



## Parliamentarians for Global Action

ACCIÓN MUNDIAL DE PARLAMENTARIOS  
ACTION MONDIALE DES PARLEMENTAIRES

### Resolution on Justice for Darfur

*[Based on a model adopted in Tokyo by the PGA Japan National Group on 14 May 2008]*

*Considering* the ongoing conflict in Darfur, Sudan, and the repeated attacks against the civilian population, which has led to the forced displacement of approximately 2,5 million people and the death of approximately 200,000 individuals;

*Recalling* the binding nature for all United Nations Member States acting under Chapter VII of the UN Charter, including Sudan, of United Nations Security Council Resolution 1593 of 31 March 2005 referring the situation in Darfur to the jurisdiction of the International Criminal Court (ICC);

*Reaffirming* the commitment of the Parliament of [name of country] to the norms and principles of the Rome Statute of the ICC, adopted through [No. and date of ICC Ratification Bill and/or other ICC-related legislation and/or resolution] [and the EU Common Position on ICC or other regional common position for non-EU countries, as appropriate], including the principle that there shall be no impunity for the most serious crimes of international concern, genocide, crimes against humanity and war crimes;

*Noting* that on 27 April 2007 the Prosecutor of the International Criminal Court has issued two arrest warrants for crimes against humanity and war crimes, including one for the current Sudanese government minister for humanitarian affairs Mr. Ahmed Muhammed Harun, and that the Government of Sudan has not carried out the arrest and surrender to the Court of these two named individuals;

*Stressing* the importance of the upcoming session of the UN Security Council on Resolution 1593 to be held in New York on 5 June 2008, in which the ICC Prosecutor will report on (1) the continued lack of cooperation of the Sudanese Government in enforcing the pending arrest warrants as well as on (2) new charges that he is expected to bring against those providing instructions to and who have supervisory powers over Mr. Harun and on a (3) new investigation concerning attacks against peacekeepers conducted by a rebel group;

*Noting with concern* the inability of the Security Council in December 2007 to find consensus over a Presidential Statement aimed at condemning the behaviour of Sudan in non-compliance with Resolution 1593, due to the opposition of China, Qatar and Russia, which should have followed the report of the ICC Prosecutor delivered at the Council on 5 December 2007 under the said resolution;

*Recognising*, therefore, the usefulness of multilateral and bilateral action aimed at condemning and, as appropriate, sanctioning this continued and repeated non-compliance by those responsible for shielding from justice persons suspected of having committed crimes against humanity and war crimes, as the Presidency of the European Union has done in its Declaration marking the 3<sup>rd</sup> Anniversary of Security Council Resolution 1593, on 31 March 2008;

*We, the Members of the Parliament of [name of country] urge the Government of [name of country] to undertake the following urgent steps:*

- 1) To participate, in an active and informed manner, in the UN Security Council deliberations on the situation of Darfur and, in particular, on the enforcement of Resolution 1593, adopted under Chapter VII of the UN Charter and thereby identifying justice as a key component of the process towards the restoration of international peace and security in Darfur, inside and outside the borders of the territory of Sudan;
- 2) To support all requests presented by the ICC Prosecutor on behalf of the Court concerning measures aimed at bringing about cooperation and compliance of all UN Member States, including Sudan, with the terms of Resolution 1593;
- 3) To prepare adequate strategies to counter resistance that certain States will most likely raise to any action against Sudanese individuals identified as those impeding the cooperation of Sudan with the ICC and the UN, bearing in mind that one permanent member of the Security Council [China] has been the main opponent to the adoption of even symbolic measures reaffirming the object and scope of Resolution 1593 within the Security Council;
- 4) To be prepared to undertake effectively all necessary measures that the Security Council may adopt to confront the non-cooperation of Sudan, as required by article 87, paragraph 7, of the Rome Statute and the relevant provisions of Chapter VII of the UN Charter, bearing in mind that no comprehensive and durable solution to the Darfur conflict may be found without ending the vicious circle of impunity to protect the civilian population that has so far characterised the dialogue among warring factions and the International Community;
- 5) To be prepared to undertake targeted sanctions against those individuals bearing responsibility for the continued non-compliance of the Government of Sudan with the obligation of arrest and surrender indicted war criminals to the Court, including, in coordination with other States or groups of States [e.g. the United States of America]:
  - a. Freezing and seizing of assets of individuals identified as those impeding cooperation with the ICC (e.g. the Members of the Cabinet of Sudan's Government),
  - b. Measures impeding business and other economic or trade relation among these individuals and companies or other legal entities controlled by these individuals and any Japanese national and legal entity (e.g. corporations),
  - c. Increased cooperation with INTERPOL and the ICC itself with respect to technology with which to monitor and track the movements, communications and other activities carried by these individuals within Sudan and in their interactions with other States (e.g. via telecommunication interceptions, satellite images, etc.)
  - d. Any legitimate measure and project that could reinforce the role and position of democratic forces within Sudan who genuinely support full respect of all human rights, justice, peace and development through non-violent means and reforms
  - e. [Any available technological means that could impede the use of the mass-media by the individuals targeted by the sanctions' regime: such means could include, but not be limited to, the radio-jamming of programmes and transmissions utilised as propaganda tools by these individuals and the obscuring of websites through which these individuals would be promoting their policies in support of impunity for the alleged crimes committed in Darfur.]
- 6) To promptly and comprehensively inform the Parliament concerning all developments relating to the situation in Darfur, the relevant discussions in the UN Security Council and in other international fora – including the positions taken by [China and other major powers] [permanent members of the Security Council] the measures undertaken by the Government to help protect the civilian

population and to bring to justice the perpetrators of atrocities, with particular reference to the enforcement of Resolution 1593.

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PARLIAMENTARIANS FOR GLOBAL ACTION (PGA) IS A NETWORK OF 1,300 INDIVIDUAL LEGISLATORS FROM 120 ELECTED PARLIAMENTS DRAWN FROM ALL REGIONS OF THE WORLD.

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