashir, Hussein and Harun.

In parallel with progress in its investigations, the Office has continued its engagement in the ongoing trial of Mr Ali Muhammad Ali Abd-Al-Rahman (“Mr Abd-Al-Rahman”), representing the first trial undertaken at the Court in response to the referral made by the Security Council through resolution 1593 (2005). The Defence case is near completion with an additional witness scheduled to testify in September 2024, following which the parties and participants will submit their final briefs and closing remarks with an expectation that a judgment will be issued in the course of 2025.

In addition to advancing its own investigations and prosecutions, the Office has also provided significant, tangible assistance to domestic authorities investigating crimes committed in Darfur during the reporting period. In one case of assistance, the Office has been able to provide significant support to efforts by the national law enforcement authorities of a State party in relation to their investigation regarding an individual suspected of playing a significant role in ongoing crimes being committed in Darfur. In line with its new policy on Complementarity and Cooperation, launched in April this year, the Office is seeking to further expand avenues for potential provision of support to domestic proceedings, reflecting the two-way street of cooperation with national authorities it is establishing across all situations.

During this reporting period, the Office has also seen some positive steps taken by the Sudanese authorities through the execution of a number of outstanding requests for assistance and the provision of visas supporting the travel of OTP staff members to Sudan. Although this progress must be consolidated in the next reporting period, the Office recognises the tangible steps forward that have been taken by Sudanese authorities in the last six months.

Against this backdrop, in the coming reporting period the Office will continue its work and efforts towards accountability for alleged crimes committed in the situation in Darfur pursuant to United Nations Security Council (“UNSC”) Resolution 1593(2005) with a focus on the following objectives:

- Take the next required steps towards the completion of Abd-Al-Rahman trial:
 - Following the hearing of the last Defence witness in September 2024, the Office will submit its final brief and present its closing remarks according to the judicial calendar set by the Trial Chamber.
- Further advance collection of evidence regarding 2023 and ongoing crimes, delivering outputs from investigations:
 - Based on current momentum and anticipated collection of further additional relevant evidence, the Office will be in position to progress and finalise its work on the legal characterisation of facts and evidence in relation to its investigative priorities. This will form the basis for the onward drafting of applications of warrants of arrest in relation to key suspects to be presented in the appropriate time to the Pre-Trial Chamber.
 - The continued cooperation of victims, witnesses and all partners will be critical in the coming period to achieve further substantial progress in this investigation.
- Consolidate progress with respect to Al Bashir, Hussein and Harun cases:
 - The Office remains determined to work toward the adjudication of the outstanding cases against these three suspects who remain at large. Efforts to collect critical evidence from witnesses will continue to help further strengthen these cases.
 - In parallel, the Office will exert all necessary efforts and take any additional steps for the tracking of the suspects, including securing necessary State support and cooperation to this effect. To support this effort and other tracking initiatives across all situations before the ICC, the Office has established a specialised Tracking and Information Fusion Section.
- Continue to deepen engagement with States and other partners in support of all Darfur investigations:
 - Cooperation remains critical to making tangible progress in all lines of inquiry. In the coming reporting period, the Office will continue to intensify its efforts so as to secure its partners support and assistance in the areas of information and evidence sharing, facilitation of investigative missions, operational and logistical support and analytical support.

- Maintain and increase engagement with affected communities and grass root organisations in Chad, Darfur, and elsewhere:
 - The Office will intensify its engagement with CSOs and affected communities in the coming reporting period, building on past interactions, in support of its investigative efforts.
 - Further outreach missions will be carried out to refugee camps in the reporting period, with a view to deepening engagement with survivors of crimes committed in Darfur and continuing recent exchanges with leaders of the Arab communities from Darfur.
- Strengthen assistance with respect to complementarity initiatives by States investigating potential perpetrators:
 - As is the case for cooperation, complementarity remains important in the Office's work to ensure accountability for Rome Statute crimes. The Office will continue to positively respond to and assist States as well as organisations conducting investigations in relation to the Darfur situation, through the sharing of information, leads and other support within its means and mandate.

