

109TH CONGRESS  
1ST SESSION

# S. 495

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

---

## IN THE SENATE OF THE UNITED STATES

MARCH 2, 2005

Mr. CORZINE (for himself, Mr. BROWNBACK, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. TALENT, Mr. DEWINE, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

# 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-

1       mittees" means the Committee on Foreign Relations  
2       of the Senate and the Committee on International  
3       Relations of the House of Representatives.

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

## 5 SEC. 3. FINDINGS.

6 Congress makes the following findings:

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

1 (4) On July 30, 2004, the United Nations Se-  
2 curity Council passed Security Council Resolution  
3 1556, calling upon the Government of Sudan to dis-  
4 arm the Janjaweed militias and to apprehend and  
5 bring to justice Janjaweed leaders and their associ-  
6 ates who have incited and carried out violations of  
7 human rights and international humanitarian law  
8 and carried out other atrocities in the Darfur region.

22 (6) United Nations Security Council Resolution  
23 1564 declares that if the Government of Sudan  
24 “fails to comply fully” with Security Council Resolu-  
25 tions 1556 and 1564, the Security Council shall con-

1 consider taking “additional measures” against the Gov-  
2 ernment of Sudan “as contemplated in Article 41 of  
3 the Charter of the United Nations, such as actions  
4 to affect Sudan’s petroleum sector or individual  
5 members of the Government of Sudan, in order to  
6 take effective action to obtain such full compliance  
7 and cooperation”.

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

16 (8) On February 1, 2005, the United Nations  
17 released the Report of the International Commission  
18 of Inquiry on Darfur to the United Nations Sec-  
19 retary-General, dated January 25, 2005, which stat-  
20 ed that, “[g]overnment forces and militias conducted  
21 indiscriminate attacks, including killing of civilians,  
22 torture, enforced disappearances, destruction of vil-  
23 lages, rape and other forms of sexual violence, pil-  
24 laging and forced displacement throughout Darfur”,  
25 that such “acts were conducted on a widespread and

1 systematic basis, and therefore may amount to  
2 crimes against humanity”, and that the “magnitude  
3 and large-scale nature of some crimes against hu-  
4 manity as well as their consistency over a long pe-  
5 riod of time, necessarily imply that these crimes re-  
6 sult from a central planning operation”.

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

20 **SEC. 4. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

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

4 (A) requires member states to freeze the  
5 property and assets of, deny visas to, and deny  
6 entry to—

9 (ii) family members of those named by  
10 the UN Commission; and

11 (iii) any associates of those named by  
12 the UN Commission to whom assets or  
13 property of those named by the UN Com-  
14 mission were transferred on or after June  
15 11, 2004;

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

3 (C) imposes sanctions or additional meas-  
4 ures against the Government of Sudan, includ-  
5 ing sanctions that will affect the petroleum sec-  
6 tor in Sudan, individual members of the Gov-  
7 ernment of Sudan, and entities controlled or  
8 owned by officials of the government of Sudan  
9 or the National Congress Party in Sudan, that  
10 will remain in effect until such time as—

11 (i) humanitarian organizations are  
12 granted full, unimpeded access to Darfur;

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

22 (iii) the Government of Sudan cooper-  
23 ates fully with the African Union, the  
24 United Nations, and all other observer,

1 monitoring, and protection missions man-  
2 dated to operate in Sudan;

3 (iv) the Government of Sudan permits  
4 the safe and voluntary return of displaced  
5 persons and refugees to their homes and  
6 rebuilds the communities destroyed in the  
7 violence in Darfur; and

8 (v) the Sudan North-South Peace  
9 Agreement is fully implemented and a new  
10 coalition government is created under such  
11 Agreement;

12 (D) establishes a military no-fly zone in  
13 Darfur;

14 (E) supports the expansion of the African  
15 Union force in Darfur so that such force  
16 achieves the size and strength needed to pre-  
17 vent ongoing fighting and violence in Darfur;

