



Plenary sitting

B8-1062/2016

4.10.2016

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on Sudan
(2016/2911(RSP))

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on behalf of the EFDD Group

B8-1062/2016

**European Parliament resolution on Sudan
(2016/2911(RSP))**

The European Parliament,

- having regard to its previous resolutions on Sudan;
- having regard to the Statement by the Spokesperson on Sudan's internal conflicts of April 2016;
- having regard to the International Covenant on Civil and Political Rights;
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the Cotonou Agreement;
- having regard to Sudan's national human rights plan adopted in 2013, based on the principles of universality and equality of all people;
- having regard to the Treaty of Rome and to the Statute of the International Criminal Court;
- Having regard to the two warrants for the arrest of Omar Al-Bashir issued by Pre-Trial Chamber I, the first on 4 March 2009 for a number of war crimes and crimes against humanity³ and the second on 12 July 2010 for the crime of genocide;
- Having regard to the two Decisions of the International Criminal Court of 11 July 2016, on the non-compliance by the Republic of Djibouti with the request to arrest and surrender Omar Al-Bashir to the Court; and on the non-compliance by the Republic of Uganda with the request to arrest and surrender of President Omar Al-Bashir to the Court;
- Having regard to the Human rights watch report of 2016;
- Having regard to the announcement of Mr Mimica, Commissioner for Development EU about the €100 million development package for Sudan agreed by the EU to address root causes of irregular migration and forced displacement;
- Having regard to the declaration of 31 August 2016 by Mr Mohamed Hamdan Daglo/Hemetti, commander of the Rapid Support Forces, a paramilitary agency comprised mostly of former Janjawid militias who have been integrated into the National Intelligence Security Services (NISS);
- having regard to the EU Delegation press release of 6 September 2016 regarding the EU cooperation on migration with Sudan;

- Having regard to the report of Amnesty of 29 September 2016 which revealed and gave sound horrific evidence of the use of chemical weapons to kill and maim hundreds of civilians including children in Darfur;
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas an Amnesty International investigation has gathered horrific evidence of the repeated use of what are believed to be chemical weapons against civilians, including very young children, by Sudanese government forces in one of the most remote regions of Darfur over the past eight months.
- B. whereas based on satellite imagery and more than 200 in-depth interviews with survivors and expert analysis of dozens of appalling images showing babies and young children with terrible injuries, the investigation indicates that at least 30 likely chemical attacks have taken place in the Jebel Marra area of Darfur since January 2016, the last one on 9 September 2016
- C. whereas the International Criminal Court issued in 2009 and 2010 two warrants of arrest for Omar Al Bashir President of Sudan, listing ten counts on the basis of his individual criminal responsibility under article 25(3)(a) of the Rome Statute as an indirect (co)perpetrator including:
- a. Five counts of crimes against humanity: murder, extermination, forcible transfer, torture and rape;
 - b. Two counts of war crimes: intentionally directing attacks against a civilian population as such or against individual civilians not taking part in hostilities and pillaging; and
 - c. Three counts of genocide: genocide by killing, genocide by causing serious bodily or mental harm and genocide by deliberately inflicting on each target group conditions of life calculated to bring about the group's physical destruction;
- D. whereas President Bashir travelled to Kampala and Djibouti last May 2016 to attend the swearing in ceremonies of Ugandan President Yoweri Museveni and in Djibouti, of President Ismail Omar Guelleh;
- E. Whereas Uganda and Djibouti failed to comply to the Treaty of Rome obligation, as they refused to execute the ICC requests for arrest and surrender of Omar Al-Bashir to the Court, thereby preventing the Court from exercising its functions and powers under the Statute of the ICC;
- F. whereas both Uganda and Djibouti are members of the Treaty of Rome and are obliged to execute the court's arrest warrants, to detain Bashir and hand him over for trial in The Hague.
- G. whereas Uganda and Djibouti have based their refusal to comply with the ICC arrest warrants on the decision of the African Union Assembly of Heads of State and Government to not cooperate with the Court's request for arrest and surrender of

Omar Al-Bashir to the Court because of his immunity as Head of State;

