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**Statement by
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Special Rapporteur on the situation of human rights
in the Sudan**

Human Rights Council

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**Mr. President,
Madam High Commissioner,
Excellencies, ladies and gentleman:**

It is an honor for me to present the current report as the Special Rapporteur on the situation of human rights in the Sudan. I would like to express my appreciation to the Government of National Unity, UNMIS and UNAMID who extended their cooperation and support to facilitate my visit from 25 May to 4 June 2009. This visit followed an initial request for 25 February to 11 March 2009, which was accepted by the Government and postponed on the advice of UN Department of Safety and Security. A second request for a country visit was made for 8 to 22 April 2009, which was postponed by the Government on account of the dates not being suitable to them. As a result of these postponements, my mission was delayed, along with the report to the Human Rights Council.

Since my last visit to the Sudan, some positive developments have taken place such as the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol by the Government in April 2009. I also note some efforts on legislative reform, including the passing of the Human Rights Commission Act, and ongoing discussions related to the 2009 Child Bill, which has a number of positive provisions. I have requested the National Assembly to include a provision criminalizing female genital mutilation (FGM) in line with other parts of the country in this matter. In the South, I welcome, in particular, the

signing into force the Southern Sudan Human Rights Commission Act and the Land Act

A notable and positive step has been the establishment of Human Rights Forums for Darfur and for other parts of Sudan, co-chaired by the Advisory Council for Human Rights (ACHR), UNAMID, and UNMIS. These Forums provide a platform for dialogue and follow up on human rights concerns between the UN and the Government. I also note that the North and South Darfur State Committees on Gender-Based Violence are trying to address some of the problems of sexual and gender-based violence with the support of the UN system.

Despite these steps, the ultimate measure for progress should be concrete change in the human rights situation on the ground. Sudan continues to face challenges in terms of securing the rights to life, security of person, and the effective administration of justice for serious violations of human rights across the country. Since my last report to the Human Rights Council, I continue to receive reports of arbitrary arrests, detention, as well as allegations of ill-treatment and torture of human rights defenders and humanitarian workers by security forces, in particular by the National Intelligence and Security Service (NISS). This includes recent incidents of arbitrary arrests, detention, and ill treatment amounting to torture of UNAMID national staff.

In this regard I remain deeply concerned about the National Security Forces Act which provides powers of arrest and detention to NISS, and procedural immunity for acts that should be subjected to criminal

liability. I request the Government to improve and facilitate access of UNMIS and UNAMID human rights officers to all places of detention across the country.

Mr. President,

I would also like to express concern about the ongoing censorship of newspapers, and restrictions on journalists, human rights defenders, and members of the political opposition from freely expressing their opinion. In view of the upcoming elections in February 2010, it is imperative that restrictions on freedom of expression, association and assembly be removed to create a conducive environment for free and fair elections. I note that the Press and Printed Materials Bill of 2009 was passed in June following my visit to the country. While the provision on the Press Council's power to impose a fine of 50,000 SDG has been removed, a number of provisions remain which can be interpreted to give the Press Council powers to further restrict freedom of expression.

In Darfur the security situation remains fluid and unpredictable, as it remains a zone of conflict between the government, armed movements, and Chad. While the government has made some efforts to protect civilians, direct and indirect attacks on civilians by Government security forces, government supported militia groups and armed movements have been reported as detailed in my report and the Addendum on the Group of Experts recommendations. Since my last visit to the country three UNAMID Peacekeepers have been killed. There have also been incidents of NGO workers being abducted and detained. Sexual and

gender-based violence against women and girls continue to be reported, in particular by the Chadian Armed Opposition Groups in west Darfur. Inter-tribal clashes continue to result in civilian casualties. Carjackings of UN personnel, and attacks on humanitarian workers also continue, and peaked during the months of March and April 2009.

As a follow up to my visit and reports in 2008, I also raised a number of cases with the Government of National Unity, and urged them to make public the findings of all committees of inquiry and ensure accountability for human rights violations in Abyei, Gereida, Kajbar, Port Sudan, and within the vicinity of Torit. In most of these cases, those responsible for the incident have not been arrested or prosecuted.

As highlighted in the report, the revocation of licences of the Amel Centre for the Rehabilitation of Victims of Violence, Khartoum Centre for Human Rights and Environmental Development, and the Sudan Social Development Organization has weakened human rights protection and reduced national capacity for monitoring and reporting. I strongly recommend that the appeals of these NGOs are ensured an independent judicial review, and their seized assets returned, along with provision of adequate compensation.

The humanitarian and human rights situation in southern Sudan also remains of concern with large scale killings, and displacement of civilians caused by recent conflict. The killings of several hundred civilians in Jonglei state due to inter-tribal clashes, and the scale of these clashes over cattle rustling has been unprecedented, including the

targeting of women and children. While UNMIS has deployed its forces in Jonglei state in preventive efforts, the sustainable solution to this problem will involve a proactive deployment of state security forces in areas of potential conflict, and a well designed and peaceful civilian disarmament campaign.

I also remain deeply concerned about attacks by the Lord's Resistance Army (LRA) in Western Equatoria and Central Equatoria states. The LRA has destroyed and burnt villages, while committing serious human rights violation, including killings and abductions of women and children, with an ineffective response from the state authorities. While I recognize the logistical and resource constraints of the state, the encouragement of self defense groups is not a substitute for the responsibility of the state to actively police these areas, and to deter future attacks in order to protect civilians.

I also note that the administration of justice in the southern Sudan is hampered by lack of capacity, including the shortage of professional police, qualified judges and lawyers. In addition there is a lack of training, infrastructure, transport and equipment for such officials. I encourage the Government of Southern Sudan and the international community to provide adequate means and resources to these institutions, including the provision of legal aid services.

Mr. President,

I strongly urge the Government of Sudan to build on its positive efforts, and for these efforts to be directed towards concrete change on the

ground, including through the implementation of a number of recommendations in my current and previous report. At the time of submission of my report to the Human Rights Council, the Government fully implemented four of the forty five recommendations of the Group of Experts. Significant activities have been undertaken and implementation is in progress for another four recommendations. However a large number of recommendations have not been implemented, particularly in the area of protection of civilians, and accountability and justice.

I strongly recommend that the international community and Human Rights Council remain engaged with the Sudan, and consider further practical action to concretely improve the human rights situation on the ground for the people, including through monitoring, technical, and financial assistance to build the capacity of institutions, especially for the promotion and protection human rights and also civil society.

I thank you all.