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

20 (G) calls on the Government of Sudan to  
21 cooperate with, and allow unrestricted move-  
22 ment in Darfur by, the African Union force in  
23 the region, international humanitarian organi-  
24 zations, and United Nations monitors;

1 (H) extends the embargo of military equip-  
2 ment established by paragraphs 7 through 9 of  
3 Security Council Resolution 1556 to include the  
4 prohibition of sale or supply to the Government  
5 of Sudan; and

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

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

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

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

(4) the United States should support accountability through action by the United Nations Security Council, pursuant to Chapter VII of the Charter of the United Nations, to ensure the prompt prosecution and adjudication in a competent international court of justice of those named by the UN Commission;

(5) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that—

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

(B) concrete, sustained steps are being taken toward demobilizing and disarming Janjaweed militias and any other militias supported or created by the Government of Sudan;

1 (C) the Government of Sudan is cooper-  
2 ating fully with efforts to bring to justice those  
3 responsible for genocide, war crimes, or crimes  
4 against humanity in Darfur;

5 (D) the Government of Sudan cooperates  
6 fully with the African Union, the United Na-  
7 tions, and all other observer, monitoring, and  
8 protection missions mandated to operate in  
9 Sudan;

10 (E) the Government of Sudan permits the  
11 safe and voluntary return of displaced persons  
12 and refugees to their homes and rebuilds the  
13 communities destroyed in the violence in  
14 Darfur; and

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

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

11 (A) to support the implementation of the  
12 Sudan North-South Peace Agreement;

13 (B) to seek ways to bring stability and  
14 peace to Darfur;

15 (C) to address instability elsewhere in  
16 Sudan; and

17 (D) to seek a comprehensive peace  
18 throughout Sudan;

1 and mobilizing maximum support for political, financial,  
2 and military efforts to stop the genocide in  
3 Darfur;

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

9 (12) the United States fully supports the Sudan  
10 North-South Peace Agreement and urges the rapid  
11 implementation of its terms; and

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

18 **SEC. 5. IMPOSITION OF SANCTIONS.**

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

1 June 11, 2004, including requiring that any United States  
2 financial institution holding such funds and assets  
3 promptly report those funds and assets to the Office of  
4 Foreign Assets Control.

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

9 (1) those named by the UN Commission;  
10 (2) the family members of those named by the  
11 UN Commission; and

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

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

21 (d) NOTIFICATION OF WAIVERS OF SANCTIONS.—  
22 Not later than 30 days before waiving the provisions of  
23 any sanctions currently in force with regard to Sudan, the  
24 President shall submit to the appropriate congressional

1 committees a report describing the waiver and the reasons  
2 therefor.

3 **SEC. 6. REPORTS TO CONGRESS.**

4 (a) REPORTS ON STABILIZATION IN SUDAN.—

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

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

1       needed to prevent a resumption of violence and at-  
2       tacks against civilians.

3       (b) REPORT ON THOSE NAMED BY THE UN COMMI-  
4       SION.—At such time as the United States has access to  
5       the names of those named by the UN Commission, the  
6       President shall submit to the appropriate congressional  
7       committees a report listing such names.

8       (c) REPORTS ON ACCOUNTABILITY.—

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

17           (2) CONTENT.—The reports required under  
18       paragraph (1) shall describe—

19               (A) the status of any relevant resolution  
20       introduced in the United Nations Security  
21       Council;

22               (B) the policy of the United States with  
23       regard to such resolutions;

24               (C) the status of all possible venues for  
25       prosecution and adjudication of those named by

1           the UN Commission, including whether such  
2           venues have the jurisdiction, personnel and as-  
3           sets necessary to promptly prosecute and adju-  
4           dicate cases involving such persons; and  
5           (D) any ongoing or planned United States  
6           or other assistance related to the prosecution  
7           and adjudication of cases involving those named  
8           by the UN Commission.

○