



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Situation of human rights in the Sudan

Commission on Human Rights resolution 2000/27

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949,

Recalling previous resolutions of the General Assembly and the Commission on the situation of human rights in the Sudan, most recently Commission resolution 1999/15 of 23 April 1999, and taking note of Assembly resolution 54/182 of 17 December 1999,

Welcoming the Peace Agreement of 1997 for the Sudan, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in January 2000, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need to implement effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. *Welcomes:*

(a) The interim report of the Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fourth session (A/54/467) as well as the note by the secretariat (E/CN.4/2000/36) containing an advance summary of the report to be submitted to the Commission;

(b) The visits by the Special Rapporteur to the Sudan in February 1999 and in February-March 2000 and the full cooperation extended by the Government of the Sudan in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The visit by the Special Representative of the Secretary-General for children and armed conflict to the Sudan in March 1999, the cooperation extended by the Government of the Sudan in this regard and the commitment made on that occasion by the Government of the Sudan not to recruit children under the age of 18 as soldiers;

(d) The invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance;

(e) The cooperation extended by the Government of the Sudan to the needs assessment mission of the Office of the High Commissioner for Human Rights in September 1999;

(f) The fact-finding mission by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in September 1999, pursuant to the invitation of the Government of the Sudan, and the cooperation extended to the Special Rapporteur in this regard;

(g) The cooperation extended by the Government of the Sudan and the Sudanese People's Liberation Movement/Army to the needs assessment missions of the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains in June and September 1999, as well as the ceasefire declared following those missions for vaccination purposes, and encourages all parties to continue to cooperate with the United Nations in this regard;

(h) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(i) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(j) The establishment of the Constitutional Court, which has been in operation since April 1999;

(k) The creation of the Committee for the Eradication of Abduction of Women and Children, which has been in operation since May 1999, as a constructive response on the part of the Government of the Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(l) Recent efforts to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(m) The efforts to implement the right to education;

(n) The efforts to address the problem of internally displaced persons;

(o) The release of political detainees by the Government of the Sudan;

2. *Expresses its deep concern:*

(a) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants in contravention of international human rights standards, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) Information that not all means of avoiding the execution of severe, inhuman punishments have been fully utilized;

(iv) The abduction of women and children to be subjected to forced labour or similar conditions;

(v) Aerial bombardments against the civilian population and civilian objects, particularly bombings of schools and hospitals;

(vi) The use of weapons, including landmines, against the civilian population;

(vii) The conditions imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in that region;

(viii) The murder of, attacks on and use of force against United Nations as well as humanitarian personnel, in particular by the Sudanese People's Liberation Army;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(ix) Severe restrictions on the freedoms of religion, expression, association and peaceful assembly;

(x) The widespread use of torture and arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;

(xi) Arbitrary detentions, interrogations and violations committed by security and intelligence agencies, while encouraging the judiciary to exercise more control over such agencies;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and urges in particular the Sudanese People's Liberation Army to abstain from using civilian premises for military purposes, recruiting child soldiers and diverting relief supplies, including food, from their civilian recipients;

(c) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in the Western Upper Nile, Bahr el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to resume as soon as possible negotiations with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(d) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(e) Not to use or recruit children under the age of 18, and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict in this regard and to refrain from the practice of forced conscription;

(f) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and the abduction and exploitation of children, to address the prevention of children's recruitment as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(g) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross and subsequently killed while in the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To continue its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards and to investigate all reported acts of torture brought to its attention;

(e) To take all possible measures to improve the appeal procedures in the judicial system;

(f) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(g) To continue to investigate reports of the abduction of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice of abduction of women and children, in particular through the aforementioned Committee;

(h) To make further efforts to address the problem of internally displaced persons;

(i) To create the conditions necessary for the Committee for the Eradication of Abduction of Women and Children to carry out its work fully, including the identification of cases and victims, family reunification and the development of concrete measures to eradicate this practice;

(j) To stop immediately the aerial bombardment of the civilian population and civilian objects, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(k) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;

(l) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(m) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

(n) To implement the Standard Minimum Rules for the Treatment of Prisoners and to give special consideration to imprisoned women and juveniles deprived of their liberty;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights, including in the field of technical cooperation, with a view to the establishment of a permanent representation of the High Commissioner in the Sudan;

6. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

7. *Decides:*

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) Noting with appreciation the signature of the accord between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the commitment of the Government of the Sudan to implement it, to request the Government of the Sudan and the Office of the High Commissioner to continue their consultations with a view to concluding an agreement on the establishment of a permanent representation of the High Commissioner in the Sudan.

56th meeting

18 April 2000

[Adopted by 28 votes to none,
with 24 abstentions.]