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Statement by
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in the Sudan

New York, 20 October 2006



Mr. President,
Excellencies,
Ladies and Gentlemen,

It is an honour for me to address the General Assembly in my capacity as Special Rapporteur on the human rights situation in the Sudan.

This year I conducted two missions to Sudan, in February –March and again in August 2006. The report you have before you contains my findings (A/61/469). I would like to thank the Government of National Unity and the Government of Southern Sudan for their full cooperation with my visits. Special thanks to the Advisory Council for Human Rights who organized my programme. I highly commend the work done by human rights defenders, UNMIS, humanitarian agencies and the African Union to protect human rights and fundamental freedoms in the Sudan.

Mr. President

The people of the Sudan had high expectations that their lives would change for the better after the signing of the Comprehensive Peace Agreement (CPA) and the adoption of the Interim National Constitution and the Interim Constitution of Southern Sudan in 2005. Despite these developments and the great desire amongst Sudanese for democratic transition, there have been

significant delays in the implementation of the CPA. Violations of the Constitution and international human rights law have led to growing disappointment and lack of confidence in the will of the parties for real change.

Discrimination and marginalization of certain groups continue and basic rights such as access to food, shelter, health and education are not guaranteed.

The process of harmonizing national legislation with the Interim National Constitution, which recognizes international human rights standards as an integral part, is seriously delayed. Laws which violate the Interim National Constitution and human rights are still in use.

In March, 63 laws had been identified by the Government as being in need of review. These included the Criminal Act, the Criminal Procedure Act, the National Security Act, the Armed Forces Act, the Press and Publications Act and the Police Forces Act. Despite assurances I received from the Government that law reform was on schedule, the April session of the National Assembly made no progress on these laws and no action is likely at the October session either. Law reform is required without further delay. Consultations should be held with a broad spectrum of society, especially relevant professional groups, to ensure that the reforms respond to the actual needs of victims and society in general.

Similarly, in Southern Sudan, attention is required to harmonize laws in accordance with the Interim Constitution for Southern Sudan.

The situation in Darfur has dramatically deteriorated, despite the signing of the Darfur Peace Agreement in May which, unfortunately, did not lead to peace. The Government, allied militia, and rebel groups continue to commit serious violations of international human rights and humanitarian law, including attacks on villages, killing of civilians, torture, rape, looting and forced displacement. Many people have been arrested and detained at checkpoints, and many have been held incommunicado and tortured. The conflict is also spilling across the borders, militia based in Darfur are attacking civilians across the border in Chad and the Central African Republic.

The Government of Sudan has failed to comply with its obligations to protect the human rights of its people. The UN has made many recommendations over the past several years as to the measures which are required of the Government to fulfil its obligations under international law, but these recommendations have not been implemented.

Thousands of Sudanese troops have been deployed to Darfur in clear violation of the cease fire agreements, DPA, and Security Council Resolution 1591 (2005). The Government is using aerial bombardment to attack villages controlled by the National Redemption Front and G19 rebel groups. The Government also continues to support large-scale attacks by militia groups on villages. The attacks on villages near Buram, South Darfur in August and September, resulted in dozens of people killed and injured and thousands displaced. Many of the newly displaced from the villages found

little safety in IDP camps due to the presence of militias and armed groups around and within the camps.

The human rights situation in the South of Sudan remains fragile, in particular with regard to the enjoyment of social and economic rights. Poverty is overwhelming. The rights to education, health and adequate housing, as well as the right to development are almost non-existent. Returnees and IDPs are starting to arrive and face enormous difficulties.

The general lack of human and financial resources in Southern Sudan impacts negatively on the establishment of the rule of law, hindering the Government's capacity to provide protection to civilians. Outside the towns, insecurity continues due to the presence of different armed groups. Killings, rapes, extortion, looting, harassment and intimidation have reportedly been committed by different groups with impunity.

On 14 October the Government and the Eastern Front signed an agreement in Asmara, which will hopefully lead to a just resolution of the conflict in Eastern Sudan.