- H. Where the International Criminal Court stated several times that under the Statute of ICC, and by virtue of paragraph 2 of the UN Security Council Resolution 1593(2005) the Security Council implicitly waived the immunities granted to Omar Al Bashir under international law and attached to his position as a Head of State.
- I. Whereas since the first arrest warrant in 2009 violence continues in Sudan, humanitarian needs are great and economic distress grows;
- J. Whereas last 31 August 2016 the Commander of the RSF(Rapid Support Forces (RSF) declared that his forces were patrolling Sudan's border with Egypt and Libya, and in so doing affirmed that Sudan was fighting illegal migration on behalf of Europe; whereas the EU Delegation in Sudan last 6 September 2016 denied this support;
- K. Whereas according to the EU Delegation the Cooperation in Sudan focuses on projects to tackle the root causes of migration and these projects contribute to improving livelihoods, stimulating youth employment, and supporting basic services for refugees, the displaced, and host communities, to build capacity to prevent trafficking and smuggling of human beings, to enhance international protection of victims of criminal networks, to raise awareness about the perils of irregular migration, and to increase opportunities for labour migration.
- 1) Is shocked by the attacks against civilians who were by Sudanese government forces using chemical weapons in one of the most remote regions of Darfur over the past eight months;
 - 2) Calls on the Sudanese Government and military authorities to cease all attacks against civilians and properties.
 - 3) Calls on the Sudanese Government to immediately set all humanitarian actors free and give unlimited access to all areas inside Jebel Marra and to all Internally displaced People (IDP) camps in towns outside of Jebel Marra, including specialised medical care for the treatment of serious injuries sustained during the recent violence, allowing UNAMID to establish operating bases in all of Jebel Marra;
 - 4) Calls on the Sudanese Government to end and suppress all violations of international human rights and humanitarian law being committed by members of the armed forces and allied militias in Jebel Marra and any other region of the Country;
 - 5) Calls on the Sudanese Government to stop immediately using producing chemical weapons and to destroy both chemical weapons production facilities and the weapons themselves.
 - 6) Calls on the responsible domestic and international authorities to conduct a prompt, effective and impartial investigation into the allegations of serious violations of international humanitarian law and other serious violations and abuses of international human rights law;

- 7) Calls to the African Union/United Nations Hybrid Operation In Darfur (UNAMID) to establish a permanent presence inside Jebel Marra, including a permanent base inside the town of Golo and proactive patrols throughout the region; calls on UNAMID to investigate without delay and publicly report on allegations of violations of Human rights and international Law by members of Sudanese government forces and opposition forces in Jebel Marra;
- 8) Calls on the UN Security Council and the African Union Peace and Security Council to allow to provide humanitarian assistance and to undertake measures to enforce the current UN arms embargo on Darfur, expanding the arms embargo on Darfur to cover the whole of Sudan, and thus help to prevent further violations of international humanitarian and human rights law in Darfur and elsewhere in the country.
- 9) Request that the Executive Council of the Organization for the Prohibition of Chemical Weapons obtain clarifications from the government of Sudan about its alleged use of chemical weapons in Jebel Marra in accordance with Article IX of the Chemical Weapons Convention; asking for an on-site challenge inspection in accordance with Article IX of the Chemical Weapons Convention.
- 10) Calls on UN to immediately conduct an assessment mission to verify the needs of the civilian population living in Jebel Marra and those displaced by attacks in Jebel Marra in 2016; to take steps to ensure that survivors of attacks in Jebel Marra, including those who are currently beyond the purview of humanitarian actors, have access to adequate humanitarian assistance, including clinical care for serious injuries sustained during the recent violence and comprehensive health services for survivors of sexual violence.
- 11) Calls on the Sudan Liberation Army – Abdul Wahid to re-establish humanitarian co-ordinators, develop a strategy to encourage humanitarian agencies back into SLW/AW-controlled areas inside Jebel Marra, facilitate the unimpeded access of humanitarian actors to the civilian population living in SLA/AW-controlled areas; to ensure that at no point do SLA/AW operations compromise the civilian character of villages inside SLA/AW-controlled or contested territory.
- 12) Reminds the Sudanese authorities of their national and international obligations to respect human rights;
- 13) Calls on the African Union to respect the International Law; calls on African Union Member States, and in particular those countries that have hosted President Bashir for international events or inaugurations of Heads of States, Congo RDC, South Africa, Uganda and, Djibouti, to comply with the Treaty of Rome and the decisions of the International Criminal Courts;
- 14) Calls on the Government of Sudan to ensure that the judiciary power in Sudan is independent and helps in protecting fundamental human rights and freedoms and ensures the protection of every individual's human rights, particularly with regard to discrimination against women, children and disadvantaged people;

- 15) Calls on the EEAS to clarify that the RSF (Rapid Support Forces (RSF) patrolling Sudan's border with Egypt and Libya, are not fighting illegal migration on behalf of the UE and to publish as soon as possible details of funds committed and engaged in favour of Sudan;
- 16) Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the European Union the governments and parliaments of the Member States, the Governments of the Republic of Sudan, of Uganda, of Djibouti, the European External Action Service the African Union, the Secretary-General of the United Nations, the EU-ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament.