

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6193rd 29 September 2009				2 Council members (Burkina Faso, France)	<a href="#">S/PRST/2009/25</a>
6209th 29 October 2009	Letter dated 7 October 2009 from the Chairman of the Security Council Committee established pursuant to resolution <a href="#">1572 (2004)</a> concerning Côte d'Ivoire ( <a href="#">S/2009/521</a> )	Draft resolution submitted by France ( <a href="#">S/2009/560</a> )	<b>Rule 37</b> Côte d'Ivoire	Côte d'Ivoire	Resolution <a href="#">1893 (2009)</a> 15-0-0
6234th 8 December 2009			<b>Rule 37</b> Côte d'Ivoire		<a href="#">S/PRST/2009/33</a>

### 13. Reports of the Secretary-General on the Sudan

#### Overview

During the period under review, the Security Council covered various aspects of the political and humanitarian situation in the Sudan, holding 37 meetings, with four in private, including two private meetings with troop-contributing countries.<sup>177</sup> The Council adopted six resolutions and five presidential statements. The Council focused on developments regarding the implementation of the Comprehensive Peace Agreement between the Sudan and the Sudan People's Liberation Movement/Army,<sup>178</sup> attacks on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), displacement and hostilities in the Darfur region, and the activities of two peacekeeping missions in the Sudan, UNAMID and the United Nations Mission in the Sudan (UNMIS). In addition, the Council heard several briefings by the Prosecutor of the International Criminal Court on the Court's activities

pertaining to the indictment of several high-ranking Sudanese officials, including President Omar Bashir, following the referral of the case by the Council in 2005. The Council also heard a briefing on the expulsion of several humanitarian non-governmental organizations from Darfur.

The Council extended the mandates of both UNAMID and UNMIS twice for periods of one year.<sup>179</sup> On two occasions, the Council extended, for periods of one year, the mandate of the Group of Experts set up to assist the Security Council Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan in monitoring implementation of sanctions.<sup>180</sup>

<sup>177</sup> 5934th and 6110th meetings, with the troop-contributing countries, held on 16 July 2008 and 23 April 2009, respectively; 6136th and 6252nd meetings, held on 5 June 2009 and 21 December 2009, respectively.

<sup>178</sup> S/2005/78, annex.

<sup>179</sup> The Council extended the mandate of UNAMID by resolutions 1828 (2008) and 1881 (2009). In both instances, the Peace and Security Council of the African Union had already extended the mandate of UNAMID for one-year periods on 21 July 2008 (see S/2008/481, annex) and 21 July 2009 (see S/2009/388, annex). The Council extended the mandate of UNMIS by resolutions 1812 (2008) and 1870 (2009).

<sup>180</sup> Resolutions 1841 (2008) and 1891 (2009).

**19 February 2008 to 30 April 2009:  
implementation of the Comprehensive  
Peace Agreement**

On 19 February 2008, the Special Representative of the Secretary-General briefed the Council on progress made on the implementation of the Comprehensive Peace Agreement, and on the return of the Sudan People's Liberation Movement (SPLM) to the Government of National Unity. He stated that the leadership of the National Congress Party (NCP) and SPLM had reiterated their commitment to implementing the Agreement and pledged never to return to conflict, though the level of mutual trust was still low and the foundation for a durable peace remained fragile.<sup>181</sup>

In a presidential statement dated 24 June 2008,<sup>182</sup> the Council, *inter alia*, welcomed the road map for the return of internally displaced persons and the implementation of the Abyei Protocol ("the road map") signed by NCP and SPLM on 8 June 2008. The Council emphasized that a peaceful resolution of the situation in Abyei was vital to the effective implementation of the Comprehensive Peace Agreement and peace in the region.

