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To all United Nations Security Council Members

2 August 2012

Dear Ambassador,

2 August 2012 marks the deadline for Sudan and South Sudan to comply with the African Union (AU) Roadmap for Peace and the United Nations (UN) Security Council Resolution 2046.

The deadline presents a critical opportunity for the Security Council to insist on progress in addressing the worsening humanitarian and human rights crisis in Southern Kordofan and Blue Nile. The undersigned group of human rights organizations write to urge Security Council members not to fail in your obligation towards the people in these two areas, especially at this moment of significance for the credibility of the AU and UN.

Fighting between the Sudanese Armed Forces (SAF) and Sudan Peoples' Liberation Army-North (SPLA-North) continues in Southern Kordofan and Blue Nile, including ground fighting and indiscriminate aerial bombardments in civilian areas by the SAF. The result has been scores of civilian injuries and deaths, arbitrary detentions, looting of civilian property and forced displacement since violence erupted in June 2011.

The number of refugees fleeing the fighting has swollen to unmanageable levels, with the Office of the UN High Commissioner for Refugees (UNHCR) reporting that there are almost 200,000 refugees in South Sudan's Unity and Upper Nile states combined.¹ Following this massive influx of people, coupled with the challenges faced by humanitarian organisations due to the impassability of roads during the rainy season, living conditions in the refugee camps are precarious with restricted access to food, water, shelter and protection.

It is imperative that the UN Security Council insist that the Government of Sudan and the SPLM-North cease violations against civilian populations and cooperate with the AU, League of Arab States (LAS) and UN to ensure that humanitarian assistance reaches affected populations. This is the moment for the Security Council to make clear that there will be consequences for failure to deliver on this priority.

We acknowledge efforts made by the UN, AU and LAS to secure agreement from the Government of Sudan and the SPLM-North for humanitarian access in Southern Kordofan and Blue Nile in the form of the Tripartite Proposal, including negotiations led by the AU High-Level Implementation Panel (AUHIP) in this regard. However, despite the parties' obligations under international humanitarian law to allow and facilitate the provision of humanitarian access to populations in need, there has been no tangible improvement on permitting humanitarian access to all affected populations in the two areas to date.

¹ UNHCR (2012), 'Refugees in South Sudan: information sharing portal'
<http://data.unhcr.org/SouthSudan/country.php?id=251>

On 8 May the SPLM-North reiterated its acceptance of the Tripartite Proposal and expressed its willingness to initiate a “humanitarian cessation of hostilities” to allow for the Proposal’s implementation. Although the Government of Sudan indicated its acceptance of the Proposal on 27 June, the UN Emergency Relief Coordinator stated on 28 June that the Government had laid out operational considerations that do not allow for the delivery of assistance by neutral parties in SPLM-North controlled areas. On 23 July, further talks under the auspices of the AUHIP were suspended due to little progress from parties.

Acceptance of the Tripartite Proposal can only be measured by implementation and the ability of all affected populations to access humanitarian assistance. The Government of Sudan is demonstrably failing to live up to its obligations under international law to ensure all people in need in its territory have access to humanitarian assistance. More than one-year on from the outbreak of hostilities, and more than six months after negotiations on the Tripartite Proposal started, the Government of Sudan continues to block assistance.

The AU and UN Security Council should insist that the attacks on civilians and blocks on access are unacceptable, serious violations of international law.

Specifically, we urge the UN Security Council to:

- Demand that the Government of Sudan allow and facilitate immediate impartial humanitarian assistance to be provided without arbitrary conditions to all areas of Southern Kordofan and Blue Nile;
- Demand an immediate end to the Government of Sudan’s indiscriminate aerial bombardments and other violations of international humanitarian and human rights law in Southern Kordofan and Blue Nile;
- Demand that the SPLM-North take concrete steps to ensure fighters respect international humanitarian and human rights law;
- Establish an independent inquiry into the alleged violations and abuses of international humanitarian and human rights law by all parties to the conflict in Southern Kordofan and Blue Nile since June 2011.

Sincerely,

Renzo Pomi, Representative at the United Nations, Amnesty International

Florent Geel, Africa Desk Director, Fédération Internationale des Ligues des Droits de l'Homme

Daniel Bekele, Africa Director, Human Rights Watch