In pursuing these objectives, the Office will require the continued and deepened support of all of its partners including civil society organisations, international partners and national authorities. With States' assistance and support including through the provision of resources and funding, the Office seeks to swiftly deliver on its mandate with tangible outputs that would support future prosecutions.

There is a human catastrophe taking place in Darfur, with deep suffering again being caused through attacks against civilians. Women and children are bearing the brunt of this. It is essential that their pain is not exacerbated by global indifference. Our common focus, our collective commitment, must be to ensure that all individuals, including those in Darfur and Chad, feel that their lives are given the same value, the same sense of urgency, when they look to the law for protection.

I. INTRODUCTION

1. Pursuant to UNSC 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 progress made by the Office over the last six months with respect to its investigative and prosecutorial activities in the Darfur situation. The report reflects the activities carried out by the Office with regard to each of the key lines of inquiry and assesses the extent to which the objectives set out in the previous report have been met.

II. PROGRESS ON THE ROADMAP

3. In this Thirty-ninth report of the Prosecutor to the Security Council, the Office highlights some of the progress made in the four key lines of inquiry which include the investigation announced by the Prosecutor in July 2023 and the outstanding three lines of inquiry resulting from the crimes allegedly committed from 2003 onwards. This section further stresses some of the challenges which have impacted the implementation of the Office's strategy regarding the Darfur situation as well as relatively encouraging developments relating to the three key principles underpinning the Office's action in the situation.

(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 investigation of ongoing allegations of international crimes in the situation in Darfur has continued to be an urgent priority for the Office of the Prosecutor, given the continued hostilities, involvement of multiple armed groups, the level of casualties and scale of alleged international crimes throughout the region.
5. The acceleration of violence and criminality that began in 2023 and has continued into 2024 are the continuation of crimes that began in 2003. As victims, witnesses, and CSOs have repeatedly confirmed to the Office, these atrocities are the result of continued impunity for the crimes that commenced over two decades ago, and feature

many of the same protagonists. Many suspects still evade the rigor of the law. Those perpetrating the ongoing crimes are emboldened by a perceived lack of accountability.

6. The people of Darfur are those that continue to suffer the results of this vicious cycle of impunity and criminality. The present catastrophic humanitarian situation is worsening as the conflict continues to spread to other areas of the country, with expanding allegations of violations by warring parties and their affiliated armed groups. According to the UN High Commissioner for Refugees, this conflict has already led to the displacement of over nine million people with approximately two million having fled the country.
7. Since the outbreak of armed hostilities between the SAF and RSF in Khartoum on 15 April 2023, the Office of the Prosecutor has collected extensive evidence of allegations of crimes falling under the jurisdiction of the Court in Darfur. These allegations relate inter alia to gender-based crimes, crimes against children, indiscriminate targeting of civilian populations, attacks against internally displaced persons camps, shelling of or targeting of civilian infrastructures, killings and pillaging.
8. The ongoing investigation into recent crimes committed in West Darfur has focused in particular on criminal episodes that occurred in El Geneina and its surrounding areas in 2023. The Office has collected a wide range of evidence in relation to this line of inquiry including witness testimony, documentary evidence and open-source information.
9. Since the last report, the Office has deployed multiple investigative and outreach teams to relevant locations in the field and intensified its engagements with CSOs and affected communities and victims, as well as intergovernmental and private entities in support of the ongoing inquiries. This has included field missions by the Office to several countries, including Sudan and Chad, to collect evidence and engage with relevant communities. Outcomes of these field deployments have included:
 - Advisers on international cooperation secured the necessary partnerships and networks which have allowed the Office to move the investigation forward, including through engagements with Sudanese authorities in Port Sudan;

- Investigators have engaged with a variety of stakeholders and sources, obtaining relevant information, and have interviewed witnesses and collected evidence in a number of locations;
- Similarly, as detailed further below, the Office's outreach teams have worked closely with grass root organisations and affected communities, hearing first-hand experiences, explaining the work of the Court, and encouraging those with relevant information to contact the Office. Several of these deployments have been made under challenging conditions due to security and operational challenges;
- Specialists in open-source investigations within the Office have carried out significant research, with assistance and cooperation from several valuable partners active in the field;
- As the evidence collection grows in extent and variety, analysts within the Office have also been identifying important patterns, areas of interest and key actors relevant to the Office's inquiries, strengthening mapping of links between individuals, organisations and crimes. Several cooperation partners have also provided important assistance in this context, including through their analysis of open source data;
- Trial lawyers of the Darfur Team are now studying both the raw data and related analyses and identifying next steps in the context of legal characterisation of the facts.

