



Parliamentarians for Global Action

ACCION MUNDIAL DE PARLAMENTARIOS
ACTION MONDIALE DES PARLEMENTAIRES

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PARLIAMENTARIANS URGE SECURITY COUNCIL TO STOP THE VIOLENCE IN DARFUR AND BRING TO JUSTICE PERPETRATORS OF CRIMES AGAINST HUMANITY

NEW YORK, 23 September 2004 – Parliamentarians for Global Action (PGA) urges the UN Security Council to immediately apply and strengthen the measures contained in resolution 1564 of 18 September 2004 regarding the situation in Darfur. While the resolution does not impose sanctions against the State that is aiding, abetting or harbouring the militias committing atrocities against the civilian population, it calls for the establishment of an “*international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.*” PGA welcomes the Council’s decision and urges both the Security Council and Secretary General Kofi Annan to consider the following points:

- Under the principles of international criminal law applicable since the Nuremberg Trials, the perpetrators of international crimes include all those individuals who are essential to the realisation of a criminal transaction, including the political and military leaders that plan and order atrocities, those who facilitate their commission and the States authorities who have effective control over the militias.
- The widespread and systematic nature of the attacks against civilians in Darfur brings these atrocities to the magnitude of crimes against humanity, which under the Rome Statute of the International Criminal Court are of no less gravity than genocide,
- Genocide is particularly difficult to prove, as perpetrators must be motivated by a specific intent to destroy a national, ethnic, or religious group, while the crime against humanity of extermination does not require this mental element and yet is equally punishable under international criminal law instruments.

“While the establishment of a commission of inquiry is an important step forward in the effort to halt the atrocities in Darfur, this is not a criminal investigatory body. The commission should therefore review the evidence and pass it with urgency to the Prosecutor of the International Criminal Court (ICC), whose jurisdiction may be appropriately triggered either by a referral of the Security Council or by a unilateral declaration of Sudan filed with Court in the Hague”, said Senator Alain Destexhe of Belgium, a member of PGA and Convenor of the organization’s international law and human rights programme. The ICC provides the international community with a permanent judicial mechanism capable of trying individual perpetrators of genocide, war crimes and crimes against humanity. “Referring the situation in Darfur to the ICC would depoliticize what is clearly a delicate matter between states, and would at the same time *implement* the Security Council’s call to identify and bring to justice all those responsible for the widespread human rights abuses and violations of international humanitarian law occurring in Sudan,” Senator Destexhe added.

The international community must take advantage of the structures it already has in place to address and prevent the continuation of atrocities. “In addition to requesting support from the ICC, a complete embargo on oil and weapons would certainly give teeth to the Security Council’s efforts to break the cycle of violence,” concluded Deputy Speaker Kenneth Dzirasah of Ghana, the President of PGA.

PGA is an association of 1350 legislators from 110 countries united to promote the resolution of global issues such as peace and democracy, sustainable development, international law and human rights. PGA members have been actively engaged in the establishment of the ICC and in local and regional ratification processes.

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