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## **HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION**

### **REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE SUDAN, SIMA SAMAR\***

#### **Summary**

The report of the Special Rapporteur on the situation of human rights in the Sudan, Ms. Sima Samar, is submitted pursuant to Human Rights Council Resolution 9/17, in which the Council decided to extend for six months the mandate of the Special Rapporteur, in accordance with the Commission on Human Rights resolution 2005/82 and Council resolutions 6/34 and 6/35, and 7/16. The present report updates the previous one (A/HRC/9/13) and covers the period from August 2008 to May 2009.

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\* Late submission

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## I. INTRODUCTION

1. In resolution 2005/82, the Commission on Human Rights established the mandate of the Special Rapporteur on the situation of human rights in the Sudan (Special Rapporteur), and requested her to monitor the human rights situation in the Sudan and report to the Commission (now Human Rights Council) and General Assembly.
2. In resolution 6/34, the Council extended the Special Rapporteur mandate for one year, and requested the expert to ensure effective follow-up and foster implementation of the remaining short and medium term recommendations identified in the first report of the Group of Experts on Darfur (GED) (5/6) through an open and constructive dialogue with the Government of the Sudan.
3. In resolution 7/16, the Council expressed particular concern that perpetrators of past and ongoing serious violations of human rights and international humanitarian law (IHL) had not yet been held accountable for their crimes and urged the Government to address urgently this question by thoroughly investigating all allegations, and promptly bringing perpetrators to justice. In resolution 9/17, the Council extended the Special Rapporteur mandate until June 2009. She was also requested to follow-up and foster implementation of the remaining GED recommendations, which is detailed in the Addendum to this report.
4. This report covers the period August 2008 to May 2009 and provides updates to the previous report presented to the ninth session of the Council in September 2008 (A/HRC/9/13). It covers northern Sudan, Darfur, the Transitional Areas and Southern Sudan. The report is based on information and reports received by the Special Rapporteur during her visit to Sudan (25 May to 5 June 2009) from the Government, human rights defenders, victims of human rights violations, and UN system.
5. The Government accepted an initial request for a country visit from 25 February to 11 March 2009. Travel of UN missions to Sudan during that period was postponed on the advice of the United Nations Department of Safety and Security, in anticipation of the 4 March 2009 decision of the International Criminal Court (ICC). In its note to the Office of the High Commissioner for Human Rights (OHCHR) on 14 April 2009, the Government noted that the Special Rapporteur's second request for a visit from 8 to 22 April 2009 had to be postponed since the dates were not suitable to the authorities. The Special Rapporteur requested 25 May to 5 June 2009 as the last set of dates to discharge her mandate, which was accepted.
6. The Special Rapporteur thanks the Government of National Unity (GoNU), Government of Southern Sudan, UNMIS and UNAMID for their cooperation to facilitate her visit. She commends human rights defenders, in particular, and all other actors involved in promoting and protecting human rights, and in providing humanitarian assistance to people in need.

## II. GENERAL HUMAN RIGHTS SITUATION

7. Despite some positive legislative developments, the human rights situation in the Sudan remains critical, with daunting challenges in terms of securing, in particular, the rights to life and security of the person, and the effective administration of justice.
8. Arbitrary arrest and detention by the National Intelligence Security Service (NISS), military or police continues to be widespread in all areas of Sudan, and is often linked to other serious violations, such as *incommunicado* detention, ill-treatment, torture or detention in

unofficial places of detention. As UNMIS and UNAMID Human Rights Officers have no access to most places of detention, the exact figure of detainees is impossible to verify.

**9.** Serious capacity and resource gaps continue to affect administration of justice across the country. These include an inadequate number of qualified police, prosecutors and judges, especially in rural areas; lack of basic communication and transportation equipment for such officials; prosecutors and judges unfamiliar with international human rights standards, especially fair trial guarantees; and challenging distances and terrain preventing access to formal justice systems for some rural populations.

**10.** In northern Sudan, a particular concern has been an increase in arrests, harassment, intimidation, ill-treatment and alleged torture of human rights defenders and humanitarian workers since the July 2008 application by the ICC Prosecutor for an arrest warrant. In a climate of existing media censorship and intimidation, there has been an increase in restrictions on freedom of expression and association. The human rights consequences of the 10 May 2008 attack on Omdurman, Khartoum, by the Darfur based Justice and Equality Movement (JEM)<sup>i</sup> continue to be felt. The recent announcement of death sentences following unfair trials for a further 41 alleged JEM combatants brings the total number of such death sentence cases to 91 as of May 2009. Trials of 31 others are ongoing and an unknown number of others continue to be detained without charge.

**11.** As the conflict in Darfur continues, violations of human rights and IHL continue unabated. One key concern remains the direct and indirect attacks on civilians by Government security forces, Government supported militia groups, and armed movements. Various armed groups have fractionalized, resulting in increased abuses against the civilian population and challenges to resolution of the conflict through current peace talks. As in other parts of Sudan, sexual and gender-based violence continues to be reported, in particular in IDP camps.

**12.** The recent expulsion of 13 international non-governmental organisations (NGOs) from northern Sudan, and revocation of 3 national NGO licences<sup>ii</sup>, has the potential to undermine the right to an adequate standard of living and health along if the gaps are not met. It has also weakened human rights protection in Darfur. The revocation of the 3 national NGO licences and recent crackdown on human rights defenders has resulted in reduced capacity for human rights monitoring and reporting from national partners.

**13.** In southern Sudan hundreds of civilians died during armed clashes and inter-tribal cattle raiding. Clashes in Jonglei State throughout March and April 2009 between the Lou Nuer of northern Jonglei and the Murle tribe from the east of the state resulted in several hundred civilian deaths. Local officials reported that more than 5,000 were displaced. State security forces should have played a more proactive role in protecting civilian life.

**14.** While the Government has taken some initial steps to implement the GED recommendations pursuant to Council resolutions 6/34, 6/35, 7/16 and 9/17, other recommendations have taken a step back or not been implemented as detailed in the

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<sup>i</sup> Please see A/HRC/9/13 for a detailed account of the attack and its human rights consequences.

<sup>ii</sup> The three national NGOs are the Khartoum Centre for Human Rights and Environmental Development (KCHRED), the Amel Centre for the Rehabilitation of Victims of Violence (Amel Centre), and the Sudan Social Development Organisation (SUDO).

Addendum. The most notable development was the establishment of two specific Human Rights Forums: a Forum for Darfur co-chaired by the Government's Advisory Council for Human Rights (ACHR) and UNAMID Human Rights section; and a Forum focused on the human rights situation in other parts of Sudan, co-chaired by the ACHR and UNMIS Human Rights section. Both provide an opportunity for the authorities, the United Nations, and diplomatic missions as observers, to have a dialogue and follow up on human rights concerns. Both Forums recently proposed the nomination of four NGOs as members. The Special Rapporteur observed the second meeting of the ACHR-UNMIS Forum on 26 May 2009 in Khartoum.

