

Statement of Sima Samar to the Human Rights Council introducing the Darfur Experts Group Final Report on 11 December 2007

CHECK AGAINST DELIVERY:

Mr President , Excellencies, Ladies and Gentlemen,

It is my honour to address the Human Rights Council in my capacity as Chair and member of the Experts Group on Darfur which the Council established in March 2007 to ensure the effective follow-up and implementation of existing resolutions and recommendations on Darfur.

As Special Rapporteur on the situation of human rights in the Sudan, I had the pleasure of presiding over the group and working with the other mandate holders: the Special Representative of the Secretary-General for children and armed conflict; the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General on the situation of human rights defenders; the Representative of the Secretary-General on human rights of internally displaced persons; the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

The experts group recalls that its mandate has been to ensure effective follow-up and to foster implementation of pre-existing resolutions and recommendations on Darfur in a way that supports human rights special procedures mandates relating to the situation in Darfur.

The experts group presented its first report to the Human Rights Council (A/HCR/5/6) on 13 June 2007, reiterating its concerns regarding the human rights situation in Darfur, identifying priority areas for implementation, and compiling a number of specific recommendations to be implemented over the short- and medium terms.

On 20 June 2007, the Council requested “the group of experts to continue its work for six months and to submit an update to the session of the Council in September 2007 and a final report to the following session of the Council”.

In its interim report of 22 September 2007 (A/HRC/6/7), the group indicated that at that stage, it was not in a position to provide, on the basis of the information received from the Government of the Sudan and other sources, a full assessment of implementation. The group felt that the Government of the Sudan should be given maximum opportunity and time to implement the recommendations compiled by the group and to provide further information. The group also needed more time to gather information from all reliable sources concerning the status of implementation and to consider the level of impact implementation may have had at ground level.

Following the September Council session, the group invited the Government to submit further information and on 9 October, it sent a list of questions to the Government to help it to clarify outstanding questions and to facilitate the process of constructive dialogue.

The Government requested that a meeting with the group be held as late as 15 November and to have until 27 November to submit its comments. On 15 November, the group met for a full day in Geneva with an inter-ministerial Delegation from Khartoum to get up-to-date information on the status of implementation and once it received comments from the Government on 27 November on the draft report, it took these into account. The group has been pleased to continue working with the Government at a very good level of cooperation.

The final report I am presenting today is based on the methods of work which the group adopted early on, namely:

- to cooperate and work in a transparent manner with the Government of the Sudan and other relevant partners within the international community;
- to identify obstacles to implementation of the recommendations; and

- to differentiate short from medium term recommendations with a view to assisting the Government of the Sudan to implement fully the recommendations identified in the annex to its first report (A/HRC/5/6).

The group wishes to underline that the ultimate measure of the Government's implementation of the recommendations compiled by the group remains actual improvement in the human rights situation on the ground in Darfur.

In the present report, the group of experts reviews the efforts of the Government of the Sudan to implement the recommendations the group has compiled, using the indicators it put forward in its first report, on the basis of information that the group has received from the Government in written and oral form, as well as from other sources, including UN and African Union (AU) agencies, bodies and programmes with operational competence in Darfur.

Mr President:

The group of experts concludes that the process of cooperative engagement with the Government of the Sudan has worked well in procedural terms. However, in terms of substance it observes that few recommendations were fully implemented or had a tangible impact. Several recommendations, which were prioritized as short-term and which could have been implemented within three months as they did not require lengthy administrative processes or additional resources, have not yet been implemented. While first steps have been made by the Government with regards to many of the recommendations, they have not yet yielded sufficient impact on the ground according to reports received from organizations operational in Darfur.

A significant number of recommendations have not been dealt with by the Government at all. The group of experts, while acknowledging the activities undertaken by the Government of the Sudan thus far, remains concerned that reports received indicate clearly that, with very few exceptions, these efforts have not yet lead to an improvement of the situation of human rights in Darfur.

We believe that it is the Government of the Sudan and State institutions that have primary responsibility to respect, protect and promote fully international human rights law and humanitarian law. The group recalls that all parties involved in the conflict must comply with their obligations under international human rights and humanitarian law.

The group of experts recalls the Council's consensus on the seriousness of the ongoing violations of human rights and international humanitarian law and the urgent need to focus on the implementation of existing recommendations to enhance the human rights situation in Darfur, and urges the Government to implement fully the prioritized recommendations without further delay.

President, Excellencies, Ladies and Gentlemen:

We recommend that the Human Rights Council continue the process of review in accordance with the time frames and indicators for assessing implementation we developed.

The group suggests that a renewed mandate should envisage the possibility of an assessment mission to the Sudan, including its Darfur region, and sufficient time for analysis of the implementation of medium-term recommendations following their expiry on 20 June 2008.

I would like to thank the members of the group of experts and the secretariat for their commitment and hard work.

Finally, as we launch a year long campaign with the theme dignity and justice for all, we must work together to make this theme a reality for the people in Darfur.

Thank you.

* * * * *