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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 Pasqualina Napoletano, Ana Maria Gomes, Alain Hutchinson

on behalf of the PSE Group

on the expulsion of international aid agencies in Darfur, Sudan

European Parliament resolution on the expulsion of international aid agencies in Darfur, Sudan

The European Parliament,

having regard to its previous resolutions on Sudan,

- having regard to the Rome Statute of the International Criminal Court (ICC) and its entry into force on 1 July 2002,
 - having regard to the adoption of United Nations (UN) Security Council Resolution 1593 on 31 March 2005,
 - having regard to the Declaration by the Presidency on behalf of the European Union following the ICC decision concerning the arrest warrant for Sudan's President Omar Hassan Al- Bashir on 6 March 2009,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the ICC Pre-Trial Chamber issued an arrest warrant against Sudan's President Omar Hassan Al- Bashir in connection with alleged crimes against humanity and war crimes in Darfur,
- B. whereas, as a reaction to the decision of the ICC, the Sudanese government decided to expel 13 leading non-governmental organisations from Sudan's conflict-ridden province of Darfur; whereas this decision, if not revoked, could have catastrophic consequences, as it will be impossible to administer humanitarian aid to millions of civilians in Darfur without their assistance,
- C. whereas aid operations in Darfur are the largest humanitarian emergency in the world; whereas the United Nations reports up to 4.7 million people, including 2.7 million internally displaced persons are in need of assistance,
- D. whereas the expulsion of the aid agencies could lead to increased mortality and morbidity due to the interruption of health services; whereas the consequences of the expulsion can include declining immunization coverage and increasing mortality among children if they do not have access to therapeutic feeding and nutrition services,
- E. whereas outbreaks of infectious diseases, such as diarrhoea and respiratory infections are possible, if the NGOs no longer are available to monitor the emergence of disease,
- F. whereas the hundreds of thousands of men, women and children have been beaten, killed, raped, displaced or otherwise victimised in the conflict in Darfur since 2003,

- G. whereas the UN ‘Responsibility to Protect’ doctrine provides that where national authorities manifestly fail to protect their populations, others have a responsibility to provide the protection needed,
- H. whereas the UN Security Council referred the situation in Darfur to the ICC in March 2005, after which an investigation was launched,
- I. whereas Sudan has signed the Rome Statute, which created the ICC in 2002, but has not ratified it,
- J. whereas the Government of Sudan, as a member of the United Nations, is obliged to cooperate with the ICC by virtue of Resolution 1593 (2005), which the Security Council adopted under its Chapter 7 powers,
- K. 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 its acts of defiance towards the ICC and the international community,
1. Welcomes the decision of the International Criminal Court's Pre-Trial Chamber to issue an arrest warrant against Sudan's President Omar Hassan Al- Bashir in connection with alleged crimes against humanity and war crimes in Darfur;
 2. Reiterates its full support and respect for the International Criminal Court and its key role in the promotion of international justice;
 3. Finds the decision of the Sudanese government to expel the aid agencies the conflict-ridden province of Darfur totally unacceptable; demands that the government of Sudan immediately rescinds this decision and readmits the expelled aid agencies into Darfur;
 4. Calls on the U.N. Human Rights Office and ICC to examine whether Sudan's decision to expel aid groups violates basic human rights and could constitute a war crime;
 5. Calls on the ICC prosecutor to make it clear that if there is violence against peacekeepers, humanitarian agencies or the camps in Darfur, the ICC will investigate those responsible, and they will risk joining Al-Bashir as indicted war criminals;
 6. Insists that Sudan cooperates with the ICC it as required by the UN Security Council, including the 2005 resolution referring the situation in Darfur to the ICC for investigation and prosecution;
 7. Calls on the Council and Commission to step up diplomatic efforts with the African Union and the Arab League to convince the Sudanese government to rescind its decision to expel the aid agencies from Darfur, and, in general, to call on the regime to exercise restraint and not impose a state of emergency;
 8. Calls on China, the African Union and the Arab League, who have already indicated that they will be pushing for a deferral of the prosecution of Al-Bashir by the UN Security Council, to do more than simply echo Khartoum’s demands; in particular,

urges them to use their close relationships to the regime, and its increased dependence on their support following an indictment, to press for the changes of the repressive and murderous policies pursued by the regime and the end of the ongoing crimes against the civilian population in Darfur;

9. Instructs its President to forward this resolution to the Council, the Commission, the EU Special Representative for Sudan, the Government of Sudan, the governments of the Member States and the members of the UN Security Council, the African Union institutions, the Arab League institutions and the Prosecutor of the ICC.