Mr. President

The right to life continues to be violated, in particular, in Darfur. The Government has failed in its responsibility to protect the population from attacks in areas where it has control and failed to disarm the government backed militia.

Moreover, due to the conflict, many parts of Darfur are now inaccessible for humanitarian relief workers leaving communities without vital food and health aid resulting in further fatalities.

Rape and sexual violence against women continue, in particular, in Darfur. In most cases victims do not approach the authorities, for fear of reprisals, or mistrust in the police and the judiciary. Even when victims have tried, in most of the cases the authorities have failed to bring perpetrators to justice.

The administration of justice throughout Sudan is generally poor. In conflict-affected areas and in remote areas there is little or no access to justice institutions.

I believe that lasting and sustainable peace is not possible without justice and reconciliation. Ending impunity and ensuring accountability should be of the utmost importance. The Security Council referred the situation in Darfur to the International Criminal Court following the report of the International Commission of Inquiry (S/2005/60), which established that the Government of the Sudan, the Janjaweed and rebels are responsible for international crimes, including crimes against humanity and war crimes. I call on the Government of Sudan to fully cooperate with the ICC and ensure that those who are responsible for international crimes are brought to justice.

The space for freedoms of expression, association and assembly is closing. In the reporting period there has been a noticeable crack down on human rights defenders, lawyers, journalists, and members of political opposition parties.

Peaceful demonstrations have been violently dispersed and demonstrators have been arrested and detained.

Journalists have faced harassment, suspension and arrest, particularly when reporting on human rights concerns in conflict or marginalized areas. This type of censorship of the press by the government violates Article 19 of the ICCPR and Article 39 of the Interim National Constitution.

Around Khartoum IDP's live in camps and informal settlements. These communities represent Khartoum's most marginalized populations, making them prime targets for police abuse, including extortion. When the police engage in abusive activities, these victims generally have no avenue to seek redress.

I also would like to express my concern regarding forced relocations such as Soba in May 2005 and Dar Assalam in August 2006 which were conducted in violation of international standards.

Mr. President, my recommendations:

The immediate priority should be to ensure effective human rights protection and humanitarian assistance to vulnerable populations in Darfur and elsewhere in Sudan.

The human rights situation in Southern Sudan, Eastern Sudan and other parts of the country also demand attention and should not be overlooked due to the crisis in Darfur.

All parties should facilitate the provision of humanitarian assistance and grant relief workers unimpeded access to IDPs and other communities in need.

The Janjaweed, militia and other armed groups need to be disarmed without delay. Strict vetting procedures should be put in place to ensure that those responsible for the most serious human rights and humanitarian law violations are not absorbed into the regular armed forces or given Government positions.

All reports of human rights violations should be investigated proactively and perpetrators brought to justice to stop the culture of impunity.

The Government should strengthen its co-operation with the ICC and ensure that there is no amnesty from prosecution for persons who committed war crimes and crime against humanity.

The Government must pursue the implementation of the CPA and the Interim National Constitution without further delay, with a special focus on law reform. Consultations should be held with a broad spectrum of society, especially relevant professional groups, to ensure the proposed reforms effectively respond to the actual needs of victims and society in general.

The Government should ensure that relocations occur in a manner that respects the dignity and rights of affected people.

The National Human Rights Commission should be established in accordance with the Paris Principles, guaranteeing its independence with sufficient funds to ensure its effectiveness.

The international community should provide the necessary technical support, resources and equipment to the African Union Mission in the Sudan (AMIS) to ensure effective protection of civilians, in particular those in IDP camps.

The international community should continue to provide financial and technical support to the GNU and the Government of Southern Sudan to implement the CPA and build democratic national institutions for protection of human rights.

Finally, I call on the international community to support and facilitate an inclusive dialogue process in Darfur, and other parts of the Sudan, to address the roots of the conflict towards sustainable peace and stability.

Mr. President, Excellencies, Ladies and Gentlemen,

I thank you for your attention.