



**Legislative Bulletin.....July 21, 2004**

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**H.Con.Res. 467**—Declaring genocide in Darfur, Sudan

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**H.Con.Res. 467—Declaring genocide in Darfur, Sudan (*Payne*)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, July 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 467 resolves that Congress:

- “(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;
- “(2) reminds the international community, including the United States Government, of their international legal obligations, as affirmed in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide;
- “(3) urges the Bush Administration to call the atrocities being committed in Darfur, Sudan by its rightful name: ‘genocide’;
- “(4) calls on the Bush Administration to lead an international effort to prevent genocide in Darfur, Sudan;
- “(5) urges the Bush Administration to seriously consider multilateral or even unilateral intervention to prevent genocide should the United Nations Security Council fail to act;
- “(6) demands that the Bush Administration impose targeted sanctions, including visa bans and the freezing of assets of the National Congress and affiliated business and individuals directly responsible for the atrocities in Darfur, Sudan; and
- “(7) calls on USAID to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those driven off their land may return and begin to rebuild their communities.”

**Additional Background:** According to the resolution, in Darfur, Sudan, “an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced.”

Article 1 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide states that “the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they

undertake to prevent and to punish.” Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that “in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.” Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that the “following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide.”

For more information on the situation in the Sudan and international humanitarian efforts, click here: [http://www.usaid.gov/locations/sub-saharan\\_africa/sudan/darfur.html](http://www.usaid.gov/locations/sub-saharan_africa/sudan/darfur.html). USAID estimates that **\$139 million** has been provided by the United States for the Darfur situation in FY03 and FY04 thus far.

**Committee Action:** The resolution was introduced on June 24, 2004, and referred to the Committee on International Relations, which did not consider the resolution.

**Administration Position:** Below are recent comments by Secretary of State Colin Powell on genocide in Sudan:

**SECRETARY POWELL:** The issue of genocide is a legal determination and my counsel, Will Taft, as well as Pierre Prosper, who you all know, are examining this carefully. Ambassador Prosper testified last week that we see indicators and elements that would start to move you toward a genocidal conclusion. But, we’re not there yet. And, frankly, I hope we don’t get there.

Whether you call it genocide or whether somebody prefers to call it ethnic cleansing or some people think, as a technical matter, it doesn’t reach the level of either ethnic cleansing or genocide. I will let Ambassador Prosper and all the lawyers argue about that. What we are seeing is a disaster, a catastrophe, and we can find the right label for it later. We’ve got to deal with it now. That’s my focus. (<http://www.state.gov/secretary/rm/34033.htm>)

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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