

EUROPEAN PARLIAMENT

2004



2009

Session document

21.5.2008

B6-0240/2008 }
B6-0254/2008 }
B6-0255/2008 }
B6-0256/2008 }
B6-0257/2008 }
B6-0258/2008 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- Jürgen Schröder, Laima Liucija Andrikienė, Colm Burke, Filip Kaczmarek, Tunne Kelam, Eija-Riitta Korhola, Bernd Posselt, José Ignacio Salafranca Sánchez-Neyra, Ria Oomen-Ruijten and Michael Gahler, on behalf of the PPE-DE Group
- Pasqualina Napoletano, Glenys Kinnock, Ana Maria Gomes, Marie-Arlette Carlotti, Josep Borrell Fontelles and Emilio Menéndez del Valle, on behalf of the PSE Group
- Thierry Cornillet, Marco Cappato, Marielle De Sarnez, Johan Van Hecke and Marios Matsakis, on behalf of the ALDE Group
- Hélène Flautre, Frithjof Schmidt, Margrete Auken, Mikel Irujo Amezaga, Raül Romeva i Rueda and Jean Lambert, on behalf of the Verts/ALE Group
- Ryszard Czarnecki, Adam Bielan, Mieczysław Edmund Janowski and Eoin Ryan, on behalf of the UEN Group
- Vittorio Agnoletto, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- PSE (B6-0240/2008)
- Verts/ALE (B6-0254/2008)
- GUE/NGL (B6-0255/2008)
- PPE-DE (B6-0256/2008)
- UEN (B6-0257/2008)
- ALDE (B6-0258/2008)

on Sudan and the International Criminal Court (ICC)

RC\724799EN.doc

PE401.573v01-00}
PE407.448v01-00}
PE407.449v01-00}
PE407.450v01-00}
PE407.451v01-00}
PE407.452v01-00} RC1

EN

EN

European Parliament resolution on Sudan and the International Criminal Court (ICC)

The European Parliament,

- having regard to its previous resolutions on Sudan,
 - having regard to the Rome Statute of the International Criminal Court and its entry into force on 1 July 2002,
 - having regard to the adoption of UN Security Council Resolution 1593 on 31 March 2005,
 - 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 of the situation in 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 obtain justice for the victims of the civil war in Darfur,
 - having regard to the ‘Justice for Darfur’ campaign, which was launched by a large group of non-governmental organisations with the aim of pressing Sudan to cooperate with the ICC and comply with the Court’s arrest warrants,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the security situation in Darfur remains extremely volatile, and significant clashes have taken place between rebel movements and government forces, affecting humanitarian operations,
- B. deeply shocked at the suffering of the hundreds of thousands of men, women and children who have been beaten, killed, raped, displaced or otherwise victimised in the conflict in Darfur, and noting that the situation has continued to spiral downward since 2003 and that indiscriminate aerial attacks on civilians continue,
- C. 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,
- D. whereas the UN Security Council referred the situation in Darfur to the International Criminal Court in March 2005, after which an investigation was launched,
- E. whereas Sudan has signed the Rome Statute, which created the International Criminal Court in 2002, but has not ratified it,

RC\724799EN.doc

PE401.573v01-00}
PE407.448v01-00}
PE407.449v01-00}
PE407.450v01-00}
PE407.451v01-00}
PE407.452v01-00} RC1