10. Reflecting the importance of obtaining the broadest range of information and evidence of the importance of critical information and evidence to swiftly deliver on the Office's mandate regarding Darfur, on 5 June 2024, the Prosecutor issued a further public call for information and cooperation from all victims groups, civil society organisations, national authorities and international partners that are able to do so to engage with the OTP and provide it with any evidence and material relating to the ongoing atrocities being inflicted on the civilian population across Darfur. Emphasis was placed by the Prosecutor on the provision of any video, photo or audio material captured on the ground, and contacts with those who may be able to provide testimony.

11. While the principal investigative focus of the Office during the reporting period has addressed crimes in West Darfur, the Office has also received and preserved extensive information in relation to crimes being allegedly committed in El Fasher and its surrounding areas over the last three months. In recent months, North Darfur and its capital El Fasher have been the epicentre of armed hostilities between the SAF and RSF and their allied armed groups, with the RSF reportedly having control of other States in the Darfur region. These hostilities have led to a dire humanitarian situation characterised by reported allegations of crimes against civilian populations and destruction or serious damage to civilian infrastructures from both warring parties, food insecurity and a worsening situation for the internally displaced people.
12. To enable the Office to fulfil its mandate, it is critical that information providers continue to proactively contact the Office with information on all parties committing crimes in Darfur, especially individuals who have personally committed crimes within the jurisdiction of the ICC. In addition, the Office urges States and organisations that are sanctioning individuals involved in or supporting the conflict to proactively make such information available to the Office.
13. If any States have access to relevant information regarding the identity of perpetrators of crimes, it is imperative that this information is shared with the Office. Where States have CSOs within their jurisdiction addressing accountability for crimes in Darfur, it is vital that they are supported to engage in this work and share information proactively with the Office.
14. The Office requests that any relevant information on crimes committed in Darfur be sent to its dedicated, secure platform, OTP Link ([OTPLink.icc-cpi.int](https://otplink.icc-cpi.int)).
15. Through the activities outlined in its report, the Office considers that strong and rapid progress is being made in its investigations. However, while these efforts have yielded important information and evidence sources, and notwithstanding the support received from States through the allocation of secondees, the human resource constraints faced by the Office continue to have an impact on the pace of this investigation.
16. It is critical for the Office to receive further support in order to be able to swiftly deliver on its mandate with tangible outputs that would allow future prosecutions. The assistance of States and support for the Office's budget and requested resources will be essential to meet these objectives.

17. The ability of the Office to conduct independent, impartial investigative activities must also be protected. There should be no interference with the Office or its various partners and sources of information, in particular victims, witnesses and the grassroots organisations documenting the crimes allegedly committed in Darfur. The Office calls upon all warring parties, affiliated groups and other actors to refrain from engaging in any such conduct that would prevent these organisations to cooperate with the OTP or impact the independent work of the Office.
18. The Office again calls upon all parties involved in the conflict to comply and ensure compliance with international humanitarian law and ensure that civilian populations, protected persons and objects are not targeted or subject to crimes. While many have found shelter in Sudan's neighbouring countries, their suffering are a stark reminder of the importance of collective action to address the impunity that many perpetrators are currently seeking to use as a shield to continue to commit atrocities.

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

19. The Court has issued arrest warrants for Messrs Omar Al-Bashir, Abdel Raheem Hussein, and Ahmad Harun. The Office has alleged that these three suspects are responsible for a myriad of mass crimes committed in Darfur since 2003. States must support efforts to arrest and surrender these suspects to the Court.
20. The Office actively continues to pursue justice in these cases and the investigations are staffed with a dedicated team working toward that end. States should therefore not interpret the passage of time, a reemergence of conflict in Sudan, and the suspects' continued efforts to remain at large as signals that the Office is no longer focused in its efforts to hold these suspects accountable for their alleged crimes. The Office continues to work intensively with focus towards their arrest and prosecution.
21. In the current context, the Office considers it of particular importance to ensure accountability for mass crimes that arose out of the Government of Sudan's use of Janjaweed in 2003 given that impunity for such acts, as referenced above, have clearly set the stage for the reemergence of armed conflict in 2023.
22. The current state of conflict must be understood by acknowledging the roots and context from which that conflict has reemerged. The patterns of violence being witnessed involve many of the same actors and perpetrators of atrocities in Darfur in 2003. The patterns of victimhood, killings, and destruction, taking place in the same

