

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Sudan: Support for human rights protection must not be based on falsehoods**

#### ***The UN Human Rights Council must demand an end to the ongoing human rights violations***

Amnesty International welcomes the decision of the African Group, working with the USA and other interested delegations, to seek the renewal of the mandate of the Independent Expert on Sudan at the current (18<sup>th</sup>) session of the UN Human Rights Council (the Council). The Independent Expert serves a crucial role in providing a comprehensive overview of the human rights situation in Sudan and in encouraging improvement in respecting human rights in Sudan.

However, Amnesty International regrets that the draft resolution on *Technical assistance to the Sudan in the field of human rights*<sup>1</sup>, fails to acknowledge the severity of persistent and ongoing human rights violations in Sudan and in that regard is wholly inadequate.

While acknowledging the significant political developments, including the successful holding of the referendum and subsequent independence of South Sudan on 9 July 2011, the Council must also condemn the human rights violations and abuses that continue to characterize the situation in Sudan and do everything it can to end them and prevent their recurrence.

The draft resolution fails to adequately reflect the gross violations of international human rights and humanitarian law taking place in Southern Kordofan, where conflict has been ongoing since June 2011. Indiscriminate aerial bombardments, destruction and looting of civilian property and allegations of extra-judicial killings, and arbitrary arrests have resulted in over 200,000 people displaced. Since 1 September, conflict has also broken out in neighbouring Blue Nile state.

Contrary to Sudan's assertions that "there are no restrictions for humanitarian access there [in Southern Kordofan and Blue Nile],"<sup>2</sup> Amnesty International has documented numerous instances since June 2011, of humanitarian access repeatedly being denied or severely restricted in the region.

The Council must demand that the government of Sudan provide unfettered access to humanitarian organizations in all affected areas, in order to provide emergency humanitarian assistance to the population. It must remain seized of the situation throughout Sudan while giving particular attention to these regions, including by requesting the Independent Expert to present a report on the human rights and humanitarian situation in Southern Kordofan and Blue Nile to the Council's next session in March 2012.

Amnesty International further regrets that the draft resolution does not address most of the key concerns raised by the Independent Expert in his latest report (A/HRC/18/40 and Add. 1), including the need for the Government of Sudan to implement the large number of outstanding recommendations, including those compiled by the Group of Experts on Darfur. The Council

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<sup>1</sup> A/HRC/18/L.4

<sup>2</sup> <http://www.unmultimedia.org/tv/webcast/2011/09/sudan-concerned-country-final-remarks-interactive-dialogue-on-sudan-15th-plenary-meeting.html>

needs to better reflect the Independent Expert's findings and recommendations in its resolution.

The draft resolution should also address Sudan's rejection of recommendations made in the Universal Period Review on Sudan including the need to review the 2010 National Security Act and to reform the National Intelligence and Security Service, in line with Sudan's international human rights obligations.<sup>3</sup> The 2010 National Security Act allows the National Intelligence and Security Services extensive powers of arrest and detention without charge, and perpetuates a culture of impunity. Amnesty International has documented numerous cases of arbitrary arrests, torture and other ill-treatment of individuals in the custody of the National Intelligence and Security Service in Sudan.

**Background:**

The Independent Expert, Mohamed Chande Othman (Tanzania) was appointed by the Human Rights Council on 1 November 2009. In October 2010, his mandate was renewed by the Council for one year.

Mr Othman submitted his most recent report on the situation of human rights in the Sudan, on 22 August 2011, covering the period of September 2010 to June 2011 (A/HRC/18/40). Prior reports include a report covering the period of May to August 2010<sup>4</sup>, and his first report covering the period of June 2009 to April 2010<sup>5</sup>.

Following the termination of the mandate of the UN Mission in Sudan (UNMIS) in July 2011, the UN no longer has a human rights presence in Khartoum or the transitional areas; the Independent Expert's mandate is the only human rights monitoring mechanism for the situation in Sudan. The Khartoum and Darfur human rights forums, which served as a medium of engagement with the UN on human rights concerns, have also been suspended by the Government of Sudan. The Independent Expert is also mandated to monitor the implementation of recommendations made by the Group of Experts on Darfur<sup>6</sup>.

In his latest reports, the Independent Expert has, among other things, reported that "the human rights situation in Darfur remains precarious"; expressed deep concern about the situation in Southern Kordofan and Abyei; and concluded that the government of Sudan has not taken any significant steps towards the implementation of most of the recommendations of the Group of Experts on Darfur since the Independent Expert's previous report to the Council.

Public Document

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<sup>3</sup> A/HRC/18/16, recommendations 83.21 (Austria), 83.22 (France), 83.23 (Canada), 83.24 (Ireland), 83.25 (Republic of Korea), 83.26 (Switzerland), 83.27 (United Kingdom)

<sup>4</sup> A/HRC/15/CRP.1

<sup>5</sup> A/HRC/14/4

<sup>6</sup> The Group of Experts was established in March 2007 as a follow-up measure to the December 2006 Council's Special Session on Darfur. Since September 2007, the country mandate on Sudan has been mandated to monitor and report on Sudan's implementation of the Group of Experts' recommendations