

Statement of Sima Samar, Special Rapporteur on the situation of human rights in the Sudan to the Human Rights Council

13 December 2007

CHECK AGAINST DELIVERY:

Mr President, Excellencies, Ladies and Gentlemen,

It is my honour to address the Human Rights Council and to provide a brief account of the human rights situation in the Sudan.

During my fourth visit to the Sudan from 25 July to 2 August 2007, I went to Khartoum, El Fasher, Juba, Wau and Kadugli. I held consultations with officials of the Government of National Unity, the Government of Southern Sudan, the Southern Sudan Human Rights Commission, civil society representatives and UN staff.

Progress has been made with regard to the signing of the Convention on the Rights on Persons with Disabilities, the drafting of new bills and the issuance of orders to military and police. However, these steps have not yet had a tangible effect on the human rights situation and much more needs to be done. I would therefore reiterate today many of the same concerns that I have highlighted on earlier occasions.

Fundamental rights, including the freedoms of opinion and expression, and the rights to freedom of assembly and association, continue to be violated by law enforcement authorities. In clear violation of the CPA and

INC, political opposition parties, journalists, students, IDP's, and tribal leaders continue to be targeted for their activities. I received reliable reports that the security apparatus has continued to arbitrarily arrest and detain civilians and that detainees were often subjected to torture and ill treatment. They were denied access to legal representation.

~~During my visit~~, I noted with concern the situation in the area of the dams in northern Sudan where many civilians were killed or arbitrarily arrested. The investigation of the incidents has not been transparent and thus far, the perpetrators have not been brought to justice.

During my visit, a number of important members of the political opposition were arrested and detained in Khartoum. Since then I received several reports of ill-treatment and lack of access to legal representative and family visits in connection with these detainees. On 2 December one of the detainees, the Chairman of the Umma Party – Reform and Renewal, Mubarak Al Fadel, was released. His release was based on a court decision to drop the charges against him as there was insufficient evidence to bring him to trial.

On 10 November, ten people were sentenced to death by a court in Khartoum which found them guilty of having murdered the newspaper editor Mohamed Taha on 6 September 2006. The trial in which the ten defendants were sentenced to death violated a number of fundamental rights of the defendants.

Dozens of people were arbitrarily arrested ahead of the start of peace talks on Darfur in Sirte, Libya. There were reports of torture and other ill-treatment during *incommunicado* detention by the NISS.

The Government has continued to restrict freedom of expression as indicated by a number of measures taken by the authorities against several newspapers imposed in response to critical reporting.

In Darfur gross violations of human rights and humanitarian law continue to be perpetrated by all armed factions. Killings, sexual violence,

arbitrary arrest and detention, torture, as well as forced displacement, continue as in many other parts of the country.

The Government has the primary responsibility to prevent attacks on civilians and to protect human rights, but so far its actions have been ineffective. Rebel groups are also obliged to abide by international humanitarian law with regard to people in territory under their effective control.

The prospects for improvement in the security situation in Darfur will hopefully be ^{changed} improved with the effective deployment of the new hybrid UN/AU peace mission

In Southern Sudan, problems persist with illegal and arbitrary detentions resulting in many people in detention for prolonged periods of time. Mentally ill persons are detained in prisons rather than in other adequate rehabilitation facilities.

Abuses and human rights violations by people in uniform, including the SPLA continue and highlight the need to ensure impunity is not tolerated. In November in Yambio town, in Western Equatoria State SPLA soldiers killed three senior members of the local Southern Sudan police at a detention centre because they refused to give them somebody they had under their custody. On 13 November, soldiers were arrested in connection with the killing.

Tribal clashes namely over water points, land and cattle continue to affect the area. To mention just one of many incidents, 54 women and children from the Didinga tribe were killed allegedly by Toposa tribesmen in Baudi county, Eastern Equatoria in May 2007. The Government established an ad hoc Commission to investigate but we are now in December and no findings have been published. More recently there were tribal clashes between the Dinkas and the Murles in Bor/Jonglei area and a Commission was established but no findings have been provided so far.

On a positive note, the Southern Sudan Human Rights Commission has started its work and should be supported including by passing a law that

would allow it to be operational. Two hundred legal counselors and prosecutors for the southern states were appointed. In certain areas, circuit courts have been set up to review hundreds of cases of people in remand detention.

The Comprehensive Peace Agreement (CPA) has been implemented partially and poorly and the country's administration of justice and the rule of law remain very weak. The National Human Rights Commission has not yet been established. Some sixty three laws need to be reformed in order to comply with the Interim National Constitution and international standards. The lack of implementation has caused disappointment and reduced the confidence between the parties and the people in Sudan.

~~I must mention also that~~ severe obstacles remain to the enjoyment of basic economic, social and cultural rights, particularly in southern Sudan, such as the rights to health, education and to have access to potable water. Widespread poverty and marginalization continue to exacerbate political unrest throughout the country.

Throughout the Sudan ~~the prevailing climate of~~ impunity has continued with regard to serious human rights violations.. The Government's initiatives to set up investigative committees to look into particular incidents of serious violations, has to be welcomed, but their findings have generally not been made public nor have perpetrators been prosecuted. For example, the victims of the massacre in Port Sudan have still not received justice. On 18 February 2005 the Government established a committee of investigation but so far has never published the findings.

In short throughout the Sudan, violations of human rights and humanitarian law continue and no progress has been made to stop impunity. Moreover, the Government of the Sudan has failed to cooperate with the International Criminal Court.

Mr. President, Excellencies, Ladies and Gentlemen,

The grave human rights situation in the Sudan was the reason for the establishment of this mandate and the situation has not significantly improved. The duty of this Council is to advance the protection of human rights; the Special Rapporteur is a mechanism for engagement with the concerned country in this regard. For the country concerned it is a means to demonstrate its willingness to address its human rights challenges in a spirit of transparency and cooperation with the Council ~~and not to shy away from its obligations under international law~~. Such a process of working together to identify gaps and prevent further violations can build confidence between the Government, the people and the international community and most importantly lead to an improvement in the human rights situation.

Mr President:

The situation of human rights in the Sudan requires the engagement of this Council. The work of the country mandate and the Group of Experts must be allowed to continue until the very serious human rights situation in the country is improved. If not we will have failed in our responsibility to defend human rights in the places where it is most needed.

To be clear I am calling for the renewal of the mandate of the Special Rapporteur on the situation of human rights in the Sudan, but not necessarily for myself.

Finally, let me remind this Council that the mandate enables the voices of the voiceless and victims of human rights violations to be heard in this room. Coming from a country in conflict I know what it means to be a victim of human rights violations and the importance of having ones voice heard in the hope that action will be taken for accountability and justice.

Thank you.