



International Service for Human Rights

The Reports in Short

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The Special Rapporteur on the human rights situation in the Sudan¹

Mandate holder

Sima Samar

Mandate

This mandate was established in 2005² 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 particular, in Darfur. The mandate of the Special Rapporteur 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 seek and receive credible and reliable information from Governments, non-governmental organisations and any relevant other parties. The Special Rapporteur also addresses human rights abuses committed by parties other than the government of the Sudan.

Activities

Mission to the Sudan from 15 to 22 October 2005.

Annual Report³

Scope

Mission to the Sudan from 15 to 22 October 2005, comprising meetings with members of the Government, representatives of civil society, United Nations agencies, the diplomatic community and non-governmental organisations (NGOs).

Summary and key conclusions

Sudan has embarked on a difficult path of peace building, reconciliation and construction with the signing of the Comprehensive Peace Agreement (CPA) in January 2005. There have been several positive developments, such as the inauguration of a new Government of National Unity (GNU), the adoption of a new Interim National Constitution (INC), peace talks, the ratification of international instruments, and the establishment of various commissions, but violations of human rights are still widespread. No effective action has been taken to disarm the Government-backed militia or Janjaweed. None of the serious crimes committed during the 2004 conflict had been seriously investigated or the perpetrators brought to justice. Immunities in place for security forces were not repealed. The state of emergency laws continue in certain areas and National Security continued to detain and torture persons they suspected of crimes. Access to National Security detention facilities was generally denied, with some exceptions. New laws were introduced which limited fundamental freedoms of expression and association and were challenged in the Constitutional Court. The culture of impunity continues, especially for the security forces, and the human rights situation remains of great concern.

- The establishment of the Sudan's national human rights machinery has been delayed;

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² Commission *Resolution 2005/82*.

³ E/CN.4/2006/111, 11 January 2006.

- 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; government forces and armed groups have carried out armed attacks on camps containing internally displaced persons (IDPs); Armed militias and government forces continue to forcibly recruit children.
- There is a **major strain on resources**, especially in Southern Sudan, due to the movement of thousands of displaced persons back to their places of origin;
- **Violence against women and girls** is widespread. Although a Women's Centre for Human Rights has been created in 2005, law reforms and new legislation are still needed to promote and protect women's human rights, in particular concerning the definition of rape and the legal prohibition of female genital mutilation;
- The GNU is required to initiate a **process of national reconciliation** but a comprehensive strategy responding to transitional justice has yet to be developed; there is a general failure to investigate allegations of human rights abuses and to bring perpetrators to justice;
- The **death penalty** exists in the Sudan and is applied to children under the age of 18. The Southern Sudan Interim Constitution however, prohibits the death penalty for children under 18, so children in Sudan receive different levels of protection from the law;
- There are concerns about **forced relocations** by the Government, which have resulted in violent riots. Future relocation sites are reported to have inadequate provision of water and social services;
- **Freedom of association** is still limited but there has been a dramatic shift in the Government's approach to **freedom of expression** consisting of lifting media censorship in July 2005.

Key recommendations

- All parties to the conflict should **cease all hostilities** and enter into the **negotiation** process;
- All parties should respect international humanitarian law and human rights law;
- All parties should strengthen their cooperation with the International Criminal Court and ensure that all allegations of human rights abuses are investigated and that there is no amnesty for persons who committed war crimes and crimes against humanity;
- Comprehensive legislative and institutional reforms should take place to ensure conformity with the INC and international human rights, focusing especially on the police, the armed forces, the press, NGOs and criminal law, and a judicial oversight mechanism should be established;
- The institutions provided under the CPA and the INC should be established without delay, especially the **Constitutional Court** and a **National Human Rights Commission**;
- A comprehensive plan should be established to fulfil the government's obligation to **disarm the Janjaweed**, as well as all irregular groups not formally within the military;
- Clear **mechanisms for reparation** and **reconciliation** should be adopted in consultation with victims and civil society;
- The action plan to eliminate gender-based violence should be implemented;
- **Relocations** should take place in a manner that respects the dignity and rights of the affected communities;
- The GNU should ratify the *Convention on the Elimination of All Forms of Discrimination Against Women*, the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *Rome Statute of the International Criminal Court*;
- There should be an African Union Mission in Sudan civilian police presence in all camps and returnee villages;
- The international community should provide the GNU with **technical** and **financial support** with regards to the CPA and the implementation of comprehensive disarmament, demobilisation and reintegration of armed groups.