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*Plenary sitting*

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**B8-1071/2016**

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))

**Judith Sargentini, Maria Heubuch, Heidi Hautala, Jordi Sebastià, Alyn Smith, Bart Staes, Michèle Rivasi, Barbara Lochbihler, Ernest Urtasun, Bodil Valero, Igor Šoltes, Davor Škrlec, Bronis Ropė, Josep-Maria Terricabras**  
on behalf of the Verts/ALE Group

**B8-1071/2016**

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

*The European Parliament,*

- having regard to its previous resolutions on Sudan,
  - having regard to the International Covenant on Civil and Political Rights,
  - having regard to the Universal declaration on Human Rights,
  - having regard to the African Charter on Human and Peoples' Rights,
  - having regard to the outcome document of the Universal Periodic Review (UPR) of Sudan of 21 September 2016 by the UN Human Rights Council,
  - having regard to the Report of 4 August 2016 by the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on his mission to the Sudan,
  - having regard to the Report of 28 July 2016 by the UN Human Rights' Council Independent Expert on the situation of human rights in the Sudan,
  - having regard to the Cotonou agreement,
  - having regard to the Chemical Weapons Convention,
  - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas the Sudanese army has conducted since January 2016 offensive operations against rebels in the Darfur and South Kordofan regions,
- B. Whereas Amnesty International has accused the army of resorting to internationally banned chemical weapons in Darfour, claiming more than 200 casualties,
- C. Whereas, in line with war crimes during previous years, Sudanese forces have continued their use of excessive force against civilians in Darfour and South Kordofan by resorting to aerial bombardments and by destroying numerous villages,
- D. Whereas according to UNHCR, Sudan reported an increase of internally displaced persons (IDPs) as a result of internal conflicts and insecurity to some 3.2 million in 2015, compared to 2.1 million the previous year,

- E. Whereas between December 2015 and March 2016 alone, UN OCHA reported that 129,000 people had been internally displaced as a result of aerial bombardments and conflict in the Jebel Marra area in Darfur,
- F. Whereas two arrest warrants for President al-Bashir were issued in 2009 and 2010 by the International Criminal Court (ICC), accusing him of responsibility for war crimes, crimes against humanity and acts of genocide, and whereas, although Sudan is not a state party to the Rome Statute, UN Security Council Resolution 1593 (2005) requires it to cooperate with the ICC, and Sudan must therefore comply with the ICC arrest warrant,
- G. Whereas despite this warrant, President Bashir has been travelling unchallenged to several African countries,
- H. Whereas in June 2008, EU Foreign Ministers (GAERC) concluded ‘that Council stands ready to consider measures against individuals responsible for not-cooperating with the ICC’,
- I. Recalls the June 2008 GAERC conclusions addressing the continued failure of the Government of Sudan to cooperate with the International Criminal Court (ICC) and pointing out that the Government of Sudan has an obligation, and the capacity, to cooperate and that any arrest warrant issued by the ICC should be respected; urges Omar al-Bashir to comply with international law and to appear before the ICC for war crimes, crimes against humanity and genocide;
- J. Whereas talks between the Sudanese government and rebels in August in Addis Ababa failed to reach an agreement on a ceasefire in Darfur and two other Sudanese states, Blue Nile and South Kordofan,
- K. Whereas Sudanese authorities have a record of crackdown on civil society, with increasing arbitrary detention of students, activists and journalists in recent months,
- L. Whereas on 10 January 2016, at least seven people, including one child, were killed when security forces opened live ammunition at a crowd of protestors outside the West Darfur state governor’s office; whereas the following day, three people were killed and seven others sustained gunshot wounds when security forces again fired live ammunition at the funeral for the deceased,
- M. Whereas in mid-April 2016, government security forces clamped down on student demonstrations against the sale of Khartoum University buildings, as well as earlier

detention of protesters and a range of other issues at other campuses across Sudan, resulting in the killing of at least 9 people,

- N. Whereas Sudanese authorities have stifled reporting on the protests and restricted media freedoms; whereas editions of Al Jazeera, a daily newspaper, have been confiscated five times, most likely because of its reporting on the demonstrations,
- O. Whereas on 22 May, civil society activists from Tracks for Training and Development (TRACKs) were arrested by the National Intelligence and Security Services (NISS) and detained without charge; whereas the NISS had previously undertaken two raids on their offices; whereas TRACK activists Khalfallah Al-Afif Mukhtar, Midhat Afifi and Mustafa Adam are currently being tried with charges of undermining the constitutional system, waging war against the state, espionage and establishing and managing criminal and terrorist organisations, all of which are capital crimes;
- P. Whereas religious minorities face continued repression by Sudanese authorities and two Christian pastors, Kowa Shamal and Hassan Ibrahim, along with Abdel-Moniem Abdel-Mawla and a Czech missionary, Petr Jasek who is in detention since December 2015, are all being tried and face the death penalty,
- Q. Whereas the Sudanese security forces are benefitting from legal immunity, resulting in widespread impunity for their acts, such as the killings of more than 200 people during protests in 2013,
- R. Whereas the African Charter on Human and Peoples' Rights, ratified by the Republic of Sudan, includes the right to life and the prohibition of torture and cruel, inhuman or degrading punishment and treatment, but whereas the death penalty, flogging, amputation and other corporal punishments are still being carried out in the country for a number of criminal sentences,
- S. Whereas Sudan has signed but not ratified the 2005 revised version of the Cotonou agreement,
- T. Whereas the non-ratification was essentially motivated by the fact that the 2005 revised version of the Cotonou agreement contains clauses about cooperation with the International Criminal Court,
- U. Whereas the Republic of Sudan is therefore bound by the human rights clause of the Cotonou Agreement and the International Covenant on Civil and Political Rights,

