

109TH CONGRESS
1ST SESSION

S. _____

To impose sanctions against perpetrators of crimes against humanity in
Darfur, Sudan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORZINE (for himself, Mr. BROWNBACK, Mr. DODD, Mr. DURBIN, and
Mr. FEINGOLD) introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To impose sanctions against perpetrators of crimes against
humanity in Darfur, Sudan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Darfur Accountability
5 Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
9 **TEES.**—The term “appropriate congressional com-
10 mittees” means the Committee on Foreign Relations

1 of the Senate and the Committee on International
2 Relations of the House of Representatives.

3 (2) GOVERNMENT OF SUDAN.—The term “Gov-
4 ernment of Sudan” means the National Congress
5 Party-led government in Khartoum, Sudan, or any
6 successor government formed on or after the date of
7 the enactment of this Act.

8 (3) MEMBER STATES.—The term “member
9 states” means the member states of the United Na-
10 tions.

11 (4) SUDAN NORTH-SOUTH PEACE AGREE-
12 MENT.—The term “Sudan North-South Peace
13 Agreement” means the comprehensive peace agree-
14 ment signed by the Government of Sudan and the
15 Sudan People’s Liberation Army/Movement on Jan-
16 uary 9, 2005.

17 (5) THOSE NAMED BY THE UN COMMISSION.—
18 The term “those named by the UN Commission”
19 means those individuals whose names appear in the
20 sealed file delivered to the Secretary General of the
21 United Nations by the International Commission of
22 Inquiry on Darfur to the United Nations Secretary
23 General.

24 (6) UN COMMISSION.—The term “UN Commis-
25 sion” means the International Commission of In-

1 quiry on Darfur to the United Nations Secretary
2 General.

3 **SEC. 3. FINDINGS.**

4 Congress makes the following findings:

5 (1) On July 22, 2004, the House of Represent-
6 atives and the Senate declared that the atrocities oc-
7 curring in Darfur, Sudan are genocide.

8 (2) On September 9, 2004, Secretary of State
9 Colin L. Powell stated before the Committee on For-
10 eign Relations of the Senate, “[w]hen we reviewed
11 the evidence compiled by our team, along with other
12 information available to the State Department, we
13 concluded that genocide has been committed in
14 Darfur and that the Government of Sudan and the
15 [Janjaweed] bear responsibility—and genocide may
16 still be occurring”.

17 (3) President George W. Bush, in an address
18 before the United Nations General Assembly on Sep-
19 tember 21, 2004, stated, “[a]t this hour, the world
20 is witnessing terrible suffering and horrible crimes in
21 the Darfur region of Sudan, crimes my government
22 has concluded are genocide”.

23 (4) On July 30, 2004, the United Nations Se-
24 curity Council passed Security Council Resolution
25 1556, calling upon the Government of Sudan to dis-

1 arm the Janjaweed militias and to apprehend and
2 bring to justice Janjaweed leaders and their associ-
3 ates who have incited and carried out violations of
4 human rights and international humanitarian law
5 and carried out other atrocities in the Darfur region.

6 (5) On September 18, 2004, the United Na-
7 tions Security Council passed Security Council Reso-
8 lution 1564, determining that the Government of
9 Sudan had failed to meet its obligations under Secu-
10 rity Council Resolution 1556, calling for a military
11 flight ban in and over the Darfur region, demanding
12 the names of Janjaweed militiamen disarmed and
13 arrested for verification, establishing an Inter-
14 national Commission of Inquiry into violations of
15 international humanitarian and human rights laws,
16 and threatening sanctions should the Government of
17 Sudan fail to fully comply with Security Council
18 Resolutions 1556 and 1564.

19 (6) United Nations Security Council Resolution
20 1564 declares that if the Government of Sudan
21 “fails to comply fully” with Security Council Resolu-
22 tions 1556 and 1564, the Security Council shall con-
23 sider taking “additional measures” against the Gov-
24 ernment of Sudan “as contemplated in Article 41 of
25 the Charter of the United Nations, such as actions

1 to affect Sudan's petroleum sector or individual
2 members of the Government of Sudan, in order to
3 take effective action to obtain such full compliance
4 and cooperation".

5 (7) United Nations Security Council Resolution
6 1564 also "welcomes and supports the intention of
7 the African Union to enhance and augment its moni-
8 toring mission in Darfur" and "urges member states
9 to support the African Union in these efforts, includ-
10 ing by providing all equipment, logistical, financial,
11 material, and other resources necessary to support
12 the rapid expansion of the African Union Mission".