affected communities, are also strikingly similar to events in 2003. To break the cycle of violence and impunity, it is crucial to not only acknowledge the origin of the current conflict, but to ensure accountability of those who have sowed the seeds for the present conflict.

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

23. In pursuit of achieving accountability for past crimes, the Office has continued its engagement in the trial of Ali Abd-Al-Rahman, also known as Ali Kushayb. Mr. Abd-Al-Rahman is an alleged leader of the Janjaweed, charged with 31 counts of war crimes and crimes against humanity allegedly committed in Darfur, Sudan between August 2003 and at least April 2004.
24. Since the Thirty-eighth report, the Defence has called an additional 11 witnesses. Out of a total of 19 Defence witnesses, 17 have testified live, including 12 witnesses who testified *viva voce* and five experts, four of whom testified via rule 68(3) of the Rules of Procedure and Evidence. Additionally, two witnesses were admitted pursuant to rule 68(2)(b) of the Rules.
25. The closing date of the trial has been extended. Although the Defence called what was thought to be its last witness on 12 June 2024, the Chamber recently authorised the Defence to call an additional witness between 16 and 20 September 2024.
26. Throughout the Defence case, the Prosecution has consistently offered and provided assistance to the Defence in contacting, locating and facilitating the appearance of witnesses.
27. Initially, the Chamber ordered the parties and participants to file their final briefs no later than eight weeks after the official closure of the evidence, with closing statements to take place three weeks following the submission of the final briefs. However, since the official closure of the evidence has been postponed following the decision to hear additional testimony in September, the Chamber has indicated that it will shorten the deadline for the filing of final briefs, in due course.
28. The Abd-Al-Rahman trial remains on track to be the most efficient in ICC history. The effective pace of proceedings comes thanks to concerted efforts and cooperation between the parties, participants and the Registry, and the effective management of the trial by the Trial Chamber.

29. To date, over 100 witnesses and victims have participated in this trial and the Office has submitted over 1,500 items of evidence for the Chamber's evaluation. The Office is profoundly grateful to all those who supported the investigation, prosecution, and the effective and efficient conduct of the proceedings.

d. The case of Abdallah Banda Abakaer Nourain

30. 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.

31. 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

32. During the reporting period the Office has continued to deepen its engagements with victims who fled the conflict, Arab community leaders, and CSOs.

33. In light of the continuous influx of civilians from Darfur to neighbouring countries and especially in Chad, the Office has engaged with and provided updates to the affected communities and survivors who have found shelter in refugee camps in Eastern Chad. In July 2024, representatives of the Office carried out an outreach mission to Eastern Chad where they spoke extensively with refugees from Darfur and identified potential leads in particular with respect to gender-based crimes and crimes against children.

34. The refugee communities raised numerous concerns relating to their humanitarian situation, with respect to food, shelter and psychosocial counselling. While they also

expressed their appreciation to the Chadian authorities for welcoming and assisting them and acknowledged the humanitarian assistance provided by UN agencies and other organisations and CSOs, they stressed that their needs are hardly matched with the existing or available humanitarian assistance. Support from States and other donors to increase the level of humanitarian assistance will help address the living conditions and fragile situation for refugees, and indirectly contribute to the Office's work in that victims and witnesses would be able to more effectively engage with investigators with their core survival concerns addressed through adequate humanitarian support. The Office is grateful to the Government of Chad, the Chadian refugee board ("CNARR") and UN agencies for their respective cooperation and support which has enabled this field engagement with the affected communities.