- F. whereas 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,
- G. 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 Court and the international community,
- H. whereas in April 2007 the ICC issued two arrest warrants against Sudan's former Minister of the Interior Ahmad Harun and former Janjaweed militia leader Ali Muhammad Ali Abd-Al-Rahman, also known as 'Ali Kushayb', on 51 counts of war crimes and crimes against humanity,
- I. whereas Ahmad Harun is now the Minister for Humanitarian Affairs and thus responsible for the welfare of the very victims of his alleged crimes, as well as being responsible for liaising with the international peace-keeping force (UNAMID); whereas he was also promoted to chair of a governmental committee tasked with hearing human rights complaints; and whereas Ali Kushayb – who was in Sudanese custody on other charges at the time the warrants were issued – was released from jail in October 2007 despite being sought by the ICC,
- J. whereas in June 2007 and again in December 2007 the Office of the Prosecutor reported to the UN Security Council the failure and unwillingness of the Sudanese Government to cooperate with the Court, and noted that no steps had been taken to arrest and surrender Ahmad Harun and Ali Kushayb,
- K. noting that on 5 June 2008 the ICC's Chief Prosecutor, Luis Moreno Ocampo, will report for the seventh time to the UN Security Council on the progress of its investigations in Darfur and on the cooperation offered by the Sudanese authorities,
- L. determined to support the ICC at this crucial juncture in its work, and fully convinced that ending impunity for the planners and perpetrators of horrific crimes committed in Darfur is an essential component in the solution to the conflict in Darfur,
- M. whereas on 10 to 11 May Justice and Equality Movement (JEM) rebels staged an attack on Omdurman, near Khartoum, claiming at least 200 victims,
- N. whereas on 20 May, after a first wave of clashes the week before, heavy fighting erupted in Abyei, an oil-rich town claimed by both north and south, between the Sudanese Army and the Sudan People's Liberation Army (SPLA), resulting in 30 000 to 50 000 displaced persons, according to the UN, and an as yet undetermined number of casualties,
- O. whereas on 4 May Sudanese army planes bombarded civilian targets in North Darfur, resulting in twelve civilian fatalities,
- P. whereas to date the conflict in Sudan has claimed some 300 000 victims (according to recent UN estimates) and left 2.5 million internally displaced persons (IDPs) and refugees, and

whereas insecurity in the Darfur region is on the rise,

Q. whereas the African Union/United Nations Hybrid Operation in Darfur (UNAMID) still only has some 7 500 troops and fewer than 2 000 police on the ground, of the 26 000 that have been authorised,

1. Strongly condemns Sudan's persistent failure to cooperate with the ICC, to arrest and hand over to the ICC Ahmad Harun and Ali Kushayb and to comply with its international humanitarian law obligations, thus demonstrating blatant disrespect for the hundreds of thousands of victims and their families and the millions of people who have been forced to leave their homes since the beginning of the conflict;
2. Urges the Sudanese Government to ratify the Statute of the ICC, to comply with UN Security Council Resolution 1593, to cooperate unconditionally with the International Criminal Court and to pursue an adequate and effective investigation and prosecution of war crimes and crimes against humanity committed in the region of Darfur;
3. Urges the authorities in Khartoum to arrest and surrender the two ICC suspects without further delay, immediately to break the cycle of impunity in Darfur and to cooperate with future ICC investigations in Darfur;
4. Calls on the General Affairs and External Relations Council of 16-17 June and the European Council of 19-20 June to discuss the Prosecutor's report and to take steps to 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:
 - freezing and seizing assets of individuals identified as impeding cooperation with the ICC, and identifying and targeting the offshore assets of businesses affiliated with the National Congress Party (the government majority party), a major conduit for financing militias in Darfur;
 - measures denying access to EU banks for any financial transaction or payment made by or on behalf of these individuals;
 - measures to prevent business and other economic or trade relations between these individuals, or any legal entity or corporation controlled by these them, and European companies, targeting especially the revenue flow from the petroleum sector;
5. Urges the EU Member States and candidate countries with a seat at the UN Security Council – i.e. 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 respond adequately to the Prosecutor's findings by calling on Sudan to comply immediately with UNSC Resolution 1593 and with the Court's requests;
6. Calls on all other States represented at the UN Security Council to support any cooperation request put forward by the ICC Prosecutor on behalf of the Court and, in particular, calls on

RC\724799EN.doc

PE401.573v01-00}
PE407.448v01-00}
PE407.449v01-00}
PE407.450v01-00}
PE407.451v01-00}
PE407.452v01-00} RC1

