



Security Council

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Letter dated 23 February 2024 from the Permanent Representatives of Japan and Switzerland to the United Nations addressed to the President of the Security Council

We have the honour to transmit herewith a compilation of developments in the Security Council in relation to the International Criminal Court, prepared by Japan and Switzerland in their capacity as co-focal points for the Court in the Security Council (see annex).

The compilation entails an overview of all relevant meetings, statements and products of the Security Council that refer to the Court during the period from 1 January 2023 to 31 December 2023.

We would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Kazuyuki **Yamazaki**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

(Signed) Pascale **Baeriswyl**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Switzerland to the United Nations



Annex to the letter dated 23 February 2024 from the Permanent Representatives of Japan and Switzerland to the United Nations addressed to the President of the Security Council

Information conveyed by Japan and Switzerland in their capacity as co-focal points for the International Criminal Court at the Security Council regarding developments at the Security Council in relation to the International Criminal Court (1 January–31 December 2023)

I. Briefings by the Prosecutor of the International Criminal Court to the Security Council on the situations in Libya and Darfur

The Prosecutor of the International Criminal Court, Karim Khan, briefed the Security Council on 25 January, 11 May, 13 July and 8 November on the situations in Darfur and Libya pursuant to resolutions [1593 \(2005\)](#) and [1970 \(2011\)](#) referring these situations to the Court.

1. Briefings on the situation in Darfur (25 January and 13 July)

The Prosecutor submitted his thirty-sixth and thirty-seventh reports on the situation in Darfur (the Sudan) to the Security Council. During his first briefing, Mr. Khan stressed the significant progress made in line with the benchmarks that his Office had identified, in particular in the trial of Ali Muhammad Ali Abd-Al-Rahman, which had been conducted at the most efficient pace since the establishment of the Court. Mentioning his visit to Darfur five months earlier, the Prosecutor underlined that the cooperation of the Government of the Sudan was critically important. At his second briefing, the Prosecutor expressed grave concern about the resurgence of violence in Darfur and stated his office's intention to investigate and prosecute the crimes taking place within the framework of current hostilities, in accordance with the mandate provided by Security Council resolution [1593 \(2005\)](#), which is ongoing.

2. Briefing on the situation in Libya (11 May and 8 November)

The Prosecutor submitted his twenty-fifth and twenty-sixth reports to the Security Council. During his first briefing, he outlined the latest progress made by his office and welcomed the collaboration of all stakeholders since his visit to Libya in November 2022. He notably mentioned that four warrants had been issued by the judges of the Court. Moreover, he shared his priorities, including establishing an office in Tripoli and speeding up procedures using technological tools. At his second briefing, Mr. Khan mentioned particular progress with respect to the crimes related to the 2014–2020 period. Furthermore, he indicated that he would aim to complete investigative activities in relation to the key lines of inquiry by the end of 2025.

3. Joint press stakeouts by members of the Security Council which are States parties to the Rome Statute of the International Criminal Court

- Joint press stakeout on the situation in Darfur (Court referral pursuant to resolution [1593 \(2005\)](#)) (25 January)
- Joint press stakeout on the situation in Libya (Court referral pursuant to resolution [1970 \(2011\)](#)) (11 May)
- Joint press stakeout on the situation in Darfur (Court referral pursuant to resolution [1593 \(2005\)](#)) (13 July)

- Joint press stakeout on the situation in Libya (Court referral pursuant to resolution [1970 \(2011\)](#)) (8 November)

II. Meetings dedicated to the International Criminal Court

On 18 July 2023, an Arria-formula meeting was held on the theme “Twenty-fifth anniversary of the Rome Statute: the contribution of the International Criminal Court to the maintenance of international peace and security”. The meeting provided a timely opportunity for States to reaffirm their commitment to the Rome Statute and to reflect on how the Court contributes to peace and security through complementarity and cooperation within a holistic approach to justice.¹

At that occasion, the current members, as well as incoming members, of the Security Council which are States parties to the Rome Statute of the Court made a joint statement in which they reiterated their unwavering support for the Court and recalled the essential character of the relationship between the Court and the Security Council.

A Chair’s summary was issued in December 2023 and circulated as a document of the Security Council ([S/2023/942](#)).

