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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement* submitted by the International Federation for Human Rights
(FIDH), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

SR Sudan, including follow up to special sessions (Darfur)

The International Federation for Human Rights (FIDH) and its partner organisation the Sudan Organisation Against Torture (SOAT) express their concern over the human rights situation in Sudan and urge the Human Rights Council, at its 9th session, to sustain and support the mandate of the Special Rapporteur on Sudan established by the Commission on Human Rights according to resolution 2005/82.

The Special Rapporteur (SR) is vital in her role of investigating and documenting the human rights situation across Sudan. Although the government has agreed to new policies and bills, this has failed to impact on the situation on the ground where gross violations of political, civil and cultural rights remain commonplace. Laws which seriously violate the Constitution and international human rights standards are still in use.

Under the National Security Act, arbitrary arrests, detentions and interrogations are carried out and freedom of expression curtailed. Following the 10 May Omdurman attacks, widespread arbitrary arrests took place with the police and the National Intelligence and Security Service (NISS) reportedly targeting Darfuris. Released detainees, some as young as 14, had to be treated for severe injuries from physical abuse in custody. There remain approximately 3,500 detainees held throughout Sudan. In addition, students, political activists and human rights defenders have continued to be targeted. Under current Sudanese law, a person can be detained for up to nine months without charge. Current legislation gives state officials effective protection from prosecution.

The conditions in the newly formed 'Special Courts', set up to try suspected rebels under Sudan's 2001 Anti-terrorism law, violate both national and international legal and human rights standards. Defendants have been stripped of their rights to a fair trial, access to lawyers has been denied and confessions extracted in custody taken as evidence. Through these courts, 50 defendants have been sentenced to death and have only one week to appeal. The government is in the process of creating more courts to try more individuals under the same legislation.

The situation in Darfur continues to be a key focus particularly after the International Criminal Court (ICC) Prosecutor issued the indictments against Al-Bashir including genocide. The SR has devoted attention to the conflict, which is essential as Darfur remains a region where gross violations of human rights are perpetrated, mass internal displacement continues and where insecurity reigns affecting the whole neighbouring region. SOAT has documented several attacks on settlements in January and February in Western Darfur, perpetrated by government forces and allied militias; at least 115 people were killed and several women raped. In May 2008, aerial bombings hit villages in North Darfur. Such crimes frequently remain uninvestigated with existing legislation often granting immunity to state officials.

Against this background, the UNAMID mission is deteriorating due to a lack of essential equipment and troops; Al-Bashir continues to refuse European and American support against the advice of the UNAMID commander. Moreover, the peacekeepers themselves have become the targets of sustained attacks, nine having been killed since January. The peacekeepers' inability to conduct their work in safe conditions free from the threat of violence seriously undermines the UNAMID mission and renders the government in

violation of its international commitments which further threatens the lives of civilians. Al-Bashir has also threatened that the troops will be removed if the ICC issues arrest warrants. As a result, monitoring the implementation of the mandate and the safety of the troops is currently critical.

Freedom of expression has also been restricted as Sudanese authorities have launched a harsh crackdown on the media. Censorship has further intensified following the Justice and Equality Movement (JEM) attacks and the ICC indictments of Al-Bashir. Journalists have been intimidated and Newspapers have been closed down or stopped from going to print under the National Security Act.

The SR's attention to the implementation of the Comprehensive Peace Agreement (CPA) is also crucial. The violence in Abeyei is a symptom of the agreement's fragility. A successful implementation of the CPA and the Interim National Constitution (INC) is necessary for Sudan's democratisation process, protecting human rights, assessing the root causes of its conflicts, achieving justice and reaching a lasting peace throughout the country as a whole. The transition to democracy and the protection of freedom of speech is vital if the approaching elections in 2009 are to be free and fair.

The SR in seeking to reach national and international human rights standards also fulfils an essential role in officially monitoring, documenting and disseminating the situation from the ground. To achieve widespread peace and stability in Sudan, the CPA must be implemented, the INC fully applied, impunity questioned and human rights law respected; the SR is crucial to this process.

FIDH and SOAT call on the Council:

- To maintain and support the mandate of the Special Rapporteur on Sudan;
- To call on the Government of Sudan to:
 - 1- Continue cooperating with the mandate of the Special Rapporteur;
 - 2- Respect its constitutional, legislative and international human rights obligations particularly regarding torture and fair trials;
 - 3- Speed up the harmonization of its laws in line with the Interim National Constitution including the National Security Act;
 - 4- Cease harassment and the arbitrary detention of Darfuris, students, journalists and human rights defenders and remove restrictions on local media;
 - 5- End the culture of impunity and ensure accountability for the crimes perpetrated in Darfur in order to end the conflict, including cooperating with the international community and in particular with the International Criminal Court, and agreeing to the deployment of more troops for the UN/AU force and ensuring their safety.

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