35. Mindful of its responsibility to investigate both incriminating and exculpatory circumstances, equally, the Office has also engaged with the tribal and administrative leaders of the Arab communities allegedly involved in the conflict in Darfur. This engagement, the first of this nature since the opening of the Darfur investigation in 2005, has allowed the Office to explain the Court's mandate and activities to these leaders. This has also been an opportunity to address any misrepresentation of the ICC and the OTP's work. The Office hopes to continue nurture these useful engagements in the future as its investigation progresses.
36. In furtherance of its communications and partnerships developed over the course of last year with both local and international CSOs, the Office has increased and deepened its dialogue with several CSOs monitoring the situation in Darfur and documenting atrocities. This dialogue has taken various forms aiming on the one hand to help the Office's investigative activities and on the other hand to update CSOs on the Court and the Office's activities and assist them to strengthen their capacities.
37. In this framework, the OTP held engagements and productive meetings with Sudanese CSOs that visited the Court and shared information in relation to the events in Darfur. The Office has also had extensive engagements with CSOs as part of its field missions with the same objective. CSOs partners have played an important role in facilitating contacts between the OTP and several victims who suffered crimes potentially falling under the jurisdiction of the Court. The Office was also grateful during the reporting period for the various inputs provided by Sudanese CSOs during consultations on the development and drafting of upcoming new policies by the Office including the policy on slavery crimes.

38. In June 2024, the Office participated in an online outreach session organised by ICC Registry with CSOs and media representatives. During this session, the Office explained its mandate and provided updates on the various lines of inquiry including the *Abd-Al-Rahman* case. It also exchanged constructively with representatives of local and international CSOs who attended the annual ICC-NGOs Roundtable held during the same month. Many of the contacts made during this roundtable will be pursued in the coming months in support of the Office's work while it still progresses its inquiries in relation to crimes allegedly committed since April 2023 in Darfur.
39. In response to requests it has received and as a continuation of the Office's efforts to help strengthen local CSOs ability to document allegations of crimes for accountability purposes, the Office participated in three workshops in March, June and July 2024, organised by international and regional CSO partners. During these fruitful interactions, there was a particular focus on crimes against and affecting children as well as gender-based crimes, reflecting also the continued priority given by the Office to such crimes.
40. These workshops also supported detailed discussions on the practical implementation of the principles and methodology addressed in the [Guidelines for Civil Society Organisations on documentation of International Crimes and Human Rights Violations](#), jointly developed by the OTP and Eurojust. Interactive sessions allowed members of the OTP alongside other experts of international criminal law and international humanitarian law to contribute to mentoring activities with civil society partners. Through this engagement, several Sudanese CSOs were provided with tailored feedback and advice on how to further strengthen documentation activities they have been undertaking in relation to alleged crimes documented in Sudan. While the Office's investigative focus remains in the region of Darfur by virtue of UN Security Council Resolution 1593 (2005), the important documentation work conducted by many CSOs in relation to other regions of Sudan will produce significant contribution to accountability mechanisms other than the ICC, either at the national or regional level.
41. These efforts by local, regional and international CSOs must be sustained and supported by all actors in order to support effective collective action towards accountability for international crimes committed in Sudan.

b. Cooperation with Sudanese national authorities

42. During this reporting period, cooperation with Sudanese national authorities has taken a more positive course in comparison to previous years.
43. As indicated in the previous report, the designation of a new focal point for cooperation by the Sudanese authorities was a promising development following the Prosecutor's last visit to Sudan in August 2022. With this appointment and subsequent engagements with the Office, steps were taken to issue visas and execute some of the outstanding requests for assistance sent by the Office.
44. In its last report, the Office referred to the fact that it had to postpone its scheduled visit to Port Sudan until after 1 February 2024, because of the volatile situation prevailing in Sudan at the time. In March 2024, following the provision of new visas by the Sudanese authorities, a delegation from the Office visited Port Sudan where it held meetings with the Sudanese authorities with respect to the ongoing situation and allegations of crimes committed in Darfur, as well as addressing the execution of pending requests for assistance.
45. The visit allowed the Office's representatives to have direct and thorough discussions with Sudanese authorities on the level of cooperation required by the Office pursuant to UNSC resolution 1593 and the importance of Sudanese authorities' commitment to justice and the Office's related work.
46. The Office is pleased to report that the Sudanese authorities have been constructively engaging and communicating with the Office, working to resolve outstanding requests for assistance over the past months. As investigative activities are ongoing, the Office welcomes the positive steps taken by the Sudanese authorities to execute requests for assistance.
47. During this reporting period, in addition to the 35 pending requests for assistance referred to in the Thirty-eighth report, an additional three requests were sent to the Sudanese authorities following the mission to Port Sudan, resulting in a total number of 38 requests for assistance.
48. Of these 38 requests, the Office chose to prioritise 13 requests across all lines of inquiry. In furtherance of their commitment made on the occasion of the Office's visit to Port Sudan, the Sudanese authorities engaged with the Office in relation to all 13 priority

