



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Situation of human rights in the Sudan

Commission on Human Rights resolution 1996/73

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as embodied 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, Recalling the obligation by all parties to respect international humanitarian law,

Recalling also resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held in Dakar from 29 June to 1 July 1992, and recalling the Addis Ababa agreement of July 1990,

Recalling further General Assembly resolution 50/197 of 22 December 1995 on the human rights situation in the Sudan and its own resolution 1995/77 of 8 March 1995, also on the human rights situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on religious intolerance and the Chairmen of the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances,

Noting also with concern the latest reports of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly (A/50/569, annex) and to the Commission (E/CN.4/1996/62),

Welcoming the announcement on 23 August 1995 by the Government of the Sudan of a national amnesty and the release of political detainees,

Deeply concerned about the continuing human rights violations and abuses by all parties engaged in the conflict in the Sudan, as reported by the Special Rapporteur in his most recent report,

Deeply concerned also about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan, including humanitarian relief operations, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers,

Deeply concerned further that access of international relief organizations to civilian populations critically at risk, despite some improvement in certain areas, continues to be severely impeded, violating international humanitarian law and the tripartite access agreement between the Government, southern opposition groups and Operation Lifeline Sudan, and representing a threat to human life that constitutes an offence to human dignity,

Expressing the hope that the continuing dialogue between the Government of the Sudan and other parties and donor Governments, Operation Lifeline Sudan and international private voluntary agencies will result in improved cooperation for the delivery of humanitarian assistance to all persons in need, Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, especially women, members of minorities and children who have been forcibly displaced in violation of their human rights and who are in need of relief, assistance and protection,

Deeply concerned about continued reports of activities such as slavery, servitude, the slave trade and forced labour, the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or cruel, inhuman or degrading punishments, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingessana Hills areas,

Gravely concerned about the failure of the Government of the Sudan to investigate actively reports of some of these practices, especially in the light of the fact that it is reported that they have frequently been carried out by agents acting under government authority or taking place with the knowledge of the Government of the Sudan,

Taking note of recent efforts reported by the Government of the Sudan to begin investigation of cases of disappearance and of slavery, servitude, the slave trade, forced labour and similar practices in the Sudan, as well as to propose measures to put an end to verified instances of the latter practices, as urged by the General Assembly in resolution 50/197,

Alarmed by the continuing exodus of refugees into neighbouring countries, conscious of the burden that this places on those countries, and expressing its appreciation of the efforts of host countries and of the international community to assist the refugees,

Gravely disturbed by the failure of the Government to provide full and impartial investigations and reports on human rights violations and abuses, especially those linked to the disappearance or killing of Sudanese employees of foreign relief organizations,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices as reported by the Special Rapporteur in his latest reports, including civil and judicial discrimination against women,

Expressing serious concern about reports of religious persecution and forced conversion in government-controlled areas of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan, aimed at improving relations between the Government of the Sudan and the religious minority groups,

Welcoming also the invitations to visit the Sudan extended by the Government of the Sudan to the Special Rapporteurs on religious intolerance and on freedom of expression, as also suggested by the General Assembly in resolution 50/197,

Noting the establishment by the Government of the Sudan of National Committees for Human Rights Education,

Taking note of the elections conducted in the Sudan in March 1996, noting the remarks made in that connection by the Election Observer Mission of the Organization of African Unity, and expressing the hope that this first step will lead to the holding of free and fair elections,

1. Welcomes the most recent report of the Special Rapporteur (E/CN.4/1996/62), and expresses its support for his work;
2. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedom of expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;
3. Expresses its outrage at the use of military force by all parties to the conflict to disrupt or attack relief efforts aimed at assisting civilian populations, and calls for an end to such practices and for those responsible for such actions to be brought to justice;
4. Renews its call to the Government of the Sudan fully to respect human rights, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

5. Deeply regrets the fact that, since 1993, the Government of the Sudan has persisted in its refusal to cooperate with the Special Rapporteur in his efforts to carry out his mandate in full, in particular by denying him the right to visit the Sudan and by issuing unacceptable threats against his person;
6. Welcomes the decision of the Government of the Sudan to re-extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate, and calls upon the Government, to that end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person and any area in the Sudan;
7. Again urges the Government of the Sudan to release all remaining political detainees, to cease all acts of torture and cruel, inhuman or degrading punishment and close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in the custody of ordinary police or prison authorities where family members and lawyers can visit them and that such persons receive prompt, just and fair trials under internationally recognized standards; 8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;
9. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of involvement in them;
10. Also urges the Government of the Sudan, following its letter to the Centre for Human Rights of 22 March 1996, to carry out its investigations without delay into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, and to take all appropriate measures to put an immediate end to these practices;
11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;
12. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;
13. Notes with appreciation the regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement, and urges all parties to the conflict to cooperate fully with that regional peace initiative in order to agree to an immediate cease-fire, negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan;
14. Welcomes the recently signed peace agreement between the Government of the Sudan and the South Sudan Independence Movement and the Sudan People's Liberation Movement-Bahr al Ghazal Group, as announced in Khartoum on 10 April 1996;
15. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including land-mines, against the civilian population and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

16. Calls once more upon the Government of the Sudan to ensure a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;
17. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver humanitarian assistance to all persons in need;
18. Expresses the hope that the dialogue between non-governmental organizations and religious minorities in the Sudan will lead to improved relations between those minorities and the Government of the Sudan;
19. Decides to extend the mandate of the Special Rapporteur for an additional year;
20. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;
21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;
22. Encourages the Special Rapporteurs on religious intolerance and on freedom of expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan, looks forward to receiving their reports following their visits, and hopes that these events will lead to invitations to and visits by other thematic rapporteurs and working groups;
23. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights, in the locations and under the modalities suggested by the Special Rapporteur, in order to facilitate improved information flow and assessment and to help in the independent verification of reporting, with particular attention to violations and abuses in areas of armed conflict;
24. Requests the Special Rapporteur, following his visit to the Sudan and consultations with the Government of the Sudan, to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-third session, reassess such need; 25. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;
26. Decides to continue its consideration of this question as a matter of priority at its fifty-third session.

60th meeting 23 April 1996
[Adopted without a vote]