**15.** During the reporting period, law reform workshops were organised by the ACHR and UNMIS and UNAMID Human Rights sections, under the auspices of the Government of Switzerland funded technical cooperation project (Swiss Project) to assist in implementation of the GED recommendations. These workshops were intended to develop recommendations for amendments that are in line with Sudan's international human rights obligations. Laws covered in the workshops included the Child Bill, and the Press and Printed Materials Bill.

**16.** Since July 2008, UNAMID organised a series of human rights trainings for law enforcement personnel, judiciary, prosecutors, and prison staff under the Swiss Project. Local authorities have welcomed these trainings. An evaluation of their effectiveness and contribution towards implementation of the GED recommendations remains to be undertaken.

**17.** In all areas of Sudan, a key challenge to human rights protection continues to be the lack of political will and capacity to ensure justice and accountability for serious violations of human rights and IHL. In most incidents authorities have failed to hold perpetrators accountable.

#### **A. International legal framework**

**18.** Sudan is party to several core international human rights instruments<sup>iii</sup> and the Special Rapporteur strongly welcomes its ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 24 April 2009. She encourages Sudan to ratify other core universal human rights treaties, including the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment, which it signed in 1986, along with its Optional Protocol, and the Convention on the Elimination of Discrimination against Women.

**19.** The Special Rapporteur recalls that the 2005 Interim National Constitution (INC) and 2005 Interim Constitution of Southern Sudan (ICSS) both provide that all rights and freedoms enshrined in international human rights instruments ratified by the Sudan form an integral part of the constitutional Bill of Rights. She emphasises that Sudan's international human rights obligations, as enshrined in the INC and ICSS, must prevail in any judicial interpretation over the application of conflicting provisions in ordinary Sudanese statutes, such as the National Security Forces Act of 1999.

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<sup>iii</sup> The list of instruments is available at: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/SDIndex.aspx>

**20.** A number of Sudan's reports to the treaty bodies are overdue, in particular its follow-up report to the 2007 concluding observations of the Human Rights Committee; second and third periodic reports to the Committee on Economic, Social and Cultural Rights; twelfth and sixteenth reports to the Committee on the Elimination of Racial Discrimination; and its report to the Committee on the Rights of the Child on the Optional Protocol on the involvement of children in armed conflict.

## **B. National framework, institutions and reforms**

**21.** During her mission, the Special Rapporteur was briefed by the Deputy Minister of Justice on proposed amendments to a number of laws, and she welcomes the Government's efforts to undertake a broad and consultative process, in cooperation with UNMIS, to develop recommendations on legislative reform. The mandate-holder, however, expresses concern about reform of the National Security Forces Act, the Criminal Act of 1991, the Criminal Procedures Act of 1991, and the Press and Printed Materials Bill. She urges the Government of National Unity to guarantee their full compatibility with Sudan's international human rights obligations, the INC and the Comprehensive Peace Agreement (CPA).

**22.** The Special Rapporteur reiterates her concern that the National Security Forces Act provides powers of arrest and detention to the NISS, and procedural immunity for acts committed by national security officials that should be subject to criminal liability. The CPA explicitly states the National Security mandate "shall be advisory and focused on information gathering and analysis", and a similar provision exists in the INC.

**23.** On 25 May 2009, the National Assembly added new provisions to the 1991 Criminal Act on war crimes, crimes against humanity and genocide. While these provisions could offer prospects for trying perpetrators of gross human rights violations in civilian courts, the Special Rapporteur is concerned about the application of the death penalty for these crimes. In light of her concerns with administration of justice in capital punishment cases, the Special Rapporteur strongly discourages the Government from further extending the application of the death penalty, and encourages a moratorium on executions. She also notes that the ambiguity between rape and adultery remains in the Act.

**24.** On 20 May 2009, the National Assembly passed amendments to the 1991 Criminal Procedures Act. One amendment gives powers to State Governors or Commissioners to issue orders prohibiting or restricting the organisation of public meetings, which the Special Rapporteur notes is not in conformance with the guarantees of freedom of assembly and association enshrined in the CPA, INC, and ICCPR. Amendments also prohibit investigations or proceedings outside the Sudan against any Sudanese national accused of committing violations of IHL, including war crimes, crimes against humanity, and genocide.

**25.** The Press and Printed Materials Bill is under consideration by the National Assembly. The Special Rapporteur hopes that some of the recommendations made in the workshop organised under the Swiss Project on the Bill are given due consideration. Current concerns with the Bill include the application of criminal, rather than civil, liability for Editors-in-Chief; heavy court-imposed fines on newspapers of up to 50,000 Sudanese pounds (approximately USD 21,500); and extensive disciplinary powers for the Press Council over journalists, for example the ability to suspend newspapers for up to two months.

**26.** On 5 February 2009, the Council of Ministers approved a new draft Child Bill, containing several positive provisions, including criminalisation of child sexual exploitation and abuse,

establishment of a comprehensive juvenile justice system, and definition of a child as a person not yet 18 years old. In this regard, the Special Rapporteur reiterates the recommendation from the January 2009 workshop on the Bill to include the criminalisation of FGM in the final Act.

**27.** The Special Rapporteur welcomes the criminalisation of FGM in other parts of Sudan during the reporting period. The State of Southern Kordofan's Prevention of FGM Act of November 2008 penalizes anyone who instigates, executes or cooperates in the crime of FGM, requiring prison sentences and prohibiting conciliation and pardon. The new Southern Sudanese Penal Code Act of August 2008 and Child Act of October 2008 also criminalise FGM.

**28.** The Special Rapporteur welcomes the passing of the National Human Rights Commission Act on 21 April 2009. The Act contains many strong elements in line with the Paris Principles related to the status of national human rights institutions. She calls upon the Government of National Unity to establish the Commission by undertaking a consultative, inclusive and transparent nomination process for the Commissioners and provide the Commission with financial autonomy and adequate staffing.

### **III. Northern Sudan**

**29.** On 13 April 2009, nine men were hanged at Kober prison, Khartoum, after being convicted in November 2007 for the September 2006 murder of newspaper editor Mohamed Taha Mohamed Ahmed. All nine were from the Darfurian Fur tribe. Each defendant claimed that, during pre-trial detention, he had been tortured or otherwise ill treated to force him to confess. They were also denied access to legal counsel and family visits during this period. Their confessions were used against them at trial and formed a basis for their convictions. The convictions were upheld in three separate appeals. Neither the court of first instance, nor subsequent appeals courts, ordered investigations into torture allegations. The court of first instance also failed to grant a request for medical examination of the defendants. Lawyers petitioned the Constitutional Court to consider the constitutionality of the convictions, arguing violations of the defendants' constitutional rights to due process and freedom from torture. On 2 April 2009 the Court rejected the petition, failing to address the issue of confessions allegedly made under torture. The Sudanese judiciary also ignored appeals from independent human rights experts, including the Working Group on Arbitrary Detention which issued an opinion on the case in November 2008, to stay the executions and ensure respect for international fair trial standards.