requests: three requests have now been executed, four have been partially executed, four others remain pending whereas one request was denied, and one has become obsolete. The OTP will continue engaging with the Sudanese authorities for the full execution of the 13 prioritised pending requests, while also developing a further prioritisation among others from the remaining 25 requests for onward action.

49. The Office welcomes the efforts made by the Sudanese authorities to respond to the Office's outstanding requests and their commitment to respond to the remaining requests and any new ones. This posture is welcome as it has facilitated both the provision of information by the Sudanese authorities to the Office and access to potential government witnesses.

50. This momentum should further be consolidated to enable the Office to fully fulfil its investigative and prosecutorial mandate pursuant to UNSC resolution 1593. The Office therefore underlines the importance of Sudanese authorities continuing their assistance in relation to any pending and future requests. The Office also emphasises the importance of Sudanese authorities undertaking further action to ensure that persons accused of grave crimes committed in Darfur can be held to account.

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

51. The success of the Office's investigations lies in part on the cooperation extended not only by the Sudanese authorities but many other partners including third States, international and regional organisations. Cooperation is essential to the Office's activities for the collection of new evidence, the interview of witnesses, the strengthening of outstanding cases and the swift delivery of justice and accountability in the Darfur situation.

52. The Office is very appreciative of the encouraging steps taken by States that have recently given access to their territory, enabling its representatives to engage with witnesses and victims of alleged crimes. These new partnerships involving both States and private entities, are critical to the mandate of the Office and to providing new opportunities to make substantial progress in investigations.

53. The Office also commends the support from States through secondments of national experts and from international organisations, including the UN, for their essential operational and logistical assistance, and the provision of information and statements by UN personnel. This assistance has been indispensable to the Office. Continued cooperation and assistance remain critical to the Office's efforts to ensure accountability for Darfur crimes.
54. In its last report the Office also called for swift responses from third States to make progress on its different cases and investigations. Such responses would facilitate expedited progress on the investigation of crimes allegedly committed since April 2023, as well as the existing cases relating to Messrs Al Bashir, Hussein and Harun. While this call remains to be adequately responded to by non-State parties, States should also be proactive in sharing information with the Office or extending their assistance in any of the areas they believe they could help the Office deliver its mandate. To this effect, prior consultations with diplomatic representatives of various States and with other organisations have taken place during the reporting period and will continue in the next reporting period.
55. As the Office has done in previous years, it continues to offer its assistance and cooperation in support of any genuine efforts to ensure accountability and close any impunity gap in the context of the Darfur situation. Requests received in the reporting period from national authorities from States investigating conduct attributable to individuals in connection with the ongoing conflict in Darfur and crimes allegedly committed therein have thus received positive responses from the OTP. This has included the provision of significant support to the law enforcement agencies of one State-party, which will serve to generate information and evidence relevant to the Office's investigations into crimes committed since April 2023.

III. LOOKING FORWARD

56. As the Office prepares for the final stages of the *Abd-Al-Rahman* trial, it remains determined to advance other lines of inquiry to adjudicate the outstanding cases against fugitives such as Messrs Al Bashir, Hussein and Harun, and move towards prosecution in respect of the crimes allegedly committed in Darfur since 2023.

57. This fundamental need for justice has been voiced on multiple occasions not just by those who have witnessed and suffered from the crimes perpetrated two decades ago but also the victims and survivors of the crimes allegedly committed since April 2023 in Darfur.