III. Other relevant meetings

References to the Court have been made in other Security Council meetings by both member and non-member States of the Council or by other participants:

1. The promotion and strengthening of the rule of law in the maintenance of international peace and security, 12 January 2023 ([S/PV.9241](#) and [S/PV.9241 \(Resumption 1\)](#))
2. Maintenance of peace and security of Ukraine, 13 January 2023 ([S/PV.9243](#))
3. Threats to international peace and security, 17 January 2023 ([S/PV.9245](#))
4. The situation in the Middle East, including the Palestinian question, 18 January 2023 ([S/PV.9246](#))
5. Reports of the Secretary-General on the Sudan and South Sudan, 25 January 2023 ([S/PV.9249](#))
6. Peacebuilding and sustaining peace, 26 January 2023 ([S/PV.9250 \(Resumption 1\)](#))
7. Maintenance of peace and security of Ukraine, 6 February 2023 ([S/PV.9254](#))
8. Threats to international peace and security, 8 February 2023 ([S/PV.9256](#))
9. Children and armed conflicts, 13 February 2023 ([S/PV.9258](#))
10. The situation in the Middle East, including the Palestinian question, 20 February 2023 ([S/PV.9263](#))
11. Maintenance of peace and security of Ukraine, 24 February 2023 ([S/PV.9269](#))
12. The situation in Libya, 27 February 2023 ([S/PV.9270](#))

¹ A recording of the meeting is available at <https://webtv.un.org/en/asset/k1r/k1r0g1qtul>.

13. Women and peace and security: towards the twenty-fifth anniversary of resolution [1325 \(2000\)](#), 7 March 2023 ([S/PV.9276](#) and [S/PV.9276 \(Resumption 1\)](#))
14. The situation in Afghanistan, 8 March 2023 ([S/PV.9277](#))
15. Threats to international peace and security, 14 March 2023 ([S/PV.9280](#))
16. Maintenance of peace and security of Ukraine, 17 March 2023 ([S/PV.9286](#))
17. Threats to international peace and security, 31 March 2023 ([S/PV.9300](#))
18. Children and armed conflict: Ukrainian crisis – evacuating children from conflict zone, 5 April 2023 (Arria-formula meeting)
19. The situation in Libya, 18 April 2023 ([S/PV.9306](#))
20. Maintenance of international peace and security, 24 April 2023 ([S/PV.9308](#))
21. The situation in the Middle East, including the Palestinian question, 25 April 2023 ([S/PV.9309](#) and [S/PV.9309 \(Resumption 1\)](#))
22. Reports of the Secretary-General on the Sudan and South Sudan, 25 April 2023 ([S/PV.9310](#))
23. The situation in the Middle East, 27 April 2023 ([S/PV.9313](#))
24. Addressing the abduction and deportation of children during armed conflict: concrete steps for accountability and prevention, 28 April 2023 (Arria-formula meeting)
25. Protection of cultural heritage in armed conflicts, 2 May 2023 (Arria-formula meeting)
26. Peacebuilding and sustaining peace, 3 May 2023 ([S/PV.9315 \(Resumption 1\)](#))
27. Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe, 4 May 2023 ([S/PV.9316](#))
28. The situation in Libya, 11 May 2023 ([S/PV.9320](#))
29. Maintenance of peace and security of Ukraine, 15 May 2023 ([S/PV.9321](#))
30. Protection of civilians in armed conflict, 23 May 2023 ([S/PV.9327](#) and [S/PV.9327 \(Resumption 1\)](#))
31. Maintenance of peace and security of Ukraine, 23 June 2023 ([S/PV.9357](#))
32. The situation concerning the Democratic Republic of the Congo, 26 June 2023 ([S/PV.9358](#))
33. Children and armed conflict, 5 July 2023 ([S/PV.9366](#) and [S/PV.9366 \(Resumption 1\)](#))
34. Identical letters dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2016/53](#)), 12 July 2023 ([S/PV.9374](#))
35. Women and peace and security, 14 July 2023 ([S/PV.9378](#) and [S/PV.9378 \(Resumption 1\)](#))
36. Maintenance of peace and security of Ukraine, 17 July 2023 ([S/PV.9380](#))
37. Twenty-fifth anniversary of the Rome Statute: the contribution of the International Criminal Court to the maintenance of international peace and security, 18 July 2023 (Arria-formula meeting)