On 18 August 2008, in his briefing, the Special Representative of the Secretary-General for the Sudan and Head of UNMIS stressed that mutual implementation of the Agreement, though behind schedule, remained on track, although the parties had recently been involved in the most severe violations of the ceasefire in the past three years, most notably in Abyei. Turning to the overall implementation of the Agreement, he said that, while the level of mutual cooperation between the two partners had shown some signs of improvement, the foundation for a durable peace remained fragile.<sup>183</sup>

On 5 February 2009, the Special Representative of the Secretary-General reported that the Comprehensive Peace Agreement had reached a critical juncture, with little over two years of the interim period remaining. He stated that the implementation of outstanding provisions of the Agreement, which were mostly political in nature, would test the parties.<sup>184</sup>

On 30 April 2009, the Council adopted resolution 1870 (2009) by which it, *inter alia*, commended the work of UNMIS in support of the Agreement.

**11 January and 16 July 2008: presidential  
statements concerning attacks against UNAMID**

In a presidential statement dated 11 January 2008,<sup>185</sup> the Council condemned the attack of 7 January on a UNAMID convoy, welcomed the transition of authority from the African Union Mission in the Sudan to UNAMID, urged the Government and all armed groups to respect an immediate and complete ceasefire and demanded that all parties cooperate fully with the deployment of UNAMID.

In a statement by the President dated 16 July 2008,<sup>186</sup> the Council condemned in the strongest possible terms the premeditated and deliberate attack of 8 July on a UNAMID convoy, resulting in seven deaths, welcomed the statement by the Government of the Sudan that it would assist the United Nations investigation, underlined its determination to take action against those responsible, and underlined that attacks on United Nations peacekeepers could constitute war crimes under international law.

**5 June 2008 to 4 December 2009: briefings  
by the Prosecutor of the International  
Criminal Court**

On 5 June 2008, the Prosecutor of the International Criminal Court reported on his ongoing investigations regarding past and continuing crimes in Darfur, and recalled that the Pre-Trial Chamber of the Court had issued arrest warrants for two individuals in April 2007, including the then Minister of State for Humanitarian Affairs for Sudan. He reported that, while the Government of the Sudan had said it would prosecute perpetrators of crimes in Darfur, the Government itself had clarified that there currently were no investigations or prosecutions underway. The Prosecutor stated that the Government of the Sudan was not complying with resolution 1593 (2005) and noted that the Council had the power to ensure the cooperation of the Sudan. He warned that he intended to proceed to the judges of the Court in July 2008 and present his evidence on those most responsible for the

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<sup>181</sup> S/PV.5840, pp. 2-5.

<sup>182</sup> S/PRST/2008/24

<sup>183</sup> S/PV.5956, pp. 2-5

<sup>184</sup> S/PV.6079, p. 2.

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<sup>185</sup> S/PRST/2008/1.

<sup>186</sup> S/PRST/2008/27.

crimes his Office had been investigating.<sup>187</sup> In the ensuing discussion, Council members expressed concern about the situation in Darfur and reiterated their commitment to promoting peace in the Sudan, including the fight against impunity. Council members noted that striking the right balance between peace and justice should be among the priorities for further political progress in Darfur.

In a presidential statement dated 16 June 2008,<sup>188</sup> the Council took note of the efforts made by the Prosecutor to bring to justice the perpetrators of war crimes and crimes against humanity in Darfur, including the issuance of arrest warrants. The Council urged the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court, consistent with resolution 1593 (2005), in order to put an end to impunity for the crimes committed in Darfur.

On 31 July 2008, the Security Council adopted resolution 1828 (2008),<sup>189</sup> taking note of the communiqué issued by the Peace and Security Council of the African Union at its 142nd meeting, held on 21 July 2008,<sup>190</sup> having in mind concerns raised by members of the Peace and Security Council regarding potential developments subsequent to the application made by the Prosecutor of the International Criminal Court of 14 July 2008, and taking note of their intention to consider those matters further. The resolution was adopted by 14 votes to none, with one abstention (United States). Following the vote, the United States explained that it had abstained because language in the resolution would send the wrong signal to Sudanese President Omar Al-Bashir and undermine efforts to bring him and others to justice.<sup>191</sup> However,

the representatives of the Libyan Arab Jamahiriya, the Russian Federation and China regretted that the resolution did not request the Security Council to call on Court to defer its consideration of the Prosecutor's application, and noted that this position was held by groups of Member States making up two thirds of the United Nations, who believed that the application could seriously undermine efforts towards peace in the Sudan.<sup>192</sup> Echoed by the representative of Indonesia, the representative of the Libyan Arab Jamahiriya stated that he hoped that the Council would soon take the opportunity to further consider calling for the deferral.<sup>193</sup> The representative of Belgium refuted that approach, arguing that the Council should not react in advance to developments that could not yet be foreseen.<sup>194</sup> The representative of the United Kingdom stressed that the question of what action the Council might take in the light of the application of the Prosecutor remained open.<sup>195</sup> The representatives of Costa Rica and Croatia expressed the view that elements that had no direct bearing on the extension of UNAMID should not have been attached to the resolution.<sup>196</sup>