58. To address this imperative, the Office will indeed continue to rely on the support, assistance, and cooperation of State parties and non-State parties, intergovernmental organisations and CSOs, and other private entities. It will also continue to require the cooperation of Sudanese authorities and the critical evidence of eyewitnesses and other individuals with information that may assist the Office's outstanding cases and more recent investigation into alleged crimes in Darfur.

(i) Assessment of situation benchmarks

59. The below provides an update on the progress made by the Office in relation to the benchmarks set.

- *Secure additional evidence in relation to crimes committed in Darfur since April 2023:* This benchmark has been met. As reflected above, in the context of the Office's investigation especially with respect to crimes allegedly committed in West Darfur, the Office has collected extensive information and evidence including witness statements, open-source material and leads including in relation to gender-based crimes. These efforts will continue with urgency in the coming reporting period.
- *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:* This benchmark has been met. During the reporting period the Office has fulfilled its commitment to continue assisting the Defence and where possible worked in a collaborative spirit to advance the trial. With almost all Defence witnesses' testimonies now completed, with the exception of the additional witness to be called in September 2024, it is hoped that the case will conclude this year.
- *Increase engagement with affected communities and grass roots organisations in Chad, Darfur, and elsewhere to accelerate investigative work:* This benchmark has been met. Engagement has been ongoing since the Office's last report, including through deployment of investigators and cooperation

advisers to Chad, with new partnerships established with CSOs and grass root organisations in support of the investigative activities. This partnership has been mutually beneficial to the Office and these organisations through the Office's support to the strengthening of their capacities, especially with regard to CSOs whose documentation initiatives are geared towards accountability for the crimes committed in Sudan. Cooperation and receipt of information from these CSO partners has been of significant value to the investigative efforts of the Office.

- 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*: This benchmark has been met. During the reporting period the Office has been actively providing information and assistance to States investigating acts and conduct of potential criminal nature in connection with the situation in Darfur, supporting concrete action in domestic jurisdictions. In April 2024, the Office launched its first policy on complementarity and cooperation following a global consultation initiated in October 2023. This policy is of high relevance to the situation that is prevailing in Sudan today and seeks to further strengthen the platform on which its cooperation with States and other actors can be undertaken in support of proceedings in national jurisdictions.
- *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*: This benchmark has been partially met. Provision of information in relation to ongoing alleged atrocities by States has been minimal and more challenging during the reporting period although information the Office was able to secure from a limited number of States has proven helpful. Other cooperation avenues have nonetheless materialised with new States and private entities and CSOs supporting all lines of enquiry in the Darfur situation, including through the provision of leads or through facilitation of witnesses' interviews on States' territories. Having emerged very recently, some of these avenues remain open for further exploration and development by the Office in the coming reporting period.
- *Work towards investigative outputs under the line of inquiry into alleged atrocities committed in the context of current hostilities*: This benchmark is being progressed. Building on the improvements in cooperation channels and evidence collection made during this reporting period, focused efforts

towards the realisation of investigative and prosecutorial outputs in this line of inquiry have been made and will continue with several steps identified to fill existing investigative gaps.

- *Consolidate progress with respect to the outstanding cases in the Darfur situation:* This benchmark is being progressed. The cases of Messrs Al Bashir, Hussein and Harun remain a priority for the Office and its efforts to strengthen the evidence concerning their criminal responsibility in relation to the crimes allegedly committed in the early 2000 onwards. With the availability of new evidence and avenues for further cooperation from States and individuals identified within this reporting period, the Office anticipates tangible progress in the next reporting period. States must also take all necessary steps to secure the arrest and surrender of these fugitives to the Court.

(ii) Updated objectives

60. Considering the progress made during this reporting period and the need to further enhance the Office's efforts to give effect to its responsibility pursuant to the UNSC Resolution 1593, the following objectives are set for the next six months:

- Take the next required steps towards the completion of Abd-Al-Rahman trial:
 - Following the hearing of the last Defence witness in September 2024, the Office will submit its final brief and present its closing remarks according to the judicial calendar set by the Trial Chamber.
- Further advance collection of evidence regarding 2023 and ongoing crimes, delivering outputs from investigations:
 - Based on current momentum and anticipated collection of further additional relevant evidence, the Office will be in a position to progress and finalise its work on the legal characterisation of facts and evidence in relation to its investigative priorities. This will form the basis for the onward drafting of applications of warrants of arrest in relation to key suspects to be presented in the appropriate time to the Pre-Trial Chamber.
 - The continued cooperation of victims, witnesses and all partners will be critical in the coming period to achieve further substantial progress in this investigation.

