



A NEW CHAPTER FOR HUMAN RIGHTS

A handbook on issues of transition
from the Commission on Human Rights
to the Human Rights Council



Annex 3.1

Special Rapporteur on the situation of human rights in the Sudan

Current mandate holder: Sima Samar
Mandate started: 2005

Term of mandate holder: 2005-2006
Mandate up for renewal: 2006

Background and areas of focus

- The Commission on Human Rights originally discussed the situation of human rights in the Sudan from 1991 to 1993 under the confidential 1503 procedure;
- The public mandate was first established in 1993 as a Special Rapporteur, until 2004 when it was changed to an Independent Expert;
- The mandate was then re-established in 2005 in view of the continued, widespread and systematic violations of human rights and international humanitarian law and the dire consequences of the prolonged conflict for the civilian population in Sudan and in Darfur in particular;
- The aim of the special procedure is to monitor the situation of human rights in the Sudan, notably by establishing direct contact with the Government and with the people of the Sudan and seeking and receiving credible and reliable information from Governments, non-governmental organizations and any relevant other parties;
- The Special Rapporteur also addresses human rights abuses committed by parties other than the Government of the Sudan.

Differing working methods and reporting obligations

- The Special Rapporteur also submits reports to the General Assembly.

Cooperation with Government

- The Government has been relatively cooperative, facilitating the Special Rapporteur's visit to the Sudan, during which the Special Rapporteur was able to meet with senior Government officials;
- During the visit, the Special Rapporteur visited prisons and was given access to all their parts. However, access to high security detention facilities was generally denied, with some exceptions.

Key developments

- The Sudan has embarked on a difficult path of peace building, reconciliation and construction with the signing of the *Comprehensive Peace Agreement* between the Government and Southern rebels in January 2005;
- There have been several positive developments, such as the inauguration of the new Government of National Unity and the Government of South Sudan, the adoption of the new Interim National Constitution and the Constitution for the South of the Sudan, peace talks, the ratification of international instruments, and the establishment of various commissions;
- Violations of human rights are still widespread and the conflict continues in Darfur. No effective action was taken to disarm the Government-backed militia or Janjaweed and none of the serious crimes committed during the 2003-2004 conflict were seriously investigated;
- The state of emergency laws continue in certain areas, State authorities continue to use power arbitrarily under the guise of national security and there are numerous incidents of arbitrary detention, torture and ill treatment in detention.

Country visits

Sudan: 1997, 1999, 2000, 2001, 2002, 2004, 2005 and 2006.

Pending reports

Annual report (E/CN.4/2006/111).

Communications to the Government of Sudan (2005)

No information available in the 2005 annual report.