**30.** In April and May 2009, anti-terrorism courts in Khartoum sentenced a further 41 individuals to death for participation in the May 2008 JEM attack, bringing the total number of death sentences for participation in the attack to 91. As in earlier trials, those condemned were convicted of charges under the Criminal Act, Anti-Terrorism Act, and Arms, Ammunitions and Explosives Act. The charges did not aim to establish individual criminal responsibility for killing or injuring civilians or recruiting child soldiers. Instead, they referred mainly to collective crimes including criminal conspiracy, membership of a terrorist organization and waging war against the state. Defendants were not granted access to defense counsel until the trials began. The accused were held *incommunicado* for up to four months before the trials, during which most of them registered confessions they later retracted in court, alleging the statements were made under duress. Nonetheless, the confessions were admitted as prosecution evidence and eventually formed part of the basis for the verdicts. In a meeting between the Special Rapporteur and the National Assembly's Human Rights

Committee on 3 June 2009, the Committee stated the court sessions were closed, and that its members were not able to attend.

**31.** Regarding forcibly recruited child soldiers captured by Government security forces during and after the JEM attack, authorities took the commendable decision to exempt 106 of them from prosecution and allow their return and reunification with their families between September and November 2008. There were concerns, however, that other children remained detained with adults, and that some were tried or even sentenced to death. Four reported 17 year-olds are currently on trial for alleged participation, while one 17 year-old and one reported 16 year-old were sentenced to death in July and August 2008.

**32.** In northern Sudan, the NISS continues to systematically use arbitrary arrest and detention against political dissidents. Individuals are frequently detained by unidentified NISS agents without being told the reason for their arrest. Detainees are often held for several months without charge or access to a lawyer or their families. The locations in which NISS detainees are held sometimes remain unknown.

**33.** Following the JEM attack, Government security forces arrested hundreds of people in Khartoum and other parts of Sudan on suspicion of alleged involvement. The UNMIS Human Rights section received reports of the arrests of close to 1,000 people, the majority of whom were ethnic Darfurians, and repeatedly sought confirmation of the arrests and detentions from the authorities since May 2008. The Special Rapporteur was pleased to attend the Human Rights Forum on 26 May 2009, where discussions were held to clarify the fate of around 200 people, including eight presumed children, who are not known to have been either charged or released following their reported arrests. On 3 June the Special Rapporteur met with the General Prosecutor for Khartoum State. According to the Prosecutor, 51 people were dismissed at the investigation stage by the Prosecutor; 24 were dropped at the trial stage by the Court; 53 were released on bail; 24 were released by Presidential decree; 12 were referred to Juvenile Court; 3 were acquitted on account of mental illness and referred to mental hospital; 91 convicted and sentenced to death; and one convicted and sentenced to five years imprisonment. The Prosecutor did not provide information on the approximately 200 people whose status and whereabouts remained unconfirmed.

**34.** On 12 May 2008, two days after the JEM attacks, the NISS arrested and detained Barood Sandal: a prominent human rights lawyer who had represented victims of arbitrary detention and torture in northern Sudan. He claims he was not interrogated but beaten severely on the first day of detention. Once ten months had elapsed, the NISS filed a police complaint against him under the Criminal Act and Anti-Terrorism Act, alleging he had undermined state security. A criminal investigation commenced and he was transferred from NISS to police detention. On 5 April 2009, a prosecutor dismissed the case for lack of evidence and ordered his immediate release. Instead, the NISS re-arrested him and held him without charge until his release on 23 April 2009. He was detained for eleven months without trial.

**35.** Since the application of the ICC Prosecutor in July 2008, several cases have been documented which are emblematic of a crackdown on human rights defenders, and of the wider climate affecting human rights work of national and international actors in the Sudan. In November 2008, three prominent human rights defenders<sup>iv</sup> were arbitrarily arrested and

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<sup>iv</sup> Two of the three were leading members of the Khartoum Centre for Human Rights and Environmental Development. The third was a British-Sudanese citizen who had served as director to the Sudanese Organisation Against Torture based in London.

detained for up to four and five days under allegations of collaboration with the ICC. Two of them were reportedly ill treated and tortured. One of them maintained dual nationality and entered through Juba with a Sudanese visa issued by the Embassy of the Sudan in Uganda. Intimidation of national human rights workers increased in the lead up to and following the ICC announcement on 4 March 2009.

**36.** In early March 2009, the Government revoked the licenses and stopped the activities of three Sudanese NGOs, seizing their assets, files, and funds. This has dramatically decreased the ability of an already weak human rights community to monitor human rights violations, advocate for justice and provide assistance to victims of serious human rights abuses in northern Sudan. The Special Rapporteur calls on the Government to reinstate the licenses, which has been appealed by two of the NGOs, and should be subjected to an independent judicial review.

**37.** Members of several political and opposition groups from around the country, as well as those associated with such groups, have also been arbitrarily arrested and detained by the NISS in connection with their public political activities and expression of views. On 29 December 2008, Ali Mahmoud Hassanein, Deputy Chairman of the Democratic Unionist Party, was detained for 14 hours by NISS in Khartoum and reportedly questioned at length about his views on the ICC. Before his release, he was reportedly threatened by a senior NISS official that anyone expressing views in support of cooperation by Sudan with the ICC would be killed. On 14 January 2009, the NISS arrested two senior PCP (Popular Congress Party) members, Chairman Dr. Hassan Abdallah Al Turabi and Foreign Relations Secretary Dr. Bashir Adam Rahama, and detained them for two months in Khartoum and Port Sudan. The arrests came two days after Dr. Al Turabi made a public statement about the ICC.

**38.** ICC-related prosecutions, marked by unfair trials, were also documented. On 28 January 2009, a former Popular Police Forces official was found guilty of espionage for allegedly planning to provide information to the ICC, and sentenced to 17 years imprisonment. He was held without charge or access to legal counsel for over three months. Once appointed, his defence lawyers were denied access to the principal material evidence submitted by the prosecution. The court also based its judgment partly on an allegedly coerced confession.

**39.** Daily censorship of newspapers by NISS agents continues. In October and November 2008 censorship reportedly intensified, leading to frequent removals of articles from pre-print editions of newspapers and increased incidents of temporary newspaper suspensions. In response to this censorship, there were an increased number of protests by journalists. On 17 November 2008, when over 100 journalists peacefully gathered on the steps of the National Assembly to deliver a petition, police briefly detained around 74 of them. On 20 November 2008, NISS Director General Salah Gosh was quoted in several newspapers as justifying censorship as necessary, legal, and constitutional.

