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**Statement by Japan and Switzerland
ICC Co-Focal Points in the UNSC
Stakeout to the Press
The situation in Darfur (ICC referral pursuant to resolution 1593)
New York, 29 January 2024**

We make this statement on behalf of the Members of the Security Council that are State Parties to the Rome Statute of the International Criminal Court (ICC): Ecuador, France, Guyana, Malta, the Republic of Korea, Sierra Leone, Slovenia, the United Kingdom, and our own countries, Japan and Switzerland.

We thank the ICC Prosecutor, Mr. Karim Khan, for the presentation of the 38th report to the Security Council on the situation in Darfur, in accordance with resolution 1593, amidst the present conflict in Sudan. We express deep concern over the continued hostilities that have caused many casualties. We thank the Office of the Prosecutor for its efforts to nonetheless implement its mandate on the ground under these difficult circumstances.

We are deeply concerned by the reports about serious violations of human rights and international humanitarian law and reiterate that international law must be upheld at all times and justice and accountability must be ensured for all violations. As the ongoing conflict in Sudan demonstrates once again, accountability for past atrocities is an essential prerequisite for peace and stability. We thus welcome the progress achieved by the ICC in the pursuit of accountability for past crimes and share the commitment to bring the perpetrators of atrocities in the context of ongoing hostilities to justice. We commend the decision of the ICC Prosecutor Karim Khan to investigate recent allegations of crimes in Darfur, prioritizing, in particular, crimes of sexual and gender-based violence and crimes against children.

We welcome the progress of the trial of Mr. Ali Muhammad Ali Abd-Al-Rahman. We encourage the ICC to proceed with this first trial of the Darfur situation, so that justice is done without further delay notwithstanding the current armed hostility in Sudan.

We also note the efforts by the Prosecutor's office to engage with affected communities in a challenging environment, and welcome the continuing communication with CSOs, women's organizations, victims, and witnesses outside of Sudan including in refugee camps in the neighboring countries. However, we regret the continued absence of engagement with affected communities, CSOs and women's organizations in Darfur, due to the current violent situation in Sudan.

We reiterate our call upon Sudanese authorities to cooperate fully in accordance with Security Council resolution 1593 and abide by the 2021 Memorandum of Understanding between the

Prosecutor's office and the Government of Sudan and offer their full support and cooperation to the Office of the Prosecutor.

We renew our unwavering commitment to uphold, defend and promote the principles and values of the Rome Statute, and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it. In this regard, we continue to comply with our cooperation obligations, and encourage all States to fully support the Court in carrying out its mandate of ensuring justice for the victims of the most serious crimes under international law.

Finally, we underline the important role played by the ICC in international peace and security. In this regard, we reaffirm our support for the Court as an independent and impartial judicial institution. The ICC embodies our collective commitment to fight against impunity for the most serious crimes under international law.