

[Extract]

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[...]

Reports of the Secretary-General on the Sudan

Mr. Ambassador Ricardo Alberto Arias

Permanent Representative of Panama to the United Nations

Mr. Arias (Panama) (*spoke in Spanish*): Mr. President, allow me, first of all, on behalf of Panama and my delegation, to express our gratitude for the report of Prosecutor Moreno-Ocampo, in particular for his outstanding work at the head of the Office of the Prosecutor of the International Criminal Court (ICC). We are aware of the difficult task that the Prosecutor of that institution faces, and we urge him to continue to tackle his work with the same ability with which he has done so over all of these years.

The crime of genocide and crimes against humanity that the world witnessed at the end of the last century resulted, inter alia, in the establishment of special criminal tribunals for Rwanda and the former Yugoslavia. Furthermore, they motivated a group of States to form a universal tribunal to try this type of crime. The Rome Statute, through which the International Criminal Court was established, stipulates in article 13 (b) that the Security Council, acting under Chapter VII of the United Nations Charter, can refer to the Court a situation in which there are indications that one or more such crimes that are under the Court's competence have been committed. Indeed, in resolution 1593 (2005) the Security Council referred the situation in Darfur to the Prosecutor of the Court for investigation and, if necessary, to try individuals held responsible for violations of international humanitarian

law and of human rights. Moreover, the Council decided that the Government of the Sudan and the other parties to the conflict in Darfur should cooperate with the Court and with the Prosecutor.

After 20 months of investigation, the Prosecutor determined the existence of sufficient evidence to try Colonel Ahmad Harun and Ali Kushayb for crimes against humanity committed in Darfur. The Judges of the Court, as a result, issued arrest warrants for both of these individuals in April 2007. To date, the Government of the Sudan has ignored those warrants, as was confirmed to us today by Mr. Moreno-Ocampo, and does not permit the Court to fulfil its duties. Moreover, that represents contempt for international obligations on the part of the Sudan and disregard for the authority of this Council.

The Sudan's lack of compliance violates the fundamental principles of the United Nations Charter. Moreover, if the Council were to ignore that contempt, that would open space for future acts of contempt. Therefore, it is the duty of this Council to demand that the Government of the Sudan and all other parties to the conflict in Darfur fulfil their obligation to cooperate with the Court, as set out in resolution 1593 (2005). Otherwise, this Council would not be fulfilling its own obligations under the Charter.

At the same time, we are concerned that the civilian population continues to suffer from coordinated attacks and systematic violations of human rights. We cannot allow the conflict in Darfur to continue to serve as an incentive for ongoing crimes against the dignity of the human being. We support the International Criminal Court in its investigation of all of these cases.

Finally, with regard to the attacks on the members of the United Nations peacekeeping forces in Darfur, they must be subject to the strictest investigation by both the United Nations and the Government of the Sudan.