13 (8) On February 1, 2005, the United Nations
14 released the Report of the International Commission
15 of Inquiry on Darfur to the United Nations Sec-
16 retary-General, dated January 25, 2005, which stat-
17 ed that, "[g]overnment forces and militias conducted
18 indiscriminate attacks, including killing of civilians,
19 torture, enforced disappearances, destruction of vil-
20 lages, rape and other forms of sexual violence, pil-
21 laging and forced displacement throughout Darfur",
22 that such "acts were conducted on a widespread and
23 systematic basis, and therefore may amount to
24 crimes against humanity", and that the "magnitude
25 and large-scale nature of some crimes against hu-

1 manity as well as their consistency over a long pe-
2 riod of time, necessarily imply that these crimes re-
3 sult from a central planning operation”.

4 (9) The Report of the International Commis-
5 sion of Inquiry on Darfur to the United Nations
6 Secretary-General notes that, pursuant to its man-
7 date and in the course of its work, the UN Commis-
8 sion collected information relating to individual per-
9 petrators of acts constituting “violations of inter-
10 national human rights law and international human-
11 itarian law, including crimes against humanity and
12 war crimes” and that the UN Commission has deliv-
13 ered to the Secretary-General of the United Nations
14 a sealed file of those named by the UN Commission
15 with the recommendation that the “file be handed
16 over to a competent Prosecutor”.

17 **SEC. 4. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the atrocities unfolding in Darfur, Sudan,
20 have been and continue to be genocide;

21 (2) the United States should immediately seek
22 passage at the United Nations Security Council of a
23 resolution that—

1 (A) requires member states to freeze the
2 property and assets of, deny visas to, and deny
3 entry to—

4 (i) those named by the UN Commis-
5 sion;

6 (ii) family members of those named by
7 the UN Commission; and

8 (iii) any associates of those named by
9 the UN Commission to whom assets or
10 property of those named by the UN Com-
11 mission were transferred on or after June
12 11, 2004;

13 (B) urges member states to submit to the
14 Security Council the name of any individual
15 that the government of any such member state
16 believes is or has been planning, carrying out,
17 responsible for, or otherwise involved in geno-
18 cide, war crimes, or crimes against humanity in
19 Darfur, along with evidence supporting such be-
20 lief so that the Security Council may consider
21 imposing sanctions described in subparagraph
22 (A) against those individuals described in such
23 subparagraph;

24 (C) imposes sanctions or additional meas-
25 ures against the Government of Sudan, includ-

1 ing sanctions that will affect the petroleum sec-
2 tor in Sudan, individual members of the Gov-
3 ernment of Sudan, and entities controlled or
4 owned by officials of the government of Sudan
5 or the National Congress Party in Sudan, that
6 will remain in effect until such time as—

7 (i) humanitarian organizations are
8 granted full, unimpeded access to Darfur;

9 (ii) the Government of Sudan cooper-
10 ates with humanitarian relief efforts, car-
11 ries out activities to demobilize and disarm
12 Janjaweed militias and any other militias
13 supported or created by the Government of
14 Sudan, and cooperates fully with efforts to
15 bring to justice the individuals responsible
16 for genocide, war crimes, or crimes against
17 humanity in Darfur;

18 (iii) the Government of Sudan cooper-
19 ates fully with the African Union, the
20 United Nations, and all other observer,
21 monitoring, and protection missions man-
22 dated to operate in Sudan;

23 (iv) the Government of Sudan permits
24 the safe and voluntary return of displaced
25 persons and refugees to their homes and

1 rebuilds the communities destroyed in the
2 violence in Darfur; and

3 (v) the Sudan North-South Peace
4 Agreement is fully implemented and a new
5 coalition government is created under such
6 Agreement;

7 (D) establishes a military no-fly zone in
8 Darfur;

9 (E) supports the expansion of the African
10 Union force in Darfur so that such force
11 achieves the size and strength needed to pre-
12 vent ongoing fighting and violence in Darfur;

13 (F) urges member states to accelerate as-
14 sistance to the African Union force in Darfur;

15 (G) calls on the Government of Sudan to
16 cooperate with, and allow unrestricted move-
17 ment in Darfur by, the African Union force in
18 the region, international humanitarian organi-
19 zations, and United Nations monitors;