**40.** On 15 February 2009, a criminal court in Khartoum found Kamal Omar, a lawyer and political secretary of the PCP, guilty of defamation and publication of false news. His sentence of eight months' imprisonment was reduced to two months on appeal. The NISS had filed a complaint against him for an article he published in October 2006 in which he claimed discrimination against a group of Darfurians who had been dismissed from the Sudan Armed Forces (SAF). He was released on 14 April 2009.

**41.** On 21 April 2009, Yassir Arman, the chairman of the Sudan People's Liberation Movement (SPLM) parliamentary caucus and a Muslim, criticized proposed amendments to

the Criminal Act because they failed to exempt non-Muslims from the application of Shari'a penalties. In response, several Sudanese newspapers accused him of apostasy, which may be punished with death under Shari'a. A clarification he sought to publish in the daily *Ajras al Huriya* was removed by NISS censors.

**42.** On 11 March 2009, at Dilling University in Southern Kordofan State, an authorized public student gathering where the ICC was being debated was violently attacked by a group identified by witnesses as students, former students and NISS personnel. Two pick-up trucks carrying some 40 men armed with sticks, iron bars and a few guns entered the University grounds and assaulted the approximately 200 people gathered. Several students were injured.

**43.** The Special Rapporteur has previously reported on the human rights impact of the Merowe hydro-electric dam project on the river Nile in Northern State, including forced evictions, arbitrary detentions, and excessive use of force during policing of peaceful community protests. The completion of the dam in July 2008 resulted in the forced evictions of at least 10,000 people of the Manasir ethnic community. The submersion of houses and agricultural land between July and September 2008 has created a situation where basic needs are not being met by authorities. The forced evictions will also have a long-term impact on the rights to housing, education, and health.

**44.** According to affected communities, neither reasonable notice of the flooding was given to affected households nor adequate alternative housing or compensation provided. Residents who remained in the area had previously rejected Government relocation plans. The legal remedies available under a 2002 law for dam affected populations were inadequate to ensure an independent judicial review of the flaws in the relocation and compensation scheme. Access to the area for independent observers remained severely restricted in 2008. The Special Rapporteur was denied access in March 2008 and in October 2008 UNMIS human rights officers were intercepted by Government security forces on their return from the area and asked to explain their presence by NISS.

**45.** On 25 May 2009 the Special Rapporteur was informed by the Deputy Minister of Justice that Committees have been established to decide on compensation for those whose homes had been submerged, that such a decision would be made within six weeks, and if disputed there would be a mechanism for appeal or arbitration. The Special Rapporteur welcomes this step and requests the Government to hold informed consultations with all communities who may be affected by dam construction projects, including the Shiraik Dam.

#### **IV. Darfur**

**46.** During the reporting period, ongoing fighting involving Government forces, signatories to the Darfur Peace Agreement (DPA), non-signatories to the DPA, and other armed groups, resulted in civilian casualties, destruction of civilian property, including homes and markets, loss of livelihood and mass displacement of affected communities. Violations of the right to life, torture, ill-treatment, arbitrary detention by all sides have also been reported.

**47.** From August 2008 to May 2009 there were 129 carjackings of United Nations and humanitarian vehicles, and the killings of three UNAMID peacekeepers. In a number of cases, the authorities have managed to retrieve vehicles and apprehend suspects. On 29 December 2008, a UNAMID national staff member was also shot to death by a Sudan Armed Forces (SAF) soldier, who fired indiscriminately at a bus which did not stop at Majok checkpoint, east of Nyala. A complaint was lodged, but authorities are yet to arrest the suspect. UNAMID

Human Rights Officers continue to face difficulty in undertaking missions to various areas. On 31 December 2008, they were prevented from conducting monitoring work in Abu Suruj, West Darfur by SAF officials who demanded travel permits, and refused access to the area. A similar incident occurred in Abu Suruj on 15 April 2009. Obstruction of UNAMID personnel in the conduct of their mandated functions is inconsistent with the Status of Forces Agreement (SOFA) signed by the Government and UN in February 2008. In March, three international and two national staff of an international NGO were also briefly abducted.

**48.** Reports continue to be received of violence and sexual abuse against women and children by state, non-state, criminal groups and bandits. Although rapes and sexual violence against women/girls, particularly outside IDP camps and towns, do get reported on a regular basis, the inability of UNMAID human rights officers to access many parts of Darfur, makes it difficult to verify these incidents. Victims of sexual and gender based violence (SGBV) often do not file police complaints due to social stigma and lack of confidence in there being effective police action.

**49.** Access to justice is hampered by a weak presence of police, judges, and prosecutors outside the main urban centres. For instance, in Tawila, North Darfur, law enforcement is carried out by the Central Reserve Police instead of the regular police, and there is no judge or prosecutor present in the locality. In other localities of Sisi and Abu Suruj in West Darfur, there is hardly any regular police presence. When present in rural areas, police officers are insufficient and lack vehicles, and communication equipment. Access to justice in rural areas is also hampered by the small number of prosecutors available to receive victim complaints. Challenges remain with respect to dispensing justice according to international human rights standards, in particular fair trial standards. On 3 June 2009, the Special Rapporteur met with the Special Prosecutor for Darfur who explained that he could not discuss specific cases at this stage because of confidentiality issues.

**50.** Human rights defenders in Darfur have also been specifically targeted following the July 2008 application by the ICC Prosecutor. During the period prior to and following the ICC announcement on 4 March 2009, UNAMID documented sixteen cases of arrests and detention by NISS on grounds of alleged support to the ICC or of providing information to the international community. UNAMID also documented four cases of cruel, inhuman or degrading treatment and seven cases of threats and harassment by NISS against human rights defenders, national UNAMID staff, international and national NGO staff, and civil society. Private lawyers representing victims of human rights violations have also come under Government surveillance. The Director of an Amel Centre regional office in Darfur was also arrested on 11 April 2009, detained *incommunicado* by NISS, and released without charge on 17 April 2009. He remains under surveillance.

**51.** Four staff of expelled international NGOs in South Darfur were detained by the NISS, with one reportedly beaten severely during arrest and detention. Four UNAMID national staff were also arrested and detained by NISS without warrant or being brought promptly before a judicial officer. Of the four, the two who had been arrested in South Darfur on 29 February and 6 March 2009 respectively, remained in custody for two weeks each, and questioned on official duties they carried out as UNAMID staff. The other two were arrested on 11 April 2009 and released on 14 and 15 April respectively. They were subjected to severe beatings with wooden sticks and water pipes, sleep deprivation, subjected to death threats, and forced to endure painful positions for several hours. They were also accused of collaborating with the ICC.

**52.** Apart from human rights and humanitarian workers, the NISS continued to detain a number of IDPs and other civilians, often holding them *incommunicado* and without charge. Cases of ill-treatment and allegations of torture by the NISS continue to be reported across Darfur.