- Consolidate progress with respect to Al Bashir, Hussein and Harun cases:
 - The Office remains determined to work toward the adjudication of the outstanding cases against these three suspects who remained at large. Efforts to collect critical evidence from witnesses will continue to help further strengthen these cases and ensure that the evidence meets the standard of realistic prospect of conviction.
 - In parallel, the Office will exert all necessary efforts and take any additional steps for the tracking of the suspects, including securing necessary State support and cooperation to this effect, with a primary focus on the arrest of Ahmad Harun whose case features similar allegations as those charged in the case against Mr Abd-Al-Rahman. To support this effort and other tracking initiatives across all situations before the ICC, the Office has established a specialised Tracking and Information Fusion Section.
- Continue to deepen engagement with States and other partners in support of all Darfur investigations:
 - Cooperation remains critical to making tangible progress in all lines of inquiry. In the coming reporting period, the Office will continue securing its partners support and assistance in the areas of information and evidence sharing, facilitation of investigative missions, operational and logistical support and analytical support.
- Maintain and increase engagement with affected communities and grass root organisations in Chad, Darfur, and elsewhere:
 - The Office will intensify its engagement with CSOs and affected communities in the coming reporting period, building on past interactions, in support of its investigative efforts.
 - Further outreach missions will be carried out to refugee camps in the reporting period, with recent exchanges with leaders of the Arab communities from Darfur with a view to establishing a constructive and ongoing dialogue between the Office and these leaders.
- Strengthen assistance with respect to complementarity initiatives by States investigating potential perpetrators:

- As is the case for cooperation, complementarity remains important in the Office's work to ensure accountability for Rome Statute crimes. The Office will continue to positively respond to and assist States as well as organisations conducting investigations in relation to the Darfur situation, through the sharing of information, leads and other support within its means and mandate.

IV. CONCLUSION

61. This reporting period has seen important progress made by the Office with respect to the various lines of inquiry pursued by the Office in the Darfur situation. With new avenues of cooperation developed with a range of actors, the Office is accelerating its work with the aim of demonstrating the relevance and potential of international criminal law to support civilians at a time of intense conflict and suffering.
62. As the *Abd-Al-Rahman* trial moves toward its conclusion, it is important to ensure that this cooperation and support extends to the investigation of past and current allegations of international crimes. Cooperation remains a pre-requisite for any success in the situations before the ICC.
63. The posture taken by the Sudanese authorities over the past months has the potential to mark a clear departure from the non-cooperation of previous years. However, the progress made with respect to the requests for information by the Office contrasts with the lack of concrete steps taken towards the arrest and surrender of Messrs. Al Bashir, Hussein and Harun. Genuine actions from the part of the Sudanese authorities must follow in this regard, not solely out of the obligation upon the Sudanese authorities to comply with UNSC Resolution 1593 but also in recognition of the congenital link between the pain and suffering inflicted on Darfur two decades ago and the situation it presently faces.
64. The Office calls upon all parties to the conflict in Sudan to abide by international humanitarian law and to proactively share information on Rome Statute crimes committed. The protection of civilians is a fundamental imperative that cannot be ignored by any actor. The Office will continue to accelerate its investigations in order to arrive at determinations on the criminal responsibility of individuals belonging to both parties for crimes falling under the Rome Statute.

65. Ultimately, there is an urgent need for concerted international initiatives to address the impact of this conflict and to find sustainable resolution to the conflict while addressing its root causes and ensuring accountability for international crimes.
66. Cooperation from State parties, non-State parties, international organizations, CSOs and victims and witnesses will continue to be essential to the efforts of the Office to effectively implement the mandate it has been provided by the Council in relation to the situation in Darfur .
67. This cooperation must be undertaken with urgency and purpose if we are to address the damaging but clear perception of affected communities in Darfur that their suffering will once again represent the world's forgotten atrocity.