20 (H) extends the embargo of military equip-
21 ment established by paragraphs 7 through 9 of
22 Security Council Resolution 1556 to include the
23 prohibition of sale or supply to the Government
24 of Sudan; and

1 (I) supports African Union efforts to nego-
2 tiate peace talks between the Government of
3 Sudan and rebels in Darfur, calls on the Gov-
4 ernment of Sudan and rebels in Darfur to abide
5 by their obligations under the N'Djamena
6 Ceasefire Agreement of April 8, 2004 and sub-
7 sequent agreements, and urges parties to en-
8 gage in peace talks without preconditions and
9 seek to resolve the conflict;

10 (3) the United States should work with other
11 nations to ensure effective efforts to freeze the prop-
12 erty and assets of and deny visas and entry to—

13 (A) those named by the UN Commission;

14 (B) any individuals the United States be-
15 lieves is or has been planning, carrying out, re-
16 sponsible for, or otherwise involved in genocide,
17 war crimes, and crimes against humanity in
18 Darfur;

19 (C) family members of any person de-
20 scribed in subparagraphs (A) or (B); and

21 (D) any associates of any such person to
22 whom assets or property of such person were
23 transferred on or after June 11, 2004;

24 (4) the United States should support account-
25 ability through action by the United Nations Secu-

1 rity Council, pursuant to Chapter VII of the Charter
2 of the United Nations, to ensure the prompt pros-
3 ecution and adjudication in a competent inter-
4 national court of justice of those named by the UN
5 Commission;

6 (5) the United States should not provide assist-
7 ance to the Government of Sudan, other than assist-
8 ance necessary for the implementation of the Sudan
9 North-South Peace Agreement, the support of the
10 southern regional government in Sudan, or for hu-
11 manitarian purposes in Sudan, unless the President
12 certifies and reports to Congress that—

13 (A) humanitarian organizations are being
14 granted full, unimpeded access to Darfur and
15 the Government of Sudan is providing full co-
16 operation with humanitarian efforts;

17 (B) concrete, sustained steps are being
18 taken toward demobilizing and disarming
19 Janjaweed militias and any other militias sup-
20 ported or created by the Government of Sudan;

21 (C) the Government of Sudan is cooper-
22 ating fully with efforts to bring to justice those
23 responsible for genocide, war crimes, or crimes
24 against humanity in Darfur;

1 (D) the Government of Sudan cooperates
2 fully with the African Union, the United Na-
3 tions, and all other observer, monitoring, and
4 protection missions mandated to operate in
5 Sudan;

6 (E) the Government of Sudan permits the
7 safe and voluntary return of displaced persons
8 and refugees to their homes and rebuilds the
9 communities destroyed in the violence in
10 Darfur; and

11 (F) the Sudan North-South Peace Agree-
12 ment is fully implemented and a new coalition
13 government is created under such Agreement;

14 (6) the President should work with the African
15 Union and other international organizations and na-
16 tions to establish mechanisms for the enforcement of
17 a no-fly zone in Darfur;

18 (7) the African Union should extend its man-
19 date in Darfur to include the protection of civilians
20 and proactive efforts to prevent violence, and mem-
21 ber states should support fully this extension;

22 (8) the President should accelerate assistance
23 to the African Union force in Darfur and discussions
24 with the African Union and the European Union
25 and other supporters of the African Union force on

1 the needs of such force, including assistance for
2 housing, transportation, communications, equipment,
3 technical assistance such as training and command
4 and control assistance, and intelligence;

5 (9) the President should appoint a Presidential
6 Envoy for Sudan—

7 (A) to support the implementation of the
8 Sudan North-South Peace Agreement;

9 (B) to seek ways to bring stability and
10 peace to Darfur;

11 (C) to address instability elsewhere in
12 Sudan; and

13 (D) to seek a comprehensive peace
14 throughout Sudan;

15 (10) United States officials, including the Presi-
16 dent, the Secretary of State, and the Secretary of
17 Defense, should raise the issue of Darfur in bilateral
18 meetings with officials from other members of the
19 United Nations Security Council and relevant coun-
20 tries, with the aim of passing a United Nations Se-
21 curity Council resolution described in paragraph (2)
22 and mobilizing maximum support for political, finan-
23 cial, and military efforts to stop the genocide in
24 Darfur;

1 (11) the Secretary of State should immediately
2 engage in a concerted, sustained campaign with
3 other members of the United Nations Security
4 Council and relevant countries with the aim of
5 achieving the goals described in paragraph (10);

6 (12) the United States fully supports the Sudan
7 North-South Peace Agreement and urges the rapid
8 implementation of its terms; and

9 (13) the United States condemns attacks on
10 humanitarian workers and calls on all forces in
11 Darfur, including forces of the Government of
12 Sudan, all militia, and forces of the Sudan People's
13 Liberation Army/Movement and the Justice and
14 Equality Movement, to refrain from such attacks.