On 5 June 2009, the Prosecutor of the International Criminal Court informed Council members that on the basis of evidence collected, Pre-Trial Chamber I had issued an arrest warrant on 4 March 2009 for five counts of crimes against humanity, including extermination, rapes and killings, and two counts of war crimes against President Al-Bashir of the Sudan. He stressed that the Government of the Sudan now had the obligation to arrest him, as well as others against whom warrants were outstanding. Regarding the Court's complementarity, he reaffirmed that no national proceedings were ongoing in the Sudan in relation to the "massive" crimes under the Court's investigation and that he would continue to review new information on crimes. He emphasized that all States parties to the Rome Statute establishing the Court had a responsibility to arrest and surrender any indictee traveling in their territory, noting also that the Council

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<sup>187</sup> S/PV.5905, pp. 2-5.

<sup>188</sup> S/PRST/2008/21.

<sup>189</sup> The resolution also extended the mandate of UNAMID.

<sup>190</sup> Decision of the Peace and Security Council of the African Union (see S/2008/481, annex) in relation to the application made on 14 July 2008 by the Prosecutor of the International Criminal Court for a warrant of arrest against the President of the Sudan, expressing the Council's conviction that approval of the application by the Pre-Trial Chamber of the Court could seriously undermine the efforts to resolve the conflict in Darfur and promote peace and reconciliation in the Sudan, and requesting the Security Council, in accordance with the provisions of article 16 of the Rome Statute, to defer the process initiated by the Court.

<sup>191</sup> S/PV.5947, p. 8.

<sup>192</sup> *Ibid.*, p. 3 (Russian Federation); p. 6 (China); and p. 7 (Libyan Arab Jamahiriya).

<sup>193</sup> *Ibid.*, p. 7 (Libyan Arab Jamahiriya); and p. 9 (Indonesia).

<sup>194</sup> *Ibid.*, p. 10

<sup>195</sup> *Ibid.*, p. 3.

<sup>196</sup> *Ibid.*, p. 4.

in resolution [1593 \(2005\)](#) had also urged non-States parties to cooperate fully with the Court.<sup>197</sup>

On 4 December 2009, the Prosecutor informed members that the Government of the Sudan had failed to cooperate with the Court, and President Al-Bashir had refused to appear in Court or appoint a lawyer to represent him, while the crimes in Darfur continued. He said the full support of the Council was needed to end the current crimes.<sup>198</sup> In the deliberations that followed, Council members expressed concern at the ongoing situation in Darfur, stressed the need for a political solution and noted the complex and sensitive nature of the situation. Most members mentioned the need for the Sudan to comply with resolution [1593 \(2005\)](#), while the representative of the Libyan Arab Jamahiriya pointed out that the resolution was not binding because it did not compel, only urged, the Sudan to cooperate with the Court.<sup>199</sup> The representative of the Russian Federation called on the Prosecutor to carefully weigh his steps in his work on Darfur and to calibrate them with the challenges of achieving peace.<sup>200</sup> The representative of Burkina Faso, while implying no value judgment on the substance of the issue, nonetheless held that the issuance of the arrest warrant for President Al-Bashir could only further complicate the peace process and the efforts of the African Union and the Security Council.<sup>201</sup> In contrast, the representative of Costa Rica

regretted the inaction of the Council, which for 18 months had failed to achieve the necessary consensus to secure the implementation of its own decisions.<sup>202</sup>

