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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S
ATTENTION**

**Written statement* submitted by Amnesty International (AI),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Sudan: Human Rights in Sudan need continuous attention

The human rights situation in the Sudan, and in particular in the Darfur region, continues to be of grave concern to Amnesty International. It is important that the Human Rights Council remains seized of the human rights developments in Sudan. In this light, it is also essential that the mandate of the Special Rapporteur on the situation of human rights in Sudan be renewed and that the Special Rapporteur be mandated to continue to report regularly to the Council on the situation of human rights throughout the country, including through the continued monitoring of the implementation by the government of Sudan of the recommendations compiled by the Group of Experts in their 2007 report. The Special Rapporteur should also be asked to continue to make recommendations to the government of Sudan and others, as relevant, aimed at enhancing the protection of human rights situation in Sudan.

The large scale and ongoing grave and systematic violations of human rights and international humanitarian law in Darfur are well documented. The government of Sudan has taken very few, if any measures to address these human rights violations.¹ Amnesty International also continues to receive consistent and credible reports of serious human rights violations committed in other parts of Sudan, in particular in relation to recent events in the Sudanese capital following the 10 May attack by the Justice and Equality Movement (JEM).²

Human rights violations that continue to be reported to Amnesty International include arbitrary and unlawful arrests, unlawful detentions, torture, and other forms of ill-treatment against individuals in pre-trial detention. Violations of the right to fair trial are endemic. Individuals are often arrested and kept incommunicado for prolonged periods of time by the National Intelligence and Security Services (NISS), frequently in unofficial detention centres or what are also known as “ghost houses” of the NISS. Detainees are often prevented from access to lawyers, their families or medical assistance while in pre-trial detention. Lack of judicial oversight of the detainees is often reported. Individuals are often held without being charged, thus not allowing them to legally challenge their detention.

Amnesty International has documented several such cases over the past year, in Darfur and as well as in Khartoum. The attack on 10 May 2008 by the Justice and Equality Movement on Omdurman, Khartoum, for example, was followed by hundreds of arrests in Khartoum by the NISS, mainly targeting Darfuris. A large number of individuals arrested in the context of the 10 May attack were held, often in unofficial places of detention, without access to lawyers and family visits. Many of the detainees were tortured and exposed to other ill-treatment, and some were subjected to enforced disappearance.

Criminal trials in Khartoum and other parts of Sudan violate international standards of fair trial. For example, as of 20 August 2008, 50 alleged members of the Justice and Equality Movement (JEM) had been sentenced to death by Special Counter-Terrorism Courts set up by the Ministry of Justice in the aftermath of the 10 May 2008 attack. The judicial process in these courts failed to satisfy international fair trial standards. Most of the accused were allowed access to lawyers only after their trials had begun, and in some cases the accused

¹ Amnesty International, Web feature, *Civilians killed and displaced in Darfur clashes*, at <http://www.amnesty.org/en/news-and-updates/news/civilians-killed-and-displaced-darfur-clashes-20080211>.

² Amnesty International, *Sudan: Darfur crisis reached the capital*, 21 May 2008, AFR 54/023/2008.

persons alleged that they had been forced to confess under torture and other ill-treatment. According to lawyers involved in the trials of people accused of taking part in the JEM attack on Khartoum, many of the defendants appearing before the special courts showed physical signs of ill-treatment and torture. In court, the accused complained of their ill-treatment at the hands of the NISS, and informed the court that they had been forced to sign confessions. Despite these complaints, the courts accepted the confessions and used them to convict the accused. Despite the complaints made by the accused of torture and other ill-treatment, including incommunicado detention, the courts refused to order any investigations. Amnesty International has received reports that approximately one hundred additional persons could face trial in connection with the JEM attack in Khartoum in the coming weeks.³ Hundreds of others who were arrested remain unaccounted for, and there is a risk that they have either been extra-judicially executed or subjected to enforced disappearance.