**53.** On 25 August 2008, 33 civilians were killed and at least 108 civilians injured during a law enforcement operation at Kalma IDP camp, South Darfur. Investigations led OHCHR and UNAMID to conclude that Government security forces used lethal force in an unnecessary, disproportionate and therefore unlawful manner when they opened fire into the crowd.<sup>v</sup> The Government established a body to investigate the incident but its findings have not been made public and those responsible have not been arrested.

**54.** The Ceasefire Commission continues to be unable to investigate and monitor incidents in violation of the Darfur Peace Agreement (DPA) on a formal basis as the Joint Commission has not met to agree to a new structure for the Ceasefire Commission. The continued failure of parties to the conflict to protect civilians from the abuses, distinguish between combatants and civilians, and utilize only proportionate force during clashes and military operations, remains a critical issue.

**55.** In North Darfur, the security situation remains volatile and tense. In early to mid-September 2008, Government forces launched a large scale offensive against non-signatories to the DPA targeting 20 villages including Dis, Birmaza north of Kutum town, and Tarnyt, Tabit, Khazan Tungur villages near El Fasher. Some 35,000 people were believed to have fled the areas. A UNAMID mission to Disa and Birmaza villages was aborted on 17 September 2008, as the helicopter came under fire by an unknown armed group. On 24 January 2009 the Government conducted air strikes in Umm Sauunna, 24 km west of Haskanita. On 26 January 2009, clashes occurred between SAF and JEM, following an aerial bombardment by Government Antonov planes in Shawa, south of El Fasher, in which the Government targeted JEM soldiers gathered outside El Fasher. Although UNAMID could not verify the number, civilian casualties were reported, as well as some displacement. Clashes between members of the Zaghawa and Mima tribes in Shangil Tobaya area and in Wada'ah also had an impact on the human rights and security situation. Fighting between the Government and JEM continues in Umm Baro, and the number of civilian casualties remains unknown since UNAMID Human Rights Officers have not been able to access the area due to security restrictions.

**56.** In South Darfur, the beginning of 2009 also witnessed an escalation in violence. On 15 January, fighting broke out between GoS, SLA/MM and JEM forces in Muhajeria. Reports received indicated that thousands had been displaced. Approximately 5000 sought refuge in the vicinity of the UNAMID military camp in Muhajeria. Over 30,000 people consequently arrived in Zam Zam IDP camp. The fighting included ground offensives and indiscriminate aerial bombardments by Government forces in some instances, which failed to distinguish civilian communities, properties and objects from military targets. UNAMID also received reports that JEM forces deliberately placed themselves in areas heavily populated by civilians.

**57.** From August to March 2009, South Darfur experienced a number of tribal clashes, including massive destruction of civilian property and a large number of civilian casualties. Although the state has made some efforts in establishing reconciliation mechanisms and

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<sup>v</sup> See Eleventh periodic report of the UN High Commissioner for Human Rights.

deployment of police in the concerned area to resolve tribal differences, there is a general absence of state mechanisms to ensure security, including accountability mechanisms to investigate the attacks and hold perpetrators accountable.

*Abuses by armed groups and other non-state actors*

**58.** Civilians also continue to suffer from violence and abuses carried out by both signatory and non-signatory rebel groups. Reports were received of abuse of inmates in detention facilities run by the SLA/MM faction, and in a visit UNAMID Human Rights Officers received testimonies of several inmates that civilians in SLA/MM controlled areas continue to be subjected to torture, ill treatment, arbitrary detention, and other abuses, and denied basic legal guarantees. On her previous visit, the Special Rapporteur had enquired about the case of 19 Massalit men who were arrested by SLA/MM and then disappeared on 29 September 2006 following an attack on SLA/MM controlled Gereida, in South Darfur, by an armed group. In October 2006 a mass grave was found containing the remains of some of those who had been arrested. To date the Special Rapporteur has not received clear information or an explanation. UNAMID also documented a case of detention and ill treatment by JEM forces on 27 October 2008 in Silea.

**59.** On 11 July 2008, an Arab armed group launched attacks on civilians who were cultivating their lands or travelling in areas of West Darfur. An UNAMID investigation confirmed three civilians were killed in Mabrouka, one in Modata, five in Koudume, one near Wadi Koutchamou, and one in Kaskade, all located to the north and west of Masteri. Three Arab armed groups also attacked two boys aged 12 and 13 in the Modata area, killing one, and severely beating and mutilating the other. Witnesses identified all perpetrators as Arab armed groups, some of whom were from the Awlad Zeid and Awlad Rahma tribes, seeking to engage the SLA/Khamis Abdallah Abakir group. None of the victims belonged to this group and were IDP civilians or members of the Masteri host community. The police opened several cases, and the Wali established a Committee of Inquiry. The Committee did not visit the incident sites. The Committee's report was sent to the West Darfur State Prosecution Office on 13 August 2008. The prosecution of perpetrators and justice for the families of victims remains important to the communities concerned.

**60.** SGBV, and in particular patterns of abuse by members of the Chadian Armed Opposition Groups (CAOGs), remains a principal concern in West Darfur. On 13 August 2008, CAOG members attacked two women who were farming on the outskirts of Sibra town, and attempted to rape the younger woman. They physically assaulted her and her three month old baby. Assaults, shootings and rapes or attempted rapes by CAOG members undermine freedom of movement of the civilian population. On 30 December 2008, the Special Court in El Geneina convicted two CAOG members under the Criminal Act 1991 for raping a 15 year old Erenga IDP girl north of Bir Dagig. The court sentenced the principal accused to four years imprisonment and the co-conspirator to two years. Members of the community stated that these sentences have had a deterrent effect.

*Impact of NGO expulsions*

**61.** The March 2009 expulsions of international NGOs, and revocation of three national NGO licenses has the potential to undermine the rights to health and adequate standard of living for more than one million conflict-affected civilians in Darfur. Reports were immediately received in Zam Zam IDP camp, North Darfur, of water shortages, delays in food distribution and lack of adequate medical services. In Kerenek, West Darfur, medical services,

particularly reproductive health, were seriously affected and, as of May 2009, only one doctor was available to treat more than 35,000 beneficiaries. Difficulties in delivery of humanitarian assistance were also reported in Kalma IDP camp, South Darfur, and in Kass, West Darfur, where gaps were reported in the sectors of water and sanitation, and health services.

**62.** The impact is also being felt in the area of protection of civilians. The national NGOs whose licenses were revoked were involved in important human rights and humanitarian work in Darfur. The Amel Centre was the major national NGO in North and South Darfur providing legal aid and psychosocial support to victims of human rights violations, with a special focus on torture and rape victims. It was handling more than 750 cases. Likewise, SUDO was one of the largest national organizations undertaking humanitarian and development assistance (through ten offices across Sudan, including in El Fasher, Geneina, Zalingei, El Daein and Nyala) in the areas of health, nutrition, water and sanitation, agriculture, forestry, psychosocial support, education, animal health, vocational training, non emergency food, camp management and women's centres.