### 20 March 2009: expulsion of humanitarian non-governmental organizations

On 20 March 2009, the Director of the Office for the Coordination of Humanitarian Affairs briefed Council members. He expressed concern over the situation of civilians in Darfur following the recent expulsion of several international aid agencies by the Government of the Sudan, and urged the authorities in that country to reverse the decision and respect existing agreements and national laws governing the operations of relief groups.<sup>203</sup> The representative of the Sudan pointed out that the expelled non-governmental organizations amounted to only 7 per cent of the 118 aid groups operating in the country and the Government had taken that action because the groups had transgressed every red line, prejudiced the sovereignty of the Government of the Sudan and abused the kindness of its people. He emphasized that the Government's legitimate, sovereign decision would not be reversed and was not up for discussion.<sup>204</sup> Noting that the humanitarian situation should not be confused with the political situation, several representatives called on the Sudan to reverse its decision.<sup>205</sup>

<sup>197</sup> S/PV.6135.

<sup>198</sup> S/PV.6230, pp. 3 and 5.

<sup>199</sup> *Ibid.*, p. 17.

<sup>200</sup> *Ibid.*, p. 9.

<sup>201</sup> *Ibid.*, p. 19.

<sup>202</sup> *Ibid.*, p. 13.

<sup>203</sup> S/PV.6096, pp. 2-3.

<sup>204</sup> *Ibid.*, p. 4.

<sup>205</sup> *Ibid.*, pp. 4-5 (United Kingdom); p. 5 (Mexico); pp. 6-7 (United States); pp. 7-8 (France); p. 11 (Uganda); p. 11 (Croatia); and p. 13 (Costa Rica).

### Meetings: reports of the Secretary-General on the Sudan

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5817th 9 January 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2007/759</a> )		<b>Rule 39</b> Under-Secretary-General for Peacekeeping Operations	Under-Secretary-General for Peacekeeping Operations	
5818th 11 January 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2007/759</a> )				<a href="#">S/PRST/2008/1</a>

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5832nd 8 February 2008			<b>Rule 39</b> United Nations Special Envoy for Darfur, Under- Secretary-General for Peacekeeping Operations, Permanent Observer of the African Union to the United Nations	All Council members and all invitees	
5840th 19 February 2008	Report of the Secretary-General on the Sudan ( <a href="#">S/2008/64</a> )		<b>Rule 39</b> Special Representative of the Secretary- General for the Sudan and Head of UNMIS	Special Representative of the Secretary- General for the Sudan and Head of UNMIS	
5849th 11 March 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2008/98</a> )		<b>Rule 39</b> Assistant Secretary-General for Peacekeeping Operations	Assistant Secretary- General for Peacekeeping Operations	
5872nd 22 April 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2008/196</a> ), report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2008/249</a> )		<b>Rule 39</b> Joint African Union-United Nations Special Representative for Darfur and head of UNAMID, Under- Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	All invitees	
5882nd 30 April 2008	Report of the Secretary-General on the Sudan ( <a href="#">S/2008/267</a> )	Draft resolution submitted by 7 States <sup>a</sup> ( <a href="#">S/2008/283</a> )			Resolution <a href="#">1812 (2008)</a> 15-0-0
5891st 13 May 2008			<b>Rule 37</b> Sudan		<a href="#">S/PRST/2008/15</a>

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5892nd 14 May 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/304)		<b>Rule 39</b> Under-Secretary-General for Peacekeeping Operations	Under-Secretary-General for Peacekeeping Operations	
5905th 5 June 2008			<b>Rule 39</b> Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
5912th 16 June 2008					<a href="#">S/PRST/2008/21</a>
5922nd 24 June 2008			<b>Rule 39</b> United Nations Special Envoy for Darfur, African Union Special Envoy for Darfur	United Nations Special Envoy for Darfur, African Union Special Envoy for Darfur, all Council members	
5923rd 24 June 2008					<a href="#">S/PRST/2008/24</a>
5935th 16 July 2008			<b>Rule 37</b> Rwanda, Uganda		<a href="#">S/PRST/2008/27</a>
5947th 31 July 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/443)	Draft resolution submitted by United Kingdom (S/2008/506)	<b>Rule 37</b> Sudan	13 Council members, <sup>b</sup> Sudan	Resolution <a href="#">1828 (2008)</a> 14-0-1 (United States)
5956th 18 August 2008	Report of the Secretary-General on the Sudan (S/2008/485)		<b>Rule 39</b> Special Representative of the Secretary-General for the Sudan	Special Representative of the Secretary-General for the Sudan	
5996th 15 October 2008		Draft resolution submitted by United States (S/2008/648)			Resolution <a href="#">1841 (2008)</a> 15-0-0

