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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Vittorio Agnoletto

on behalf of the GUE/NGL Group

on SUDAN and ICC

European Parliament resolution on SUDAN and ICC

The European Parliament,

- having regard to the Rome Statute of the International Criminal Court and its entry into force on 1 July 2002,

- having regard to Rule 115(5) of its Rules of Procedure,

A. noting that this year marks the 10th anniversary of the Rome Statute that was adopted in Rome in 1998 and recognising the important advances that the Court has made since the entry of force of the Statute in 2002,

B. recalling that following the first ever referral by the United Nations Security Council to the court of the situation in Darfur on 31 March 2005, the ICC Office of the Prosecutor decided that the situation in Darfur satisfied the ICC requirements to open an investigation, which he did on 5 June 2005,

C. stressing that the government of Sudan, as a member of the United Nations, is obliged to cooperate with the ICC by virtue of UNSC Resolution 1593,

D. recalling that, on 27 April, 2007, the Pre-Trial Chamber I of the ICC issued warrants of arrest against Ahmad Muhammad Harun, former Minister of State for the Interior of the Sudan and Ali Muhammad Ali Abd Al Rahman, otherwise known as Ali Kushayb—a Janjaweed/militia leader— and that they are both charged with 51 counts of war crimes and crimes against humanity, including murder, torture and inhumane treatment, rape and sexual violence and pillaging,

E. deeply dismayed by the fact that, since the issuance of the arrest warrants, the government of Sudan has repeatedly refused to cooperate with the International Criminal Court and has indeed multiplied acts of defiance towards the Court and the international community,

F. recalling that, in spite of the ICC arrest warrants, Ahmad Harun remains sitting Minister of State for Humanitarian Affairs and in charge of protecting the very persons he has allegedly victimized,

G. whereas in June 2007 and again in December 2007 the Office of the Prosecutor has reported to the UN security Council the failure and unwillingness of the Sudanese Government to cooperate with the Court and has noted that no steps were taken to arrest and surrender Ahmad Harun and Ali Kushayb,

H. noting with deep concern that, according to the Prosecutor's report to the Security Council, Ahmad Harun continues to be part of the system enabling current crimes committed in Darfur,

I. noting that the EU Council adopted conclusions in December 2007 and January 2008 condemning Sudan's failure to cooperate with the ICC and that in a Presidency declaration of 31

May 2008, the EU pledged to take “appropriate further measures against those who bear responsibility for Sudan’s failure to cooperate with the ICC”,

J. welcoming the fact that the ICC Prosecutor has announced that he is continuing his investigations in Darfur; Noting that on 5 June 2008, the ICC Chief Prosecutor, Luis Moreno Ocampo, will report for the seventh time to the UNSC on the progress of its investigations in Darfur and on the cooperation received from Sudanese authorities,

K. determined to support the ICC at this crucial juncture of its work and fully convinced that ending impunity for the planners and perpetrators of horrific crimes committed in Darfur is an essential component of the solution to the conflict in Darfur,

1. Condemns Sudan’s persistent failure to cooperate with the ICC and to arrest and hand over Ahmad Harun and Ali Kushayb to the ICC, in violation of UNSC resolution 1593;

2. Urges the authorities in Khartoum to arrest the two ICC suspects with no further delay, as to immediately break the cycle of impunity in Darfur and to cooperate with future ICC investigations in Darfur;

3. Urges EU Member States and EU candidate countries with a seat at the UN Security Council, namely Belgium, France, Italy, the United Kingdom and Croatia to take a principled stance during the Prosecutor’s briefing on 5 June, in compliance with the EU Common Position on the ICC, and to adequately respond to the Prosecutor’s findings by supporting the adoption of a resolution or a presidential statement calling on Sudan to immediately comply with UNSC resolution 1593 and with the Court’s requests;

4. Urges the EU Special Representative for Darfur, in keeping with his mandate and with the EU Common Position on the ICC, to take a proactive role and use all available opportunities to raise with Sudanese interlocutors and other partners the need to immediately arrest and surrender Ahmad Harun and Ali Kushayb, to cooperate with the ICC and calls on him to regularly report to other EU institutions on developments in that regard;

5. Calls on the Council and the Commission to keep the European Parliament regularly informed of their current and future efforts to press the Government of Sudan to cooperate with the ICC and commits to remain seized of the matter and use all available opportunities to raise the issue with both Sudanese officials and other partners;

6. Welcomes and supports the “Justice for Darfur” campaign, launched by a large group of Non-Governmental Organisations (including, among others, Amnesty International, the Cairo Institute for Human Rights Studies, the Coalition for the International Criminal Court, Parliamentarians for Global Action, Human Rights Watch, the FIDH, the Sudan Organization Against Torture), aimed at pressing Khartoum to comply with the Court’s arrest warrants and to press Sudan to cooperate with the ICC;

7. Instructs its President to forward this resolution to the Commission and the Council, notably to the EU Special Representative for Darfur, to the governments of Sudan, of the EU Member States and of the Members of the UN Security Council, to the African Union institutions, to the Arab League institutions, and to the Prosecutor of the International Criminal Court.