- V. Whereas under Sudan's 2010 National Security Act, the National Intelligence and Security Services (NISS) is allowed to detain suspects for up to four and a half months without any form of judicial review,
- W. Whereas the EU has reengaged with Sudan in the framework of the EU-Horn of Africa migration route initiative, the so-called Khartoum process,
- X. Whereas the EU is currently implementing a project on “better migration management” with Sudan,
- Y. Whereas this project foresees among others “capacity-building support, notably through training, technical assistance and provision of relevant equipment, for judiciary and border management authorities to better address migration and border management”,
- Z. Whereas the field commander of the paramilitary Rapid Support Forces (RSF) - a force considered to be responsible for massive violations of human rights, including war crimes - Maj. Gen. Mohamed Hamdan Dagalo, stated in a press conference in August 2016 that his troops are fighting human trafficking from Sudan to Libya on behalf of Europe,
1. Is extremely concerned by the allegations of use of chemical weapons by Sudanese security forces in Darfour,
  2. Calls on the Organisation for the Prohibition of Chemical Weapons to investigate these allegations and on the Sudanese authorities to ensure their full cooperation,
  3. Reminds that the use of chemical weapons is a grave violation of international humanitarian law and that the alleged cases in Darfour could constitute crimes against humanity,
  4. Calls on the government of Sudan to ensure that its security forces respect international human rights standards and international humanitarian law and protect civilians at all times,
  5. Calls on the European Union to move to impose targeted punitive sanctions against those responsible for continued war crimes and non-cooperation with the International Criminal Court; request the EEAS, without any further delay to draw up a list of individuals for such sanctions,

6. Urges the government of Sudan to ensure unhindered humanitarian access to all humanitarian organisations so that they could provide the assistance necessary to persons displaced by the conflicts in Darfur, Southern Kordofan and Blue Nile States,
7. Is worried by the increased crackdown by the NISS on civil society activists and calls on Sudan to immediately and unconditionally release the detainees, drop all charges that stem from their peaceful activities and let NGO, such as TRACK, staff, their affiliates and student activists conduct their work without fear of reprisals,
8. Recalls that discrimination and prosecution on religious grounds also constitute a violation of the Sudanese Constitution; calls therefore for the revocation of the extreme and unwarranted charges against Kowa Shamal, Hassan Ibrahim, Abdel-Moniem Abdel-Mawla and Petr Jasek,
9. Calls for an immediate and impartial investigation by the Government of Sudan into the killings related to protests that have occurred in 2016,
10. Calls on the Government of Sudan to repeal the extensive immunities it has stipulated in Sudanese legislation that are protecting government officials and authorities from prosecution, and to hold those responsible for killings and other serious violations and crimes such as torture to account,
11. Calls on the Sudanese government to review its National Security Act, which allows the detention of suspects for up to four and half months without any form of judicial review, and calls also on the Sudanese government to reform its legal system in accordance with international human rights standards,
12. Is concerned that EU and individual Member States' cooperation with Sudan on migration will embolden the regime and reinforce its ability to control people, for example by strengthening the borders and supplying biometric equipment,
13. Calls on the EU and Member States to return dialogue with the government to working level, and not ministerial status, until such time as there is clear and verifiable proof that the government of Sudan has ceased targeting civilians in the conflicts in Darfur and the two Transitional Areas,

14. Takes note of the EEAS statement of 6 September 2016 claiming that the EU has never supported the Rapid Support Forces and that it does not deliver aid through the Sudanese government,
15. Wonders however which body not related to the Sudanese government benefits from “capacity-building support for judiciary and border management authorities” foreseen in the “Better migration management project”,
16. Urges therefore the Commission and concerned Member States to ensure complete transparency on the “Better migration management” project with Sudan, including all planned activities and beneficiaries of EU and national funding, as well as to comprehensively report on the visit of an EU technical delegation to Sudan in May 2016,
17. Calls on the EU to tackle root causes of migration in Sudan through increased pressure on the Sudanese government to achieve a peaceful settlement with rebel movements in Darfur, the Blue Nile region and South Kordofan, to stop its oppression of civil society, to take steps to fight impunity and to restore the independence of the judiciary,
18. Fears that the current focus on migration will actually divert the EU’s attention from these matters, which could potentially result in even more repressive measures from the Sudanese regime,
19. Calls therefore on the EEAS to resume issuing statements in response to widespread human rights violations by the state and militia such as the atrocities committed in Jebel Marra in 2016, including to the dire situation of civic space for civil society, showing the EU is appraised of the situation in Sudan,
20. Invites the EU and its Member States to provide support to those within Sudan who are genuinely seeking change, including by providing support to civil society actors and humanitarian agencies,
21. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government of Sudan, the African Union, the Secretary-General of the United Nations, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan African Parliament.