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6003rd 28 October 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2008/659</a> )		<b>Rule 37</b> Sudan  <b>Rule 39</b> Under-Secretary- General for Peacekeeping Operations, Under- Secretary-General for Field Support	All invitees and 1 Council member (United States)	
6010th 5 November 2008	Report of the Secretary-General on the Sudan ( <a href="#">S/2008/662</a> )		<b>Rule 39</b> Assistant Secretary-General for Peacekeeping Operations	Assistant Secretary- General for Peacekeeping Operations, 2 Council members (Costa Rica, Libyan Arab Jamahiriya)	
6028th 3 December 2008			<b>Rule 39</b> Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
6054th 19 December 2008	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2008/781</a> )		<b>Rule 37</b> Sudan  <b>Rule 39</b> Under-Secretary- General for Peacekeeping Operations, Under- Secretary-General for Field Support	All invitees	
6079th 5 February 2009	Report of the Secretary-General on the Sudan ( <a href="#">S/2009/61</a> )		<b>Rule 39</b> Special Representative of the Secretary- General for the Sudan	Special Representative of the Secretary- General for the Sudan	
6096th 20 March 2009			<b>Rule 37</b> Czech Republic (on behalf of the European Union), Sudan	All Council members and all invitees	

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			<b>Rule 39</b> Director of the Office for the Coordination of Humanitarian Affairs		
6112nd 27 April 2009	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2009/201</a> )		<b>Rule 39</b> Joint African Union-United Nations Special Representative for Darfur	Joint African Union-United Nations Special Representative for Darfur	
6116th 30 April 2009	Report of the Secretary-General on the Sudan ( <a href="#">S/2009/211</a> )	Draft resolution submitted by United States ( <a href="#">S/2009/225</a> )		5 Council members (Costa Rica, France, Japan, United Kingdom, United States)	Resolution <a href="#">1870 (2009)</a> 15-0-0
6135th 5 June 2009			<b>Rule 39</b> Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court	
6139th 11 June 2009			<b>Rule 39</b> Under-Secretary- General for Humanitarian Affairs and Emergency Relief Coordinator	Under-Secretary- General for Humanitarian Affairs Emergency Relief Coordinator	
6170th 24 July 2009	Report of the Secretary-General on the deployment of UNAMID ( <a href="#">S/2009/297</a> ), report of the Secretary- General on the deployment of UNAMID ( <a href="#">S/2009/352</a> )		<b>Rule 37</b> Sudan, Sweden (on behalf of the European Union)  <b>Rule 39</b> Under-Secretary- General for Peacekeeping Operations	All Council members and all invitees	



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6175th 30 July 2009	Report of the Secretary-General on the deployment of UNAMID (S/2009/297), report of the Secretary-General on the deployment of UNAMID (S/2009/352)	Draft resolution submitted by United Kingdom (S/2009/392)			Resolution 1881 (2009) 15-0-0
6199th 13 October 2009		Draft resolution submitted by United States (S/2009/528)			Resolution 1891 (2009) 15-0-0
6227th 30 November 2009	Report of the Secretary-General on UNAMID (S/2009/592)		<b>Rule 37</b> Sudan  <b>Rule 39</b> Assistant Secretary-General for Peacekeeping Operations, Joint African Union-United Nations Chief Mediator for Darfur	All invitees	
6230th 4 December 2009			<b>Rule 39</b> Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
6251st 21 December 2009	Letter dated 17 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/599)		<b>Rule 39</b> Chairperson of the African Union Commission, Chairperson of the African Union High-Level Panel on Darfur	Secretary-General, all invitees	

<sup>a</sup> Belgium, Costa Rica, Croatia, France, Italy, United Kingdom and United States.

<sup>b</sup> Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Russian Federation, United Kingdom, United States and Viet Nam.