China, Russia, South Africa and Libya to follow through on their own words under Security Council Resolution 1593 and not to obstruct the Security Council's action on 5 June;

7. Urges the EU Member States and the UN Security Council to push for a specific mention of impunity and inclusion of the ICC arrest warrants in the formal terms of reference for the forthcoming visit by the UN Security Council to Khartoum at the end of May;
8. Calls on the EU Member States and the European Commission to ensure that their substantial development aid to Sudan is not delivered via Ahmad Harun's Ministry of Humanitarian Affairs and urges donors formally to press the Government of Sudan to remove Ahmad Harun from office;
9. Calls on the EU to exert pressure on China to join the international efforts to end the conflict and to use its considerable leverage on the Government of Sudan based on its role as the main provider of income for the Government of Sudan from oil sales; urges China to stop delivering weapons to Sudan;
10. Calls on the African Union and the Arab League to engage actively in Darfur by pressing the Government of Sudan to cooperate with the Office of the Prosecutor in the current and future investigations, and calls on the EU Presidency to place Sudan's cooperation with the ICC on the agenda for political dialogues and summits with key partners such as China, the United States, the African Union and the Arab League;
11. 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 undertakes to remain informed on the matter and to use all available opportunities to raise the issue with both Sudanese officials and other partners;
12. Condemns the JEM rebel attacks on Omdurman on 11-12 May, as well as the 4 May aerial bombing in North Darfur, which killed 12 people, wounded another 30 and destroyed a school, a water installation and a market;
13. Expresses serious concern over the renewed fighting between the Sudanese Army and the SPLA in Abyei, which is increasing humanitarian needs and hampering humanitarian operations, and could potentially jeopardise the 2005 peace agreement;
14. Condemns any violation of the peace and ceasefire agreements by any party, and in particular any violence directed towards the civilian population and the targeting of humanitarian assistance;
15. Calls on the Sudanese authorities, notably the Government of National Unity (GNU), to lend their full support to the effective establishment of UNAMID, and support all efforts to generate stability and create a secure environment;
16. Stresses once again that there can be no lasting peace without justice for serious crimes; calls on EU observers at the peace talks to stress the importance of ending impunity in building sustained respect for the rule of law and human rights in Sudan;

17. Calls upon the Government of Sudan and all armed groups to respect human rights and international humanitarian law by refraining from any indiscriminate attacks on civilians, including sexual violence against women;
18. Calls on all the parties involved in the conflict to refrain from the recruitment and use of child soldiers under the age of 18, and calls on the Sudanese authorities to protect displaced children, especially unaccompanied minors, as laid down in the relevant conventions;
19. Calls further on all third parties to cease exporting arms to all parties involved in the conflict in the region and to uphold respect for human rights and international peace and security in their relations with Sudan;
20. 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 a defence and to be tried within a reasonable time;
21. Urges the EU Special Representative for Sudan, 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 immediately to arrest and surrender Ahmad Harun and Ali Kushayb and to cooperate with the ICC, and calls on the Special Representative to report regularly to the other EU institutions on developments in that regard;
22. Expresses deep concern over the serious shortfalls in UNAMID resources and calls on the African Union Member States and the international community to increase their contributions so as to allow the urgent deployment of further troops and equipment to Darfur;
23. Urges the Sudanese Government to respect its commitment to a moratorium on restrictions and obstacles to all humanitarian workers; underlines that the escalation in violence over the past month has also impacted on humanitarian operations, as banditry and hijackings have led to lost aid supplies, recently forcing food agencies to halve rations to more than three million needy people in Darfur;
24. Calls on the EU and other international actors to apply appropriate measures that target any perpetrators of violence who violate the ceasefire or attack civilians, peacekeepers or humanitarian operations, and to take all necessary action to help end impunity;
25. 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 EU Member States and the Members of the UN Security Council, the African Union institutions, the Arab League institutions and the Prosecutor of the International Criminal Court.