

Remarks by Ambassador Rosemary A. DiCarlo, U.S. Alternate Representative to the United Nations for Special Political Affairs, on Sudan and the ICC, in the Security Council Chamber

Rosemary A. DiCarlo

Ambassador and Alternate Representative for Special Political Affairs

U.S. Mission to the United Nations

New York, NY

December 4, 2009

AS DELIVERED

Thank you, Mr. President. I would like to welcome Prosecutor Moreno-Ocampo for his briefing to the Council and thank him for his briefing. We are pleased to hear about the progress being made, that is, that one case is proceeding and that some states and organizations are providing excellent cooperation. But the Prosecutor's briefing and report makes clear that the Government of Sudan has not fulfilled its obligation to cooperate with the International Criminal Court under Resolution 1593—a binding, Chapter VII resolution whose importance was reiterated by this Council in our June 16, 2008, Presidential Statement.

The United States believes that those responsible for the atrocities in Darfur must be held accountable. Actions in Darfur affect the stability of Sudan as a whole. Despite the creation of a Special Court for Darfur and numerous committees established in 2005 to pursue justice for Darfuri victims, the ICC arrest warrants are still outstanding. We continue to call on the Government of Sudan to cooperate fully with the ICC, as required by Resolution 1593.

Continued violence in Darfur is undermining an already fragile humanitarian situation. During the past six months, the conflict continued to claim the lives of more civilians. The UN Panel of Experts confirmed that the Government of Sudan violated the ban on military flights over Darfur. Both the Prosecutor's report and the Secretary-General's report describe Sudanese Armed Forces and militia ground offensives, supported by aerial bombardments, in the Jebel Mara region and in North Darfur. These reports note that the government operations around Korma, Ain Siro, and Meilit all resulted in civilian casualties, the displacement of more civilians, and the destruction of public infrastructure. The Government's recent

actions are the very type of actions that led this Council to refer the conflict in Darfur to the ICC in the first place.

On top of this continuing violence, the Government of Sudan has contributed to the deterioration of the humanitarian situation in Darfur. We were able to temporarily narrow serious gaps in life-saving sectors created when the Government of Sudan expelled humanitarian nongovernmental organizations on March 5. But these efforts cannot necessarily be sustained over the long term. UNAMID reports that the international NGO presence in Darfur has been cut in half. This has dramatically reduced these groups' ability to provide assistance to those in need. This Council must be vigilant in holding the Government of Sudan responsible for fully meeting the humanitarian needs of its population.

Those responsible for these atrocities must be held accountable. We also urge all states—including those not party to the Rome Statute—to refrain from providing political or financial support to Sudanese suspects indicted by the ICC.

Although the United States is not a party to the Rome Statute, the United States was pleased to participate last week for the first time as an observer to the Assembly of States Parties to the Rome Statute. This decision reflected the U.S. commitment to engage with the international community on issues that affect our foreign policy interests. Ending impunity for crimes against humanity—including crimes on the staggering scale of those committed in Darfur—ranks high among our commitments. The United States will therefore continue to be supportive of the ICC's prosecution of these cases, to the extent consistent with U.S. domestic law.

Mr. President, let me say a word about the African Union High-Level Panel on Darfur, chaired by former South African President Thabo Mbeki. On October 29, the Panel made several recommendations to combat impunity and advance the cause of accountability, peace, healing, and reconciliation. We welcome efforts to strengthen Sudan's national legal system to let it deal appropriately with those who committed atrocities in Darfur. But efforts to strengthen Sudan's legal system will not succeed unless they are backed by the political will to bring perpetrators to justice. The Mbeki report's recommendations about a hybrid tribunal are worth further study, but we believe that the ICC's prosecution of the key architects of the conflict in Darfur remains critical.

In conclusion, Mr. President, let me reiterate my government's unequivocal support for the pursuit of justice and accountability for those who have committed atrocities

in Darfur. We once again call upon the Government of Sudan to fully implement Resolution 1593.

Thank you, Mr. President.

###

PRN: 2009/299

<http://usun.state.gov/briefing/statements/2009/133176.htm>