

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Sudan: Time for action now on Sudan's new commitment to bring its laws in line with international humanitarian law**

Amnesty International welcomes President Omar al-Beshir's recent decree ordering the appointment of a committee to bring Sudanese laws in line with international humanitarian law and to set up implementation mechanisms.

"The committee should be formed of independent experts in Sudanese law and humanitarian law. The Sudanese Government should act decisively and speedily to ensure that breaches of international humanitarian law are ended and that the civilian population are protected," Amnesty International said.

The announcement comes in the context of an internationally-sponsored peace process to end the 20-year civil war in the Sudan which has cost some two million lives and left about 4.5 million Sudanese homeless and living in poverty as refugees or internally displaced. Amnesty International has called for human rights to be at the heart of any peace agreement.

The committee ordered by President al-Beshir, which has not yet been appointed, is also mandated to "execute the requirements of international humanitarian law."

International humanitarian law, enshrined in the Geneva Conventions and other texts, aims to limit the suffering of civilians in situations of armed conflict. It permits certain military acts provided they do not inflict unnecessary harm on civilians and those taking no active part in hostilities.

The Sudan Government ratified the Geneva Conventions in 1957. However, during conflict between the Government of Sudan and the Southern Peoples' Liberation Movement/Army (SPLM/A), Sudanese government forces, as well as the SPLA and militias allied to both sides, have frequently violated the provisions of all four Geneva Conventions.

International humanitarian law prohibits killing civilians, torture, forcible displacement, and the destruction of civilian property without absolute military necessity. Yet both parties to the conflict have committed such abuses. Militias allied to the government have also acted with impunity to abduct civilians into forced labour. Both sides have recruited children as soldiers.

A recent report by the Civilian Protection Monitoring Team (CPMT), set up last year by the US with the agreement of both sides to monitor killings of civilians, found that, in a number of attacks in the oil areas south of Bentiu in January 2003 government and allied militias had targeted civilians and seized men and children to force them into government militias. Women had been abducted and forced to perform sexual services.

"It is high time that the Government of Sudan takes concrete and effective action to put an end to such illegal practices which up to now it has condoned or encouraged," Amnesty International said.

While welcoming the actions to examine and implement international humanitarian law, which applies to armed conflicts, Amnesty International also called on the Sudan Government to take measures to bring its laws into conformity with international human rights standards, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights to which it is a state party.

Specifically, the ICCPR provides that the rights to life and the right to be free from torture are non-derogable rights which must always be protected. No exceptional circumstances whatsoever, whether a state of war or a state of emergency may be invoked as a justification for violating these rights. Similarly, the African Charter does not allow states to derogate from their treaty obligations, including economic, social and cultural rights, even during states of emergency.

"Many Sudanese laws are still totally contrary to international human rights treaties which Sudan has itself ratified," commented Amnesty International. "For instance, the National Security Forces Act allows incommunicado detention by the security forces without access to a judge for up to nine months. This violates the ICCPR which says that those arrested must be brought promptly before a judge," Amnesty International said.

"In addition, an independent expert committee should be established to look not only at the Sudanese laws - which allow flagrant violations of international standards on arrest, detention, fair trial procedures and freedom of expression, to name only a few - but also at the practice, how these laws are being implemented and the immunity granted in law to the security service officers who commit abuses," the organization added.

Amnesty International is also urging the SPLM/A to take similar action to ensure that laws and practice in the areas under its control are in accordance with international humanitarian law and human rights standards

## **Background**

The peace negotiations under the auspices of the east African regional body Inter-Governmental Authority on Development (IGAD) and observers from the United States (US), the United Kingdom, Norway and Italy have been continuing, with intermissions, in Kenya since June 2002.

On 21 February Amnesty International called for a Commission of Inquiry into the deteriorating situation in Darfur in the western Sudan, where increasing numbers of civilians have been killed in what are described by the government as "tribal conflicts". The Government of Sudan has responded by calling a conference of the government and tribal leaders to try to resolve the situation in Darfur.

Darfur is not covered by the current peace negotiations and the recent Darfur killings have not been investigated by any monitoring force. Amnesty International has consistently stressed the need to include concrete mechanisms to strengthen human rights monitoring, which should extend also to conflict areas in West and East Sudan, as part of the peace process.

## **Public Document**

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