

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

20.5.2008

B6-0256/2008

## 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 Jürgen Schröder, Laima Liucija Andrikienė, Colm Burke, Filip Kaczmarek, José Ignacio Salafranca Sánchez-Neyra, Bernd Posselt, Eija-Riitta Korhola, Tunne Kelam

on behalf of the PPE-DE Group

on Sudan and the International Criminal Court

**European Parliament resolution on Sudan and the International Criminal Court**

*The European Parliament,*

- having regard to the Council Conclusions on Sudan/Darfur of December 2007 and January 2008,
- having regard to the Declaration by the Presidency on behalf of the European Union on the anniversary of the referral in the situation of Darfur/ Sudan to the ICC, adopted on 31 March 2008,
- having regard to the awarding of the 2007 Sakharov Prize to Salih Mahmoud Osman, a Sudanese human rights lawyer working in the Darfur region of Sudan, for his work in trying to bring justice to the victims of civil war in Darfur;
- having regard to the its previous resolutions on the situation in Sudan/Darfur, expressing in particular its continuous support for the ICC,
- having regard to the Slovenian Presidency declaration on behalf of the EU of 14 May 2008 on the recent upsurge of violence in Sudan,
- having regard to the non-aggression agreement signed on 13 March 2008 in Dakar between the Head of States of Chad and Sudan,
- having regard to Rule 115(5) of its Rules of Procedure,

A. 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,

B. stressing that the government of Sudan, as a member of the United Nations, is obliged to cooperate with the ICC by virtue of resolution 1593, which the Security Council adopted under its Chapter 7 powers,

C. 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,

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

E. 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,

F. 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",

G. welcoming the fact that the ICC Prosecutor has announced that he is continuing his investigations in Darfur,

H. 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,

I. 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,

J. whereas the conflict in Sudan has resulted in some 300 000 victims (recent UN estimates) and 2.5 million internally displaced persons (IDPs) and refugees to date, and whereas insecurity in the Darfur region is on the rise,

K. whereas on 10 to 11 May, Justice and Equality Movement (JEM) rebels staged an attack on Omdurman, next to Khartoum, resulting in at least 200 victims,

L. whereas the Government of Sudan accuses the Government of Chad of supporting the rebel attack - which the latter strongly denies - and cut off its diplomatic relations with Chad, with the Government of Chad following suit within 24 hours,

M. whereas on 4 May, Sudanese army airplanes bombarded civilian targets in North Darfur, resulting in 12 civilian fatalities,

N. whereas recent UN and African Union (AU) efforts to open new peace talks between the Government of Sudan and the Darfur rebel groups have failed,

O. whereas the African Union/United Nations Hybrid operation in Darfur (UNAMID) in Darfur still only has some 7,500 troops and less than 2,000 police on the ground, out of the 26,000 that have been authorized,

1. Strongly condemns the persistent failure of the Government of Sudan 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 and in blatant disrespect of the hundred thousands of victims and their families and of the millions of people who have been forced to leave their homes since the beginning of the conflict;

2. Urges the authorities in Khartoum to arrest and surrender 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. Calls on all other States represented at the UN Security Council to also support any cooperation request put forward by the ICC Prosecutor on behalf of the Court and in particular calls on China, Russia, South Africa and Libya to follow through their own words under Security Council resolution 1593 and not to obstruct Security Council's action on 5 June;
5. Urges the General Affairs and External Relations Council of 16 and 17 June and the European Council of 19 and 20 June to discuss the report of the Prosecutor and move to action and adopt targeted EU punitive measures against a clearly identified group of Sudanese officials who bear responsibility for Sudan's non cooperation with the Court, including (i) Freezing and seizing of assets of individuals identified as those impeding cooperation with the ICC, (ii) Measures denying access to EU banks for any financial transaction and payment made by or on behalf of these individuals, (iii) Measures impeding business and other economic or trade relations between these individuals or any legal entity or corporation controlled by these individuals and European companies, (iv) Travel bans;
6. 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;
7. Calls on the African Union and the Arab League to actively engage in Darfur by pushing the Government of Sudan to cooperate with the Office the Prosecutor with the current and future investigations and calls on the EU presidency to include Sudan's cooperation with the ICC on the agenda of political dialogues and summits with key partners, such as China, the United States, the African Union or the Arab League;
8. Stresses once again that there cannot be durable peace without justice for grave crimes; calls on EU observers to the peace talks to underscore the importance of ending impunity for building sustained respect for the rule of law and human rights in Sudan;
9. 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;

10. 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;
11. Condemns the JEM rebel attacks on Omdurman on 11-12 May as well as the 4 May aerial bombing in North Darfur, killing 12 people, wounding another 30 and destroying a school, a water installation and a market;
12. Is concerned at reports of mass arrests in Khartoum following the rebel attack; Reminds the Government of Sudan of its obligations under the African Charter on Human and Peoples' Rights, according to which, inter alia, no one may be arbitrarily arrested or detained, and every individual has the right to defence and to be tried within a reasonable time;
13. Calls on all parties to the conflict to put an immediate end to violence, to refrain from retaliatory action, in particular on civilians, to respect and uphold their obligations under international humanitarian law and to commit to finding a peaceful resolution to the Darfur conflict;
14. Calls on the governments of Sudan and Chad to uphold their non-aggression commitments under the Dakar Accord of 13 March and to commit to putting an end to the activities of armed groups and in particular their attempts to seize power by force;
15. Expresses deep concern over the serious shortfalls in UNAMID resources and calls on African Union Member States and the international community to increase their contributions so as to allow for the urgent deployment of further troops and equipment to Darfur;
16. 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 and Chad, 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.