## **V. Transitional Areas**

**63.** All of the three transitional areas face serious problems of arbitrary arrest and detention, and violations of the right to life, and physical security and integrity.

**64.** As detailed in the Special Rapporteur's previous report, from 14-20 May 2008 heavy fighting took place in Abyei between the Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA), both supported by groups of armed civilians. Eyewitnesses and victims reported serious human rights violations and breaches of IHL. Deliberate killings or execution of dozens of civilians were reported, with the majority of these incidents identifying SAF and allied forces as the perpetrators although there were also accusations directed against the SPLA and its supporters. She recommended that given the seriousness of these allegations, the GoNU take immediate action and support an in-depth, independent fact-finding inquiry into the clashes, and make its report public. She was informed by the Deputy Minister of Justice on 25 May 2009 that two committees had been established, one of which would look into responsibility for killings, and that a criminal investigation had not been initiated due to tension in the region.

**65.** The Special Rapporteur notes there is no overall agreement yet on the Abyei Administration's budget, which is critical to the new Administration's capacity to establish its presence and service the Abyei Roadmap Area. A decision by the Permanent Court of Arbitration in The Hague on border demarcation is expected in July 2009.

**66.** Traditional courts are in operation in the Abyei area but there is currently no state judicial system to oversee them and deal with more serious cases. The result is that all cases in the area are decided by tribal chiefs, regardless of their seriousness. This is further reflected in the sentencing powers of traditional courts, which under a 1993 decree enables them to pass sentences of up to ten years in prison. The absence of a state judiciary also means that there is currently no means of appealing decisions made by tribal chiefs, a breach of a fundamental fair trial guarantee. The Special Rapporteur encourages the GoNU to establish, as a matter of priority, the formal judiciary system in Abyei.

**67.** The SPLA continues to hold people in secret detention in Kurmuk and Samari jails in southern Blue Nile State. Released victims have alleged that detainees routinely suffer torture and other cruel and inhumane treatment. Harassment and ill-treatment of civilians also

continues in southern Blue Nile State for civilians thought to violate SPLA orders on curfew and restrictions on movement. More than four years into the CPA, the State of Southern Kordofan continues to have two sets of institutions for the administration of justice. Courts and prisons in the former SPLA-controlled areas remain autonomous and lack resources: its judges are not paid and there is no regular supply of food to prisoners. The Special Rapporteur encourages the GoNU and State authorities to accelerate movement toward an equitable and unified system of courts and prisons in the Transitional Areas.

**68.** In Southern Kordofan State, clashes between tribes have set Arab members of militias, including the Popular Defence Forces (PDF) against Nuba groups supported by various SPLA-affiliated forces, which has led to dozens of deaths. Severe incidents include the deaths of ten men in June 2008 in Amburtabo, which led to fighting in Khordeleib on 13 January 2009 that left six militia members and one SPLA soldier dead. In early 2009, there was also the enforced disappearance and likely death in Abri village of nine Hawazma cattle herders. The Special Rapporteur also notes that the bloody conflict that occurred around 18 May 2009 near Al Sonut reportedly claimed a number of lives of Arab Misseriya civilians. Conflicts between Arab and Nuba tribes in this area cost dozens of lives in 2006 and 2007. While acknowledging the complex nature of these disputes, she notes that such cases usually reach a resolution only through payment of compensation, and exclude individual responsibility for criminal acts, which may leave matters unresolved and perpetuate tribal conflict.

## **VI. Southern Sudan**

**69.** The Special Rapporteur visited Juba, Yambio and Bor in Southern Sudan. She thanks her interlocutors for providing her with updates on the human rights situation, in particular the Government of Southern Sudan for their cooperation and openness, and UNMIS for facilitating her visit.

**70.** The Special Rapporteur was greatly encouraged by the progress of law reform and in particular the passing of the Southern Sudan Human Rights Commission (SSHRC) Act and the Land Act on 16 February 2009. The SSHRC Act provides the Commission with a legislative mandate and wide ranging powers to monitor the application of human rights enshrined in the ICSS and ratified in international and regional treaties.

**71.** Despite progress, serious challenges remain in the protection and promotion of human rights, particularly with the large numbers of killings resulting from recent tribal clashes and Lords Resistance Army (LRA) attacks. Insecurity, the proliferation of fire-arms and inter-tribal fighting, SGBV and gender discrimination, along with the weak administration of justice and impunity for abuses by SPLA and Southern Sudan Police Services (SSPS) personnel remain major concerns.

**72.** The Government of Southern Sudan has correctly identified the proliferation of small arms owned by civilians as one root cause of the violence in Southern Sudan and indicated to the Special Rapporteur that they are prioritizing the issue. While she notes that some communities have been successfully disarmed without incident, other disarmament operations carried out during the reporting period have resulted in human rights violations due to excessive use of force. She requests the Government to develop, in cooperation with UNMIS, a clear plan for peaceful civilian disarmament.

**73.** One consequence of the legacy of armed conflict and underdevelopment of Southern Sudan is a justice system hampered by lack of capacity. The shortage of professional police, and qualified judges and lawyers across much of Southern Sudan, as well as basic lack of training, infrastructure, transport, and equipment for such officials, severely affects the administration of justice. While customary law is recognised as a source of law by the ICSS, and customary courts in practice often play a crucial role in resolving community based conflicts, the Chiefs of these courts are often not equipped with knowledge of legal procedure or international human rights standards.

**74.** While the Special Rapporteur welcomes visits by judges and prosecutors to places of detention which has resulted in the immediate release of illegally detained adults and juveniles, the lack of judicial coverage and absenteeism at the State and County levels remains a major problem. On 29 May 2009 she was informed by the Chief Justice of the Supreme Court of Southern Sudan that a committee had been set up to review existing courts at the local level and identify gaps. The findings of this Committee are near completion and would provide recommendations for the establishment of local courts. She requests the judiciary to also review the status of traditional courts to ensure that these are established and functioning in accordance with the law and perform within the parameters of the ICSS and international human rights standards. Special Courts composed of traditional leaders and headed by a judge have also been created to deal with issues arising from conflict. They have faced logistical and capacity difficulties which have largely limited their functions and impact. It is important that Southern Sudan's police, prisons, and judicial systems are provided further resources and training in order to enable them to adequately carry out their work.

**75.** In terms of the right to health, Southern Sudan continues to face amongst the highest rates of maternal mortality in the world, as well as the occurrence of frequent epidemics, including polio. The region requires appropriate and well resourced government institutions and medical facilities, which are empowered to deliver basic social services, including the right to health, education and an adequate standard of living.

**76.** The global financial crisis, and in particular the fall in oil prices, has had a serious impact on the ability of the authorities to meet their financial obligations, including the payment of salaries to soldiers and civil servants, which has led to protests and instability. This situation may also impact allocations to programmes designed to promote and protect human rights.