Amnesty International is concerned that officers working for the National Intelligence and Security Services (NISS) have been, and continue to be, involved in many cases of torture. The case of 10 people sentenced to death in November 2007 over the death of the Sudanese editor Mohammed Taha also illustrates the pervasive nature of torture in Sudan's criminal justice system. In that case, the accused alleged that they were tortured and forced to sign confessions, which were later produced in court. They were convicted and sentenced to death on the strength of these coerced confessions. These 10 accused were also held in incommunicado detention for prolonged periods of time by the NISS.

More death sentences have been passed this year in Sudan than in the whole of 2007. Lawyers of those sentenced to death in the JEM attack trials have told Amnesty International that they will appeal in all of these cases. Unlike in regular courts in Sudan, appeals from decisions of the Court of Appeal do not lie to the Supreme Court, but rather are heard by a Special Court of Appeal. Sentences of death handed down by counter-terrorism courts, once confirmed in the appeal stage, can be carried out immediately as soon as the President approves the verdicts and sentences.

The government continues to severely restrict and violate freedom of expression in Sudan. Amnesty International observed that restrictions on freedom of expression, inconsistent with international standards, were reinstated in Sudan after February 2008. Newspapers are now routinely censored, with some media outlets are being forced to shut down. Others have had their entire print-run confiscated and destroyed, and many more receive threats of physical harm. The censorship restrictions are not only stifling freedom of the press, but agents of the security services are also directly targeting and intimidating individual journalists. Over the past six months, at least eight printed or online newspapers have been subjected to forms of censorship by the NISS and on several occasions they have been prevented from publishing or copies of the newspaper's latest print edition have been seized.

The situation in Darfur continues to be characterized by widespread and systemic violations of human rights and international humanitarian law by all parties to the conflict. The perpetrators of such violations enjoy almost total impunity. Attacks against civilians by

³ Amnesty International, Press Release, *Sudan: Hundreds unaccounted for and 109 to face sham courts over May attacks*, 18 August 2008.

government forces and militias continue. Civilians continue to bear the brunt of the clashes between government forces and armed opposition fighters. The clashes in the Northern corridor of West Darfur that took place in February 2008 are an example, where government forces' counter-attacks left scores of civilians dead and injured, leading to another wave of population movements as civilians fled the conflict. Other small-scale attacks by government backed Janjaweed militia on the markets of El Fasher and Kabkabiya in April 2008, in North Darfur, demonstrate that the militia have not been disarmed.⁴ There have also been a large number of attacks against humanitarian convoys by armed opposition groups and bandits, which has led to a 50 per cent reduction of food aid reaching Darfur⁵.

In light of this grave situation, it is very important that the Human Rights Council continues to monitor the implementation by the government of Sudan of the recommendations compiled by the Group of Experts on the human rights situation in Darfur in their first report, A/HRC/5/6 of 8 June 2007. Among the recommendations, Amnesty International considers of particular importance are those relating to the protection from summary executions, arbitrary detentions, disappearances, torture, as well as the protection of the civilian population and internally displaced people in Darfur. As recommended by the Group of Experts, the government must implement a plan to control and disarm the militia, to protect women and human rights defenders, and to improve accountability and justice.

In light of these grave and ongoing concerns, Amnesty International calls on the Human Rights Council to:

- Renew the mandate of the Special Rapporteur on the situation of human rights in Sudan; ensure sufficient resources to facilitate the work of the Rapporteur, and call for the full cooperation of the government of Sudan with the Rapporteur and the UN staff assisting her.
- Continue to call on the government of Sudan to implement, in full and without further delay, the outstanding recommendations of the Group of Experts on the situation of human rights in Darfur.
- Ensure the continued and effective monitoring of the implementation of the recommendation of the Group of Experts to the highest possible standard and ask the Special Rapporteur to report on the state of implementation to the tenth session of the Human Rights Council.

⁴ Amnesty International, Press Release, *Sudan: UN Security Council must censure government*, 11 April 2008

⁵ World Food Programme, Press Release, *Hijacking cut WFP food supplies for Darfur as funding shortfall threatens humanitarian air service*, 10 March 2008