38. Maintenance of peace and security of Ukraine, 21 July 2023 ([S/PV.9382](#))
39. The situation in the Middle East, including the Palestinian question, 27 July 2023 ([S/PV.9387](#) and [S/PV.9387 \(Resumption 1\)](#))
40. Threats to international peace and security, 31 July 2023 ([S/PV.9390](#))
41. Maintenance of international peace and security, 3 August 2023 ([S/PV.9392](#) and [S/PV.9392 \(Resumption 1\)](#))
42. The situation in the Middle East, 8 August 2023 ([S/PV.9393](#))
43. Reports of the Secretary-General on the Sudan and South Sudan, 9 August 2023 ([S/PV.9394](#))
44. Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council ([S/2022/688](#)), 16 August 2023 ([S/PV.9397](#))
45. The situation in the Democratic People's Republic of Korea, 17 August 2023 ([S/PV.9398](#))
46. Threats to international peace and security, 17 August 2023 ([S/PV.9399](#))
47. Maintenance of peace and security of Ukraine, 24 August 2023 ([S/PV.9404](#))
48. Implementation of the note by the President of the Security Council ([S/2017/507](#)), 5 September 2023 ([S/PV.9410](#))
49. Reports of the Secretary-General on the Sudan and South Sudan, 13 September 2023 ([S/PV.9417](#))
50. Maintenance of international peace and security, 20 September 2023 ([S/PV.9421 \(Resumption 1\)](#))
51. The situation in Afghanistan, 26 September 2023 ([S/PV.9423](#))
52. The situation concerning the Democratic Republic of the Congo, 28 September 2023 ([S/PV.9427](#))
53. Maintenance of peace and security of Ukraine, 9 October 2023 ([S/PV.9431](#))
54. The situation in the Great Lakes region, 17 October 2023 ([S/PV.9440](#))
55. The situation in the Middle East, including the Palestinian question, 18 October 2023 ([S/PV.9443](#))
56. The situation in the Middle East, including the Palestinian question, 24 October 2023 ([S/PV.9451 \(Resumption 1\)](#))
57. Women and peace and security, 25 October 2023 ([S/PV.9452](#) and [S/PV.9452 \(Resumption 1\)](#))
58. The situation in Libya, 8 November ([S/PV.9469](#))
59. Threats to international peace and security, 8 November 2023 ([S/PV.9470](#))
60. Combating forced separation and illegal exploitation of children, 10 November 2023 (Arria-formula meeting)
61. Reports of the Secretary-General on the Sudan and South Sudan, 16 November 2023 ([S/PV.9480](#))
62. Threats to international peace and security, 17 November 2023 ([S/PV.9481](#))
63. Maintenance of international peace and security, 20 November 2023 ([S/PV.9482](#))

64. Maintenance of peace and security of Ukraine, 21 November 2023 ([S/PV.9483](#))
65. The situation in the Middle East, including the Palestinian question, 29 November 2023 ([S/PV.9489](#))
66. Threats to international peace and Security, Transnational organized crime, growing challenges and new threats, 7 December 2023 ([S/PV.9497](#) ([Resumption 1](#)))
67. The situation in the Middle East, including the Palestinian question, 8 December 2023 ([S/PV.9498](#))
68. International Residual Mechanism for Criminal Tribunals, 12 December 2023 ([S/PV.9502](#))

IV. Resolutions adopted

Resolution [2709 \(2023\)](#) on the situation in the Central African Republic, adopted on 15 November 2023:

Welcomes the recent adoption of the National Human Rights Policy and reiterates the urgent and imperative need to hold accountable all those responsible for violations of international humanitarian law and violations and abuses of human rights irrespective of their status or political affiliation, reiterates that some of those acts may amount to crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a State party, and recalls that committing acts of incitement to violence, in particular on an ethnic or religious basis, and then engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic could be a basis for sanctions designations pursuant to resolution [2693 \(2023\)](#); (para. 20)

Resolution [2717 \(2023\)](#) on the situation concerning the Democratic Republic of the Congo, adopted on 19 December 2023:

Urges the Government of the Democratic Republic of the Congo to hold accountable those responsible for violations of international humanitarian law or violations and abuses of human rights, as applicable, in particular those that may amount to genocide, war crimes and crimes against humanity, stresses both regional cooperation and the Democratic Republic of the Congo's cooperation with the International Criminal Court following the Democratic Republic of the Congo's referral of the situation in the Democratic Republic of the Congo in 2004, as well as cooperation with the African Court of Human and Peoples' Rights, and notes the referral of the Democratic Republic of the Congo authorities leading to the International Criminal Court Prosecutor's decision to conduct a preliminary examination to assess the information received regarding the alleged crimes under the Rome Statute committed in North Kivu, from 1st January 2022; (para. 5)

V. Conclusions adopted

Conclusions on children and armed conflict in Mali: Working Group on Children and Armed Conflict ([S/AC.51/2023/3](#), issued in November 2023):

“Noting that, on 13 July 2012, the transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court, to which Mali is a State party;” (para. 4 (f))

VI. Presidential statements

The Council did not adopt any presidential statements referring to the International Criminal Court.