#### *Large-scale loss of life*

**77.** In March and April 2009 in Jonglei State, ongoing fighting between the Lou Nuer of northern Jonglei and the Murle tribe from the east of the state erupted into larger scale fighting. Local officials reported that several hundred civilians were killed in the fighting, more than 5,000 displaced, and a number of women and children abducted. In another example, tensions in January 2009 between Dinka and Shilluk tribesmen in Malakal resulted in at least eleven dead, and an estimated one hundred injured and twelve hundred displaced. These clashes across Southern Sudan are a stark reminder of the challenges that tribal conflict poses to the protection of civilian life and the successful implementation of the CPA. The Government of Southern Sudan has made efforts to mediate and reconcile differences between tribes, however proactive policing is also essential to serve as a preventive function. While the Special Rapporteur is aware of the lengthy history of tribal conflict in the south, she remains shocked by the scale and intensity of the recent attacks in Jonglei, including the targeting of women and children in villages.

**78.** Between December 2008 and March 2009, at least thirty attacks by the LRA took place in Western Equatoria and Central Equatoria States, with civilians systematically targeted and brutal violence employed. At least 81 civilians were killed, and a larger number injured. Civilians were also abducted and an unknown number of rapes took place. Villages were pillaged and burnt, and livelihoods lost as a result of the massive internal displacement provoked by the attacks. Those affected continue to live in fear of their lives. The LRA breached many of its obligations under IHL. The attacks remain ongoing and the LRA remain accountable under Southern Sudanese criminal law.

**79.** The SPLA faces considerable challenges in responding due to the guerrilla tactics of the LRA, the vast and challenging terrain of Southern Sudan, its lack of mobility and other logistical challenges. On occasions, the SPLA has also lacked the will to respond, as seen when its forces in the vicinity of attacks were slow to take action. Recognising insufficient numbers of state security forces to protect the civilian population in such a vast region, authorities have encouraged the formation of local self defence groups who are now defending themselves with basic weapons.

**80.** On 24 February 2009, fighting erupted in Malakal, Upper Nile State, between SAF and SPLA elements of the Joint Integrated Unit (JIU) stationed in town. A SAF aligned local militia group is also alleged to have participated in hostilities. Available estimates place casualties at around 62 dead and 94 wounded. Credible reports indicate both SAF elements and SPLA were responsible for civilian deaths. At least eight civilians, including one woman and two young boys, were killed when three artillery shells were fired into civilian areas. The Special Rapporteur welcomes the decisive action taken jointly by the CPA parties to contain the conflict, and urges them to ensure the serious allegations of civilian killings are investigated and perpetrators held accountable in order to further reduce tensions and stop the culture of impunity.

**81.** On 8 September 2008, a civilian disarmament operation in Rumbek planned by the Lakes State Government resulted in serious violations by the SPLA soldiers who executed the operation. SPLA soldiers reportedly beat unarmed civilians without reason or provocation and, in some instances, even shot at them. Soldiers conducting weapons searches reportedly also robbed civilians of money, mobile phones and other valuables. Eight civilians were injured, and one killed. State officials were also reportedly beaten, harassed or robbed during the exercise, including the Deputy Speaker of the State Legislative Assembly and his wife, and guards of Rumbek Prison Administration. The operation was meant to implement an Order issued by the Government of Southern Sudan President on 22 May 2008, which aimed at having the citizens of all states of Southern Sudan surrender firearms in their possession. Following the incidents, the State Government suspended disarmament operations. Senior State officials and the SPLA Chief of Staff acknowledged that serious mistakes were made. In addition, the Governor personally visited injured victims to apologize and provide them with some compensation. The Government of Southern Sudan, State Government and SPLA each formed investigation committees that have started their work. According to information provided to UNMIS, at least 10 soldiers were arrested in connection with the incidents.

#### *Administration of Justice*

**82.** A recently monitored case from Jonglei State is representative of some of the prolonged pre-trial detention cases currently observed in southern Sudan. A former SPLA soldier accused of murder spent two years in Akobo prison without judicial review of his case. At his first court appearance in Bor in November 2008, he was unable to walk, a result he said of

being shackled for two years in Akobo. Both those convicted and accused of homicide offences are routinely shackled in Jonglei and other parts of Southern Sudan.

**83.** The criminal code of Southern Sudan still allows application of the death penalty. The last known executions were carried out in Juba and Wau, in June and August 2008. The ICSS restricts the application of the death penalty and allows it only as punishment for extremely serious crimes. Applicable procedural law allows the Courts of Appeal to commute death sentences to lesser penalties. Article 14 (3) of the ICCPR guarantees the right to legal assistance for defendants. The Government of Southern Sudan has not inserted a provision in its new criminal code that imposes a duty upon authorities to inform the accused of their right to legal assistance.

**84.** The Special Rapporteur previously reported on the 4 June 2008 retaliatory attacks by SPLA soldiers against villagers of Logurony and Ioli in Eastern Equatoria State. A total of 16 civilians were killed during or in the aftermath of the incident. Two people were also executed on 6 June in a related retaliation activity by the SPLA in nearby Hiyala. The State Governor had previously confirmed that an investigation had been announced in June 2008. The results of this investigation have not been made public. On 29 May 2009, the Special Rapporteur was informed by the SPLA that perpetrators of these violations were from its Brigade 9 and were under arrest.

**85.** As highlighted in her previous report, a major ongoing concern is the role of the SPLA in matters which should be addressed through the civilian justice system. A recent example from Ikotos in Eastern Equatoria State illustrates the problem. From 18-26 September 2008, the SPLA detained two of their recruits at their barracks in Ikotos, on suspicion of murdering a civilian. The local County Commissioner, a former SPLA official, in collaboration with an SSPS investigator, requested the SPLA to detain the two SPLA recruits. The SPLA and SSPS suspended the two men from the ceiling with their arms tied behind their backs, putting considerable pressure on their limbs, and lashed them until one made a confession to the murder. Based on this confession, the SPLA then detained two additional suspects - a different SSPS investigator and a Prison Warden - who were also tied upside down. On 30 September 2008, the SPLA recruit who made the original confession died in Torit Hospital from injuries sustained in SPLA detention. There has been no investigation into the incident by authorities.

#### *Forced Evictions in Juba*

**86.** On 26 January 2009, authorities in Juba, Central Equatoria State (CES), began a new forced eviction campaign in residential areas, markets and streets around Juba town. Twenty-four areas of Juba have been destroyed, and the Special Rapporteur notes evictions were ongoing during her visit. Evictions are affecting both private and public property. A large number of evictees have occupied the land for decades and many are IDPs from the civil war. The evictions are based on CES State Order no. 5/2009 of 16 January 2009 issued by the Governor. The Order defined 26 demolition exercises.

**87.** Authorities have stated that the evictions will enable development and better access to water, electricity and roads. While acknowledging the necessity of improving the infrastructure of Juba town, the Special Rapporteur remains concerned about the need for compensation of personal property destroyed during the demolitions. The Governor of CES mentioned to her that a plan for allocation of 5,000 plots of land as a form of compensation will be provided to those who have legal title to demolished plots.

