

Speech by H.E. Mr Marc Pecsteen de Buytswerve, Ambassador,
Permanent Representative

At the United Nations Security Council

Security Council Meeting

**The situation in Darfur (reference to the ICC pursuant to
Resolution 1593)**

New York, 19 June 2019

Mr President,

First of all, I would like to thank the Prosecutor Ms Fatou Bensouda for her report, and also for her highly informative briefing which she has just presented to the Council.

Mr President,

In 2005, following the report of the International Commission to investigate reports of violations of international humanitarian law and international human rights instruments in Darfur, the Security Council, acting under Chapter VII of the Charter, adopted a landmark resolution by referring a situation to the International Criminal Court for the first time.

In doing so, the Council sent a strong signal not only to the victims of these atrocious crimes, but also to their perpetrators, who must clearly understand that they will not escape justice, wherever they may be.

Last December, despite the significant progress made in the investigation, the situation as presented to the Council by the Prosecutor remained unchanged from the situation we have known about for several years. Due to the lack of cooperation from States, including Sudan, none of the five suspects in the Darfur situation had been arrested or surrendered to the Court.

Following developments in Sudan in recent months, the transitional government has an opportunity to finally bring justice to the victims. The political transition process, launched following the arrest of former President al-Bashir on 11 April,

allows for the prospect of a new chapter in the history of relations between the International Criminal Court and Sudan.

Mr President,

The legal framework underpinning the cooperation that the Court must receive from the Sudanese authorities is very clear. In its judgment of 6 May, the ICC Appeals Chamber unequivocally confirmed that, in accordance with Council Resolution 1593, Sudan is required to cooperate fully with the Court and the Prosecutor. It is therefore incumbent on the Sudanese authorities, now and in the future, to execute the arrest warrants issued by the ICC against the persons wanted in connection with the situation in Darfur.

However, this situation is unprecedented. For the first time since the issuance of the various arrest warrants, several of the suspects are now in detention. In addition to Mr al-Bashir, it appears that two of the four other suspects wanted by the Court, Mr Harun and Mr Hussein, were also arrested on 11 April.

As the Office of the Prosecutor rightly points out in its report, the principle of complementarity - the cornerstone of the Rome Statute establishing the ICC - implies that the suspects could easily be prosecuted in Sudan provided that the principles set out in the Statute are respected.

In these circumstances, Belgium strongly encourages the Sudanese authorities to set an example by respecting their international obligations and responding positively to the Prosecutor's invitation to engage in dialogue to ensure that persons subject to an arrest warrant are brought to justice, either before the ICC or in Sudan.

Mr President,

For Belgium, the situation in Darfur cannot be isolated from the situation in the rest of Sudan. The continuing violations of human rights and international humanitarian law in the region, in particular sexual and gender-based violence, are unacceptable. In the current context, the Security Council's support for the Court, which remains competent for all the most serious crimes committed in Darfur since 1 July 2002, is therefore more essential than ever.

The fight against impunity is, rightly, one of the main aspirations of the Sudanese people. Indeed, it is clear that justice will be an indispensable part of any lasting peace solution both in Darfur and in the rest of Sudan. Even today, victims of crimes committed in Darfur are still attending this briefing with the Prosecutor from the public gallery. Let us not disappoint them. It is our duty to do everything we can to ensure that, when the Prosecutor's next report is presented in six months' time, significant progress has been made and justice can be brought to them.

Thank you.