VII. Excerpts from reports submitted or transmitted by the Secretary-General

Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020), 2585 (2021), 2642 (2022) and 2672 (2023) (S/2023/127, February 2023)

Perpetrators of serious violations and abuses of human rights and serious violations of international humanitarian law must be held accountable. I call upon all parties to the conflict, in particular the Government of the Syrian Arab Republic, as well as all States, civil society and the United Nations system, to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, in particular by providing relevant information and documentation. Accountability for serious violations and abuses of human rights and serious violations of international humanitarian law is central to achieving sustainable peace in the Syrian Arab Republic. I reiterate my call for the situation in the country to be referred to the International Criminal Court. (para. 85)

Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020), 2585 (2021), 2642 (2022) and 2672 (2023) (S/2023/284, April 2023)

Continued impunity for serious violations and abuses of human rights and violations of international humanitarian law remains of grave concern. Perpetrators of such violations and abuses must be held accountable. I call upon all parties to the conflict, in particular the Government of the Syrian Arab Republic, as well as all States, civil society and the United Nations system, to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, in particular by providing relevant information and documentation. Accountability for serious violations and abuses of human rights and international humanitarian law is central to achieving sustainable peace in the Syrian Arab Republic. I reiterate my call for the situation in the country to be referred to the International Criminal Court. (para. 84)

Protection of civilians in armed conflicts (S/2023/345, May 2023)

The International Criminal Court also faced its most active period. In April 2022, the Court began its first trial in relation to the situation in Darfur, which was also the first trial following a Security Council referral. Proceedings also

began or continued against individuals accused of international crimes in the Central African Republic and Mali. In March, the Prosecutor of the Court announced an investigation into the situation in Ukraine since 21 November 2013, based on State party referrals. (para. 71)

Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020), 2585 (2021), 2642 (2022) and 2672 (2023) (S/2023/464, June 2023)

Continued impunity for serious violations and abuses of human rights and violations of international humanitarian law remains of grave concern. Perpetrators of such violations and abuses must be held accountable. I call upon all parties to the conflict, in particular the Government of the Syrian Arab Republic, as well as all States, civil society and the United Nations system, to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, in particular by providing relevant information and documentation. Accountability for serious violations and abuses of human rights and international humanitarian law is central to achieving sustainable peace in the Syrian Arab Republic. I reiterate my call for the situation in the country to be referred to the International Criminal Court. (para. 69)

United Nations Support Mission in Libya (S/2023/589, August 2023)

On 11 May, the Prosecutor of the International Criminal Court gave a briefing to the Security Council on the Court's progress in prosecuting alleged crimes against humanity committed in Libya. The Prosecutor stated that four warrants had been issued by judges of the Court, while applications had been submitted for two additional warrants. (para. 59)

Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020), 2585 (2021), 2642 (2022) and 2672 (2023) S/2023/621, August 2023)

Continued impunity for serious violations and abuses of human rights and serious violations of international humanitarian law remains of grave concern. Perpetrators of such violations and abuses must be held accountable. I call upon all parties to the conflict, in particular the Government of the Syrian Arab Republic, as well as all States, civil society, and the United Nations system, to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, in particular by providing relevant information and documentation. Accountability for serious violations and abuses of human rights and international humanitarian law is central to achieving sustainable peace in the Syrian Arab Republic. I reiterate my call for the situation in the country to be referred to the International Criminal Court. (para. 80)

Implementation of Security Council resolution 2652 (2022) (S/2023/640, August 2023)

On 30 November 2022, the non-governmental organization European Center for Constitutional and Human Rights, together with Sea-Watch, filed a communication with the International Criminal Court against 24 individuals,

including 16 high-level decision makers from European Union member States, the European Commission, Frontex, the European External Action Service and the European Union Naval Force, concerning interceptions by Libyan actors of migrants and refugees at sea and their systematic return to and detention in Libya. Both organizations requested the International Criminal Court to investigate the individual criminal responsibility of officials of European Union member States and agencies. (para. 12)

Situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan (S/2023/644, August 2023)

Both the Sudanese Armed Forces and the Rapid Support Forces scaled up mobilization. On 27 June, Lieutenant General Al-Burhan called on Sudanese youth and all those who are capable of defending themselves to join the Sudanese Armed Forces. On 3 July, the Sudanese Armed Forces instructed military units to receive and equip the civilian fighters who had responded to that call. On the same day, leaders of seven Arab communities in Darfur declared their support for the Rapid Support Forces, citing the need to prevent the re-establishment of the former regime, and urged their community members in the Sudanese Armed Forces to defect to the Rapid Support Forces. The Rapid Support Forces called on other native administration leaders to follow suit. Rallies in support of the Sudanese Armed Forces were held in several areas of the Sudan. Former regime leaders, including Ahmed Haroun, for whom an arrest warrant has been issued by the International Criminal Court, supported mobilization activities by the Sudanese Armed Forces in Kassala and Gedaref in July. On 15 July, Lieutenant General Kabbashi expressed support for political dialogue and initiatives to stop the war, but other Sudanese Armed Forces leaders continued to oppose negotiations with the Rapid Support Forces. On 15 August, Malik Agar presented a road map for ending the war and called for the formation of a caretaker government. (para. 5)

Women and peace and security (S/2023/725, September 2023)

Noteworthy progress was made towards accountability for crimes of sexual violence and gender-based violence. A court in Germany delivered the third verdict of genocide against a member of Da'esh for the enslavement and abuse of Yazidi women in Iraq and the Syrian Arab Republic. The Special Criminal Court in the Central African Republic issued its first trial conviction, which included sexual violence as war crimes and crimes against humanity. In Guinea, the national trial of individuals responsible for the massacre and mass sexual violence of September 2009 opened. In Colombia, the Special Jurisdiction for Peace included gender persecution in indictments for the first time, and announced that it will open a case 11 on sexual violence, reproductive violence and other crimes committed out of prejudice, hate and discrimination on the basis of gender, sex, identity and diverse sexual orientation within the framework of the armed conflict. At the international level, the Appeals Chamber of the International Criminal Court confirmed Dominic Ongwen's sentence for 61 crimes against humanity and war crimes, including forced pregnancy and other gender-based crimes. Furthermore, the Office of the Prosecutor of the International Criminal Court adopted its policy on the crime of gender persecution. Finally, the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 adopted a comprehensive gender strategy and implementation plan. In a small but growing number of contexts, reparations programmes have also been established for victims and survivors of

violence, including conflict-related sexual violence. For example, during the reporting period, the Democratic Republic of the Congo and Mali adopted new laws and Iraq allocated \$19 million to a reparations fund for Yazidi survivors. In Kosovo, UN-Women continues to support four women's organizations that help survivors apply for reparations from the Commission to Recognize and Verify Survivors of Sexual Violence during the Kosovo War. Almost 2,000 survivors have submitted applications to date. (para. 63)

Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (S/2023/730, October 2023)

On 23 May, the Government of the Democratic Republic of the Congo submitted a referral under article 14 (1) of the Rome Statute to the International Criminal Court, requesting that the Court investigate alleged crimes committed in North Kivu Province from 1 January 2022 to date. On 15 June, the Prosecutor of the Court, Karim Khan, announced his intention to conduct a preliminary examination. (para. 25)

United Nations Interim Administration Mission in Kosovo (S/2023/735, October 2023)

Training for journalists was provided during the reporting period by the Specialist Chambers. This included two basic training courses conducted by Specialist Chambers spokespersons on 15 and 23 March in Pristina, as well as a two-day training course organized on 2 and 3 May 2023 in The Hague for 20 journalists from Kosovo. The latter was focused on neutral and objective trial reporting and was delivered by two international journalists with extensive experience in reporting on proceedings before the Specialist Chambers, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court. (Annex II, p. 2)

Situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan (S/2023/861, November 2023)

On 11 October, the Human Rights Council adopted resolution [54/2](#), establishing a fact-finding mission on the Sudan to collect evidence of crimes under international law for future criminal proceedings before the International Criminal Court and national courts. On 12 October, the Ministry of Foreign Affairs of the Sudan issued a statement rejecting the establishment of the mission and stating that steps taken by the Sudanese authorities to address impunity and accountability through a national investigation mechanism had not been taken into account. (para. 34)