



**Oral Statement on the Human Rights
situation in the Sudan by the Special
Rapporteur on the situation of Human
Rights in the Sudan, Mr. Gerhart R. Baum,
at the 57th session of the Commission on Human
Rights**

29 March 2001

Mr. Chairman, Excellencies, Ladies and Gentlemen,

I have the honour to address this august body to present some preliminary findings and observations regarding the situation of human rights in the Sudan.

Following my appointment, on 28 December 2000, I have undertaken a mission to Geneva on 31 January through 1 February to hold consultations with the High Commissioner for Human Rights and her staff, specialized agencies, non-governmental organizations as well as diplomatic missions and independent experts. I also met with the Permanent Representative of the Mission of the Sudan and discussed with him the possibility of undertaking a preliminary visit to the country.

Owing to time constraints, it was agreed that I undertake a short visit from 9 through 17 March, to Khartoum and Nairobi, to establish direct contacts with the Sudanese authorities, the SPLM/A and the Sudanese civil society prior to addressing the Commission on Human Rights. During my fact-finding visit, I focussed on any new trends developed since October 2000 in the Sudan, including in the areas currently under the control of the Sudan People's Liberation Movement/Army (SPLM/A). My assessment of the human rights situation in the country is therefore based upon my mission's findings.

While in Khartoum, I met with Government officials, non-governmental organizations, political opposition, human rights defenders, Church representatives, donors, the diplomatic community as well as UN staff. In Nairobi, I met with representatives of the SPLM/A, Church representatives, members of Sudanese civil society, donors and relevant counterparts within the IGAD peace process, UN and NGO representatives within Operation Lifeline Sudan (OLS), as well as NGOs outside this umbrella.

I appreciated the frank and open discussions I had with the Government of the Sudan and I wish to express my gratitude for the cooperation that was extended to me during my visit. I see this as an encouraging sign for my next discussions with the Government. I also wish to thank the Office of the Humanitarian/Resident Coordinator in Khartoum and UN-OLS in Nairobi for their support.

Overall, I believe that positive developments, which have to be acknowledged, can be witnessed, although serious concerns remain, linked to some extent to the on-going conflict. More specifically, it appeared that the year 2000 was characterized by an improvement in several human rights-related areas. The Government is keen to improve its international reputation. It is noteworthy that opposition politicians, such as Sadiq al-Mahdi, have returned to the country and are able to express their position publicly. However, in other regards, there has been a backlash as from December. I hope that this situation will be overcome soon and that the Government will continue its transition to democracy.

In my opinion, one of the most serious matters raised relates to the arbitrary arrest and detention without judicial review. This situation was exacerbated by the extension of the state of emergency, which allows the President to rule through provisional acts, although now they will be subject to Parliament's approval. One of these provisional acts relates to the amendments to the National Security Forces Act, which extends the period of detention without judicial review to six months, thus increasing the likelihood of occurrence of human rights violations. This does not seem to be in line with the Constitution. Also, these amendments, in my view, have resulted in the further strengthening of the security apparatus, which should be put under a more strict control in order for fundamental freedoms to be preserved, as stated in the Constitution. Hence, Government opponents and others face a permanent threat to their fundamental freedoms and their political actions tend to be criminalized.

Mr. Chairman,

On 6 December 2000, 7 representatives of the opposing National Democratic Alliance (NDA) were arrested, following a meeting with an American diplomat. During my visit, I was able to meet with them in Kober prison. I was informed that they had been held in solitary confinement for 75 days, and had been detained for an overall period of 97 days, without being granted prompt juridical assistance. A court will consider their case on 4 April. I was also informed that the people who had gathered in front of the Court to demonstrate were beaten with sticks and whips by the police.

I had intensive discussions with my counterparts in the Sudanese Government on the way to establish an effective control on the security apparatus, making it accountable by prosecuting officers responsible for human rights abuses, as necessary. I strongly condemned the extension of the period of detention without judicial review to 6 months as well as the occurrence of cases of torture, including lengthy detention in solitary confinement. I also expressed the hope that the National Assembly would seriously discuss such provisional acts and repeal them. While I can appreciate security concerns, I firmly believe that these cannot be invoked to justify this

situation.

I also addressed the recent clampdown against members of the People National Congress. While I was pleased to meet with some human rights lawyers and opposition representatives who had just been released, I regret that I was not allowed to meet with Dr. Hassan al-Turabi, currently held as a political detainee. I was informed that Dr. al-Turabi will be brought to court shortly.

I condemn the arrest by the security forces of Dr. Nageed Nagmeldin el Toum, who provides free medical treatment counselling and rehabilitation for victims of torture and human rights violations. Dr. Nageed Nagmeldin el Toum was arrested on 11 March 2001, two days prior to his meeting with me.