15 **SEC. 5. IMPOSITION OF SANCTIONS.**

16 (a) FREEZING ASSETS.—At such time as the United
17 States has access to the names of those named by the UN
18 Commission, the President shall take such action as may
19 be necessary to immediately freeze the funds and other
20 assets belonging to anyone so named, their family mem-
21 bers, and any associates of those so named to whom assets
22 or property of those so named were transferred on or after
23 June 11, 2004, including requiring that any United States
24 financial institution holding such funds and assets

1 promptly report those funds and assets to the Office of
2 Foreign Assets Control.

3 (b) VISA BAN.—Beginning at such times as the
4 United States has access to the names of those named
5 by the UN Commission, the President shall deny visas and
6 entry to—

7 (1) those named by the UN Commission;

8 (2) the family members of those named by the
9 UN Commission; and

10 (3) anyone the President determines has been,
11 is, or may be planning, carrying out, responsible for,
12 or otherwise involved in crimes against humanity,
13 war crimes, or genocide in Darfur, Sudan.

14 (c) ASSET REPORTING REQUIREMENT.—Not later
15 than 14 days after a decision to freeze the property or
16 assets of, or deny a visa or entry to, any person under
17 this section, the President shall report the name of such
18 person to the appropriate congressional committees.

19 (d) NOTIFICATION OF WAIVERS OF SANCTIONS.—
20 Not later than 30 days before waiving the provisions of
21 any sanctions currently in force with regard to Sudan, the
22 President shall submit to the appropriate congressional
23 committees a report describing the waiver and the reasons
24 therefor.

1 **SEC. 6. REPORTS TO CONGRESS.**

2 (a) REPORTS ON STABILIZATION IN SUDAN.—

3 (1) INITIAL REPORT.—Not later than 30 days
4 after the date of enactment of this Act, the Sec-
5 retary of State, in conjunction with the Secretary of
6 Defense, shall report to the appropriate congress-
7 sional committees on efforts to deploy an African
8 Union force in Darfur, the capacity of such force to
9 stabilize Darfur and protect civilians, the needs of
10 such force to succeed at such mission including
11 housing, transportation, communications, equipment,
12 technical assistance, including training and com-
13 mand and control, and intelligence, current status of
14 United States and other assistance to the African
15 Union force, and additional United States assistance
16 needed.

17 (2) SUBSEQUENT REPORTS.—The Secretary of
18 State, in conjunction with the Secretary of Defense,
19 shall submit not less than every 60 days until such
20 time as the President certifies that the situation in
21 Darfur is stable and that civilians are no longer in
22 danger and that the African Union is no longer
23 needed to prevent a resumption of violence and at-
24 tacks against civilians.

25 (b) REPORT ON THOSE NAMED BY THE UN COMMIS-
26 SION.—At such time as the United States has access to

1 the names of those named by the UN Commission, the
2 President shall submit to the appropriate congressional
3 committees a report listing such names.

4 (c) REPORTS ON ACCOUNTABILITY.—

5 (1) IN GENERAL.—No later than 30 days after
6 the date of enactment of this Act and every 30 days
7 thereafter, the President shall submit to the appro-
8 priate congressional committees a report on the sta-
9 tus of efforts in the United Nations Security Council
10 to ensure prompt prosecution and adjudication of
11 those named by the UN Commission in a competent
12 international court of justice.

13 (2) CONTENT.—The reports required under
14 paragraph (1) shall describe—

15 (A) the status of any relevant resolution
16 introduced in the United Nations Security
17 Council;

18 (B) the policy of the United States with
19 regard to such resolutions;

20 (C) the status of all possible venues for
21 prosecution and adjudication of those named by
22 the UN Commission, including whether such
23 venues have the jurisdiction, personnel and as-
24 sets necessary to promptly prosecute and adju-
25 dicate cases involving such persons; and

1 (D) any ongoing or planned United States
2 or other assistance related to the prosecution
3 and adjudication of cases involving those named
4 by the UN Commission.