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Letter dated 11 December 2006 from the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, addressed to the President of the Human Rights Council

On the occasion of the special session of the Human Rights Council on Darfur I request that you circulate this letter to all members and observers of the Human Rights Council.

I would like to thank the members of the Human Rights Council for responding to the urgent human rights situation in the Sudan. The decision to hold a special session on the human rights situation in Darfur is an important sign that the Human Rights Council is prepared to assess situations of serious human rights violations and take effective measures to protect the rights of the most vulnerable. I deeply regret that I am unable to attend this important special session in person and want to convey my sincere wish that in your deliberations you will find solutions to end the ongoing violations in Darfur.

It is important to remember that the Council's predecessor, the Commission on Human Rights, first decided to appoint a special procedure on the situation in the Sudan in 1993. Since that time, numerous reports have been presented to the international community. There is no lack of information on the human rights situation in the Sudan. I have reviewed the findings and recommendations made by my predecessors and those of the different thematic special procedures. It is striking that the same recommendations have been repeated year after year and very little progress has been made in their implementation.

I conducted two missions to the Sudan this year, most recently in August 2006 when I visited North and West Darfur. My findings were presented to the General Assembly in October 2006. The situation in Darfur has dramatically deteriorated. Despite the signing of the Darfur Peace Agreement in May, many factions refused to join. The use of force by the Government to impose the agreement on the non-signatories in violation of ceasefire agreements has dangerously inflamed the situation. The right to life continues to be violated.

The Government has failed in its responsibility to protect the civilian population from attacks in areas where it has control and failed to disarm the militia. Moreover, due to the conflict, many parts of Darfur are now inaccessible for humanitarian relief workers leaving communities without vital food and health aid resulting in further fatalities. Rape and sexual violence against women continue. In most cases victims do not approach the authorities, for fear of reprisals, or due to mistrust in the police and the judiciary. Even when victims have tried, in most cases the authorities have failed to bring perpetrators to justice. Lasting and sustainable peace is not possible without justice. In this regard, ending impunity and ensuring accountability must be of the utmost importance. I call on all Member States to cooperate with the International Criminal Court and ensure that those who are responsible for international crimes are brought to justice.

All the information refers to the failure of the Government of the Sudan to comply with its obligations under international human rights law and international humanitarian law. Numerous recommendations by the Commission on Human Rights, as well as other United Nations bodies, including the Security Council, have been made to assist the Government in fulfilling its obligations under international law, but these recommendations have largely remained unimplemented. For example, thousands of Sudanese troops have been deployed to Darfur in clear violation of the ceasefire agreements, Darfur Peace Agreement, and Security Council resolution 1591 (2005). The Government has used aerial bombardment to attack villages controlled by the National Redemption Front and G19 rebel groups. The Government also continues to support large-scale attacks by militia groups on villages, such as the attacks on villages near Buram (South Darfur) in August and September, which resulted in dozens of people killed and injured and thousands displaced. Many of the newly displaced from the villages found little safety in internally displaced persons camps due to the presence of militias and armed groups around and within the camps.

I would like to emphasize that the situation in Darfur should not be addressed in isolation. It is helpful to look at the history of the Sudan to fully understand the patterns of violations observed. The human rights situation in other parts of the country also deserves the Human Rights Council's attention. The South of the Sudan remains fragile and reflects the effects of the many years of conflict, in particular with regard to the enjoyment of social and economic rights. Poverty is overwhelming. The rights to education, health and adequate housing, as well as the right to development are almost non-existent. Returnees and internally displaced persons are starting to arrive and face enormous difficulties. In November 2006 tensions escalated in southern Sudan with violent clashes between the Sudan People's Liberation Movement and the northern Sudanese Armed Forces in Malakal in which 150 people were killed.

In its decision 2/115 the Council welcomed the cooperation established by the Government of the Sudan with my mandate and called upon the Government to continue and intensify its cooperation with the Human Rights Council and its mechanisms. In this context, I would like to call upon the Council to take action within its means to ensure that the Government of the Sudan implements all recommendations made by the different Special Procedures and United Nations system at large, in particular those aimed at the protection of

civilians and combating impunity. I encourage the Council to continue to review the human rights situation in the Sudan at the next regular session of the Human Rights Council including an evaluation of the extent to which progress has been made towards the implementation of recommendations and the realization of the Government's obligations under international human rights law.

I remain at the Council's disposal should it require any further assistance.

(Signed): Sima SAMAR
Special Rapporteur on the situation
of human rights in the Sudan