However, I am pleased to report that the Minister of Justice, Ali Mohammed Osman Yassin, contacted me yesterday to inform me personally that all the above-mentioned cases will be reconsidered and that some positive developments are to be expected shortly .

In this connection, I wish to acknowledge the Government's openness to discuss all individual cases I raised in my meetings and the promptness with which I was provided with a preliminary reply on most of them. I will continue to monitor such cases very closely and agreed with the Government on a steady exchange of relevant information.

I noted with deep regret that the Government has resumed the practice of degrading punishments last year, which had not been applied for several years before.

Mr. Chairman,

The Sudanese media are characterized by an impressively high number of daily newspapers. I was able to note that political views are to some extent reflected publicly. However, I was also informed that freedom of the press also suffered from the backlash that marked the end of the year 2000. The press continued to be controlled by the Government and censorship has strengthened, thus hindering a proper democratic dynamics.

Issues of concerns regarding fundamental freedoms, which have been highlighted in previous reports, such as - inter alia - freedom of religion, of movement and of assembly have also been reiterated. The situation of women was also addressed, particularly in connection with provisional orders limiting their right to work.

Internally Displaced Persons (IDPs) continue to be a major concern in the Sudan. I was thoroughly briefed about the plight of women from the south who are often arrested under the Public Order Law in Khartoum for brewing alcohol, most often the only way for them to earn a living, since the majority of them lack any kind of education. I was also informed of the impact that this situation has on children, who in most cases become street children without access to basic services. I was pleased to learn that many of these women were released last year, pursuant to a Presidential

Decree.

Mr. Chairman,

Many violations and abuses of human rights and humanitarian law are closely linked to the on-going conflict, including inter-ethnic fighting, and are perpetrated by both the Government of the Sudan and the SPLM/A and allied factions. Such violations have continued to occur, resulting in displacement, starvation, killing of civilians, looting and burning of villages, abductions and rape. In this connection, I was pleased to learn that the ICRC has been working on some training programmes to the army on international humanitarian law.

More specifically, I extensively discussed the issue of abductions, which is, in the view of some observers, a traditional practice, which has been exacerbated within the framework of the on-going conflict. My counterparts at the Government level have clearly distanced themselves from any such practices. While this is welcome, it is not sufficient. The Government should do more to follow up on this commitment, notably by better controlling tribal militias. I share the view of many counterparts, including UNICEF as well as religious and tribal communities, that the practice of redeeming individuals by buying them back is not an effective instrument to fight this phenomenon. The work of the Committee for the Eradication of Abductions of Women and Children (CEAWC), notably its efforts in the identification, retrieval and reunification of former abductees with their own families, plays an important role in addressing the consequences of abductions. CEAWC is however suffering from financial constraints and insufficient political backing. I am convinced that political support would prove extremely useful to provide a better visibility to this body, which should also be granted more authority, especially at the regional and local level. I welcome that the first Vice-President Ali Osman Mohammed Taha has stated the Government's intention to bolster both the resources and the authority of CEAWC.

With regard to violations of human rights and humanitarian law occurring within the framework of the conflict, the most blatant abuses perpetrated by the Government are constituted by indiscriminate bombing against the civilians and civilian installations. I was informed that the current trend for the months of February and March has registered a decreased number of incidents in southern Sudan, however, the Nuba Mountains and southern Blue Nile State have continued to be heavily bombed. The Minister of Defence, Maj. Gen. Bakri Hassan Salih, while admitting that errors have taken place, informed me that since October 2000 there has been a centralization in the decision-making process relating to bombing. I was pleased to learn from the Minister for External Relations, Dr. Mustafa Osman Ismail, that as from January 2001, further measures have been taken to prevent such incidents.

Access to the needy populations has continued to be occasionally denied. It remains a serious problem in the Nuba Mountains and in southern Blue Nile State. Relief organizations are often hindered to deliver humanitarian assistance both by the Government's use of flight denials and by such practices as food diversion and imposition of fees for services by the SPLM/A. The heinous practice of hostage-taking continues.

