



Plenary sitting

B8-0637/2017

14.11.2017

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, notably the case of Mohamed Zine El Abidine
(2017/2961(RSP))

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**European Parliament resolution on Sudan, notably the case of Mohamed Zine El Abidine
(2017/2961(RSP))**

The European Parliament,

- having regard to its previous resolutions on Sudan,
- having regard to the EU, Norway, US and Canada Joint Statement on Political Detentions and Newspapers' Censorship in Sudan of 7 December 2016,
- having regard to the declaration by the High Representative on behalf of the EU on the occasion of the International Day to End Impunity for Crimes against Journalists on 2 November 2017,
- having regard to the EEAS Statement by the Spokesperson on easing of US sanctions 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 27 July 2017 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 Rule 135 of its Rules of Procedure,

A. Whereas Sudan has been for years an authoritarian state repressing the opposition, limiting the freedom of the press and targeting civilians at a massive scale in internal conflicts,

- B. 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,
- C. Whereas Osman Mirgani, editor-in-chief of the independent Al-Tayar newspaper, has been put to prison over an article accusing President Omar al-Bashir's family of corruption; whereas he has meanwhile been condemned by a Sudanese criminal court for "inciting feelings of unrest among disciplined forces and abetment of disturbing order", and "inciting hatred between sects", but has been released on bail after payment of a fine;
- D. Whereas a Sudanese criminal court sentenced Mohammed Zine al-Abidine, the journalist who wrote the article, to a three-year suspended sentence on the same grounds,
- E. Whereas Sudan's National Intelligence and Security Service (NISS) has repeatedly confiscated the newspaper and filed multiple lawsuits against its journalists,
- F. Whereas Sudan is near the bottom in the annual press freedom ranking of Reporters without borders,
- G. Whereas since May 2017, there has been a notable increase in free speech violations by the NISS, including seizures of newspaper issues, arbitrary arrests, interrogations and prosecutions,
- H. Whereas between October and June 2017, printed editions of different newspapers, such as Al-Tayar, Al-Jareeda Al-Watan, Al-Youm Al-Tali, Al-Ayam and Akhir Lahza, were confiscated by government security agents without them stating specific reasons,
- I. Whereas Sudanese authorities have a record of crackdown on civil society, with increasing arbitrary detention of students, activists and journalists in recent years,
- J. Whereas in Darfur, Southern Kordofan and Blue Nile, despite a decline in military operations between government forces and armed opposition movements, the prevalence of armed groups, including government-backed militias and other armed actors, who operate in total impunity, continue to pose a serious threat for the protection of civilians and human rights,

- K. Whereas the Sudanese security forces are benefitting from legal immunity, resulting in widespread impunity for their acts, such as the killings of more than 170 people, including children, during protests in 2013,
- L. 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,
- M. Whereas Sudan has signed but not ratified the 2005 revised version of the Cotonou agreement,
- N. 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,
- O. 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,
- P. 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,
- Q. Whereas the EU has reengaged with Sudan in the framework of the EU-Horn of Africa migration route initiative, the so-called Khartoum process,
- R. Whereas the EEAS has considered the easing of sanctions by the United States as an important step in the reintegration efforts of Sudan into the international community and has signalled that the EU stands ready to accompany Sudan in this process,
- S. Whereas the EU is currently implementing migration projects with Sudan, with a clear aim of supporting Sudanese security forces in reducing migration to Europe,
- T. Whereas the asylum recognition rate by EU/EFTA member states for persons from the region is very high, which demonstrates that many people the EU tries to prevent from migrating to Europe are in fact refugees with a right to international protection,

1. Is worried by the increased crackdown by the NISS on the media and calls for dropping all charges against journalists and editors who have just used their right to freedom of expression;
2. Calls on the government of Sudan to take concrete measures to reform the current legal framework, which infringes on the exercise of political and civil rights and fundamental freedoms; considers that priority should be given to withdrawing enforcement powers, including arrest and detention, from officers of the National Security Service, in line with the information-gathering and advisory role envisioned by the Sudan National Dialogue, and to ensuring its compliance with international standards;
3. Requests the government of Sudan to ensure that human rights defenders, humanitarian workers, members of political opposition, journalists, students and other civil society actors are not intimidated, arrested and detained arbitrarily, ill-treated or tortured by State agents on account of their work or opinions, and proceed to the release of those who are currently detained;
4. 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,
5. 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,
6. Reminds Sudan about its obligations as a UN member and urges it to comply with UN Security Council Resolution 1593 (2005) which requires cooperation with the ICC,
7. 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 surveillance capacities, including at borders and by supplying equipment, such as biometric equipment,
8. 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 of significant improvements of the human rights situation in the country, including that the government of Sudan ceases targeting civilians in the conflicts in Darfur and the two Transitional Areas,

9. Recalls the EEAS statement of 6 September 2016 stating that the EU's assistance to Sudan is delivered at bilateral and regional levels through international agencies and NGOs,
10. Strongly requests the EU and Member States to ensure that the implementation of projects such as ROCK and "Better Migration Management" observe the principle of "Do no harm" which would rule out the cooperation with actors responsible for human rights violations,
11. Urges the EU and Member States as well as agencies implementing EU-funded projects not to cooperate with Sudanese security forces who have a record of human rights violations, including the Rapid Response Forces and the NISS,
12. Fears that the current focus on migration will actually divert the EU's attention from human rights matters, which could potentially result in even more repressive measures from the Sudanese regime,
13. Calls therefore on the EEAS to resume issuing statements in response to widespread human rights violations by actors of the state and militias such as the atrocities committed in Jebel Marra in 2016, as well as concerning the shrinking space for civil society, in order to demonstrate that the EU remains very concerned about the human rights situation in Sudan,
14. Invites the EU and its Member States to provide support to those within Sudan who are genuinely seeking change and provide civil society organizations with technical assistance and capacity-building programmes to improve their human rights advocacy and rule-of-law capabilities and to enable them to contribute more effectively to the improvement of human rights in the Sudan;
15. 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.