



Kingdom of Belgium

Statement by H.E. Mr. Marc Pecsteen de Buytsverve, Ambassador,
Permanent Representative

To the United Nations Security Council

Briefing

**The situation in Darfur (Sudan) (ICC referral pursuant to
resolution 1593)**

New York, 10 June 2020

Mister President,

I would like to warmly welcome Madam Prosecutor, Fatou Bensouda, and thank her for her comprehensive briefing to the Security Council.

The announcement yesterday of the arrest, surrender and transfer to the International Criminal Court (ICC) of Mr. Kushayb, suspected of war crimes and crimes against humanity allegedly committed in Darfur, is a major breakthrough which Belgium strongly welcomes. It is not only a significant development in the situation that this Council referred to the ICC, but more broadly for the cooperation with the Court. Once again, we have to underline that the ICC cannot implement its mandate effectively without the assistance of States. We would like therefore to congratulate the Central African Republic, France, Chad and the Netherlands, as well as MINUSCA, for their support to the Court and cooperation.

Mister President,

The political situation in Darfur has continued to change positively since the Prosecutor's last briefing in December, including in the field of justice. In February, we were encouraged by the government's commitment to transitional justice processes and statements regarding cooperation with the ICC. We welcome the fact that accountability for crimes in Darfur remains a central issue in the peace negotiations between the Government of Sudan and rebel groups in Juba.

We invite Sudan now to reply positively to the Office of the Prosecutor's call for dialogue in order to explore all options available to facilitate fair and genuine

proceedings against the four other suspects in the Darfur situation, in The Hague or in Sudan.

In accordance with the principle of complementarity enshrined in the Rome Statute, the Sudanese authorities could indeed fully implement their international obligations by initiating prosecutions in Sudan for the crimes detailed in the ICC arrest warrants, provided that they respect the principles set out in the Statute. In the meantime, however, they remain bound by their obligation to cooperate with the Court, in accordance with resolution 1593 of this Council. This does not only involve the arrest and surrender of the individuals concerned to the ICC, but also implies granting the Office of the Prosecutor access to Sudan's territory so that it can conduct its investigations there for the first time since 2007.

More than only Sudan, it is the cooperation of all States which is essential to advance justice for the most serious crimes in Darfur as demonstrated by the arrest of Mr. Kushayb. In that regard, Belgium encourages neighboring States to provide the necessary support to the Office of the Prosecutor in its efforts to track Mr. Banda who remains a fugitive from the Court. We also invite all UN missions and agencies to strengthen their cooperation with the ICC in Darfur.

Just over 15 years ago, this Council referred the situation in Darfur to the ICC. Today the hope of the victims has never been greater, not only for accountability but also for achieving and sustaining peace. As attacks on civilians and humanitarian aid workers continue in Darfur, as well as violence against internally displaced persons and incidents of sexual and gender-based violence against women and girls, we need justice more than ever. Belgium therefore counts on this Council and all the UN Member States to support the Court as well as the Sudanese authorities in order to put an end to impunity in Darfur and, as a consequence, participate in a lasting peace solution in Sudan.

Mr. President,

Finally, I would like to come back to the Prosecutor's briefing on the situation in Libya last month. On that occasion, I expressed Belgium's deep concern over recent threats made against Court officials and their families. Unfortunately, the situation has further escalated and we expect new measures in the coming days. This is very concerning. I have to once again reiterate Belgium's unwavering support to the ICC as an independent and impartial judicial institution. More than

ever, the Court and its entire staff can count on my country to continue to uphold and defend the principles and values enshrined in the Rome Statute as well as to preserve its integrity.

Thank you.