During my visit I gathered further evidence that oil exploitation leads to an exacerbation of the conflict with serious consequences on the civilians. More specifically, I received information whereby the Government is resorting to forced eviction of local population and destruction of villages to depopulate areas and allow for oil operations to proceed unimpeded. I was informed that all the villages around Nhialdiu, in Nimne, south of Bentiu, have been burnt to the ground and crop has been destroyed. Similarly, all the villages along the road up to Pulteri, in the surrounding of the oil fields at Rier, have been razed. Often, the situation is further exacerbated by on-going fighting between the SPLM and the SPDF, which causes more displacement with the result that the entire central section of western Upper Nile can no longer be accessed and needy civilians are now beyond reach of OLS for either insecurity reasons or denial of access by the Government. With a new road in the process of being constructed in relation to the drilling platform at the Nile, east of Rier, more villages are likely to be burnt. It seems that, under the conditions of the on-going war, oil exploitation is often preceded and accompanied by human rights violations, particularly in terms of forced displacement. On the other hand, Government officials informed me of the social benefits linked to the oil exploitation and assured me that displaced individuals are compensated accordingly.

While the main responsibility for stopping these forced displacement is with the parties to the conflict, I appeal to all oil companies operating in Sudan to fully comply with their corporate responsibilities with a view to minimizing any negative impact of their operations, particularly before planning new ones. The link between oil exploitation and human rights abuses should continue to be monitored intensively and I will contribute within the framework of my mandate. In this connection, I welcome the Government's invitation to visit the oil areas.

Mr. Chairman,

Let me now focus on the SPLM/A and relevant areas in southern Sudan. I was informed that genuine democratic structures are lacking in the areas under the control of the SPLM/A. Internal structures seem to be military-based rather than grounded on the civil society which, in my view, is a crucial condition for the implementation of the right to self-determination. In this connection, I was informed that the process of designation of representatives for the National Liberation Council will be finalised by June 2001. I will monitor whether and to what extent this body bears responsibility for a genuine development of the civil society.

I also encourage the SPLM/A to put an end to the prevailing culture of impunity and actively take responsibility to meet the needs of the people living in areas under its control, including in terms of health and education, particularly where peace has been established.

Regarding concerns reflected in previous reports, such as food diversion, forced recruitment, planting of landmines etc., the situation does not seem to have changed significantly, except in the field of child soldiers. The SPLM/A is currently engaged in a process of demobilization of child soldiers, together with UNICEF. I will continue to monitor the implementation of this project.

As regards the situation in Eastern Equatoria and the relation between the Dinka and

the local Didinga population, I was also pleased to learn that an improvement has been registered, that a joint peace mission by the SPLM/A and the New Sudan Council of Churches (NSCC) has been set up and that a workshop to facilitate the reconciliation process will be held in Chukudum, Eastern Equatoria, before the month of May 2001.

On the other hand, the use of landmines continues to be a serious problem in conflict areas.

I intend to visit southern Sudan during the fall of this year, with a view to providing the General Assembly and the Commission on Human Rights with a more thorough analysis.

Mr. Chairman,

Throughout my discussions in Khartoum as well as in Nairobi, all counterparts emphasized the need for peace. I therefore strongly urge all parties to the conflict to translate their wishes into concrete actions, bearing in mind that a lasting peace can only be founded on an agreement brought forward and accepted by all Sudanese. All international actors involved in the peace process should contribute to it, each according to the maximum of its respective capacities. I believe that there is now a window of opportunities for such involvement. In this connection, I welcome the grass-root people-to-people approach for the solution of the south/south conflict, brokered by the New Sudan Council of Churches.

It is my firm belief that a lasting peace must be integrated with the democratization and the economic and social development of the country. In my next report, I will pay particular attention to the implementation of economic, social and cultural rights, and particularly the fight against illiteracy, as an integral part of human rights.

I believe that the strengthening of existing Sudanese institutions as well as the civil society is one key element in the process of democratization. I will therefore watch with interest any developments relating to the Human Rights and Public Duties Committee within the National Assembly, the Constitutional Court, the Advisory Council for Human Rights as well as the Committee for the Eradication of Abductions of Women and Children. I also encouraged the Government to consider the establishment of an independent national commission on human rights, the ratification of the Convention Against Torture as well as acceding the Convention on the Elimination of Discrimination Against Women. I was given assurances by the first Vice-President Ali Osman Mohammed Taha that the process of examining these Conventions would now be speeded up. Improvements in the legal framework such as the lifting of the state of emergency, the repealing of provisional orders, the revision of the National Security Forces Act and its amendments as well as the Public Order Law, will continue to be closely monitored as part of my mandate.

Finally, I was glad to witness the commitment of the Government of the Sudan to the implementation of the project of technical cooperation in the field of human rights and its openness to discuss further steps and I wish to welcome this positive attitude. The representative of the Office of the High Commissioner for Human Rights will be starting his work in these days.

Thank you, Mr. Chairman.

<http://www.unhcr.ch/hurricane/hurricane.nsf/0/072FE7F713DE0F4FC1256A29002A3757?opendocument>