**88.** The Special Rapporteur remains concerned about the immediate humanitarian needs of the evicted. The Southern Sudan Relief and Rehabilitation Commission estimated 27,896 affected persons as of March 2009, a figure constantly increasing. Some are sleeping without shelter and there is a lack of sanitation facilities - a situation which may pose serious environmental health risks and become acute with the onset of the rainy season.

### **VIII. Conclusions and Recommendations**

**89.** Although the Government of National Unity and Government of Southern Sudan have taken some positive steps in the area of law reform, improvement of the human rights situation on the ground continues to remain a significant challenge.

**90.** Interlocutors in Khartoum and Darfur report a climate of fear, and an inability to exercise freedom of speech or association for fear of reprisal. In Darfur, human rights violations and breaches of IHL continue to be committed by all parties. Land and air attacks by Government forces on civilians in Darfur took place during the reporting period. An increased number of arbitrary arrests and detention, *incommunicado* detention and alleged torture of human rights defenders and humanitarian workers were documented in northern Sudan, particularly after the ICC announcement on 4 March 2009. In southern Sudan, the deaths of hundreds of civilians in tribal conflict and attacks by LRA, and the inability of state security forces to prevent such a massive loss of life, is of particular concern. As Sudan prepares for a general election scheduled for February 2010, it is essential that fundamental freedoms of expression, association, assembly and movement are guaranteed and respected across the country.

**91.** Impunity remains an ongoing and serious concern in all areas of Sudan. Allegations of violations of human rights and IHL are not duly investigated, nor are the findings made public. Many perpetrators of serious crimes, such as killings of civilians by state agents, have not been brought to justice and reparations have not been provided to victims. The Special Rapporteur continues to raise several cases with authorities, however to date there has been little or no progress. Where high profile trials have taken place, they have not conformed to international fair trial standards.

**92.** The Special Rapporteur's reports and recommendations contain her assessment of the gaps and the needs of the Sudan in order to further the protection of human rights in the country.

### **RECOMMENDATIONS**

**The Special Rapporteur reiterates all previously unimplemented human rights recommendations contained in her reports, those of the High Commissioner for Human Rights, and of the Group of Experts on Darfur. In particular, she recommends that:**

**(i) The Government of National Unity:**

**(a) Ensure that human rights defenders, humanitarian workers, parliamentarians, members of political opposition, journalists and other civil society members are not arbitrarily detained, ill-treated or tortured by State agents on account of their work, opinions, or peaceful assembly;**

**(b) Continue the process of thorough review of national laws, including the National Security Forces Act, the Criminal Procedures Act, and the Press and Printed Materials Bill, in order to guarantee their full compatibility with Sudan's international human rights obligations, the INC and CPA. Priority should be given to withdrawing enforcement powers, including of arrest and detention, for the NISS in line with the information gathering and advisory role envisioned for the National Security Service in the CPA and INC;**

**(c) Establish the National Human Rights Commission by undertaking a transparent and inclusive selection process for Commissioners, include independent civil society in the appointment of Commissioners, and provide the Commission with adequate resources and staff;**

**(d) Ensure that all allegations of violations of human rights and international humanitarian law are duly investigated and that the perpetrators are brought to justice promptly, in particular those with command responsibility. These prosecutions and trials should be conducted in accordance with international fair trial standards;**

**(e) Fully cooperate with UNMIS and UNAMID Human Rights components and provide them full and unimpeded access to places of detention, including NISS facilities, and not obstruct their freedom of movement to discharge their mandate, in accordance with the relevant Status of Forces Agreement. Ensure that the perpetrators of the arbitrary detention, ill-treatment and torture of the four UNAMID national staff are held accountable;**

**(f) Ensure an independent judicial review of appeals by three NGOs for reinstatement of their licences, return of seized assets and files, provision of adequate compensation, and prevention of further harassment and intimidation of their staff;**

**(g) Intensify efforts to deploy police with logistical capacity in rural areas of Darfur, as well as increase capacity and access of prosecutors and judges to remote areas;**

**(h) Ensure the full and prompt deployment of remaining UNAMID components in cooperation with the international community, to enable UNAMID to implement its mandate on protection of civilians pursuant to Security Council Resolutions 1769 and 1828; and**

**(i) Reiterates the need for a public inquiry into allegations of deliberate killings of civilians by security forces in Abyei. Address the absence of justice institutions in the Transitional Areas. Establish a judicial system and Land Claims Commission in Abyei.**

**(iii) The Government of Southern Sudan:**

**(a) Should address the increasing levels of conflict which are resulting in massive loss of life and livelihoods through preventive deployment of the SPLA and police forces.**

**(b) Address impunity and ensure that all allegations of violations of human rights are duly investigated, including from the Abyei clashes, and alleged SPLA and**

**SSPS killings, rapes and abuses of powers. The findings of inquiries should be made public, perpetrators promptly brought to justice and reparations provided to victims; and;**

**(c) Ensure adequate means and resources are provided to institutions responsible for the administration of justice and rule of law, including the provision of legal aid services. Support should be given to the Southern Sudan Human Rights Commission to enable it to implement its mandate and open offices at the state level.**

**(ii) Armed groups and other non-state actors:**

**(a) Respect obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians. End all attacks on civilians, including abductions of and threats against human rights defenders and humanitarian workers; and**

**(b) Non-signatories to the Darfur Peace Agreement cease hostilities and enter into dialogue with the Government on a peaceful and just resolution to the conflict.**

**(iii) The international community:**

**(c) Countries of the region should come together in resolving the gross and extremely cruel abuses committed by the LRA.**

**(d) Continue to provide technical and financial support to the Government of National Unity, on the basis of needs assessment, to fully implement the CPA, build democratic national institutions for the protection of human rights and the equality of all people in the Sudan and combat impunity;**

**(e) The Human Rights Council should remain engaged until significant progress is made in implementation of all previous Special Rapporteur and GED recommendations, and a concrete improvement in the human rights situation is seen on the ground.**

**(f) Ensure that international financial institutions and business enterprises respect the right to adequate housing, and do not become complicit in serious human rights violations through financing projects that result in forced evictions.**

**(g) Continue to provide support and participate in the Human Rights Forums to facilitate a stronger partnership between the Government, the United Nations and civil society in addressing human rights concerns.**

**(iv) The United Nations:**

**(a) UNAMID and UNMIS, in accordance with their mandates and without prejudice to the primary responsibility of State authorities, deter attacks on civilians and protect civilians, including through reinforced force deployments where violence may be expected; and**

**(b) Continue to provide ongoing support and technical assistance to the Government of National Unity, in accordance with assessed needs; in particular provide**

**human rights training and support to judicial institutions, traditional and customary courts across the Sudan.**