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

**Report of the Special Rapporteur on the situation of  
human rights in the Sudan, Sima Samar\***

**Summary**

The report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, is submitted pursuant to Human Rights Council resolution 6/34, in which the Council decided to extend for one year the mandate of the Special Rapporteur, in accordance with Commission on Human Rights resolution 2005/82. The present report updates the previous one<sup>1</sup> and covers the period from January to July 2008.

\* The present report was submitted late in order to include the most recent information.

<sup>1</sup> A/HRC/7/22.

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## Introduction

1. The Commission on Human Rights in its resolution 2005/82 established the mandate of the Special Rapporteur on the situation of human rights in the Sudan. Sima Samar was appointed as mandate-holder. The Special Rapporteur was requested to monitor the human rights situation in the Sudan and report to the Commission on Human Rights and the General Assembly. The Human Rights Council, in resolution 6/34, decided to extend for one year the mandate of the Special Rapporteur, in accordance with Commission on Human Rights resolution 2005/82.

2. In resolution 6/34, the Council further requested the Special Rapporteur to ensure effective follow-up and to foster the implementation of the remaining short- and medium-term recommendations identified in the first report of the group of experts mandated by the Human Rights Council in resolution 4/8 (the group of experts)<sup>2</sup> through an open and constructive dialogue with the Government of the Sudan, taking into account the final report of the group of experts<sup>3</sup> and the replies of the Government thereon, and to include information in this regard in her report to the Council at its ninth session. The addendum to this report contains information in this regard.

3. In resolution 7/16, the Council expressed particular concern that perpetrators of past and ongoing serious violations of human rights and international humanitarian law have not yet been held accountable for their crimes and urged the Government of the Sudan to address urgently this question by thoroughly investigating all allegations of human rights and international humanitarian law violations, promptly bringing to justice the perpetrators of those violations. The Council urged the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her request to visit all parts of the Sudan to provide her with all the necessary information to enable her to fulfil her mandate even more effectively.

4. This report covers the period January to July 2008 and updates the report presented to the seventh session of the Human Rights Council in March 2008.<sup>4</sup> It reflects the findings of the Special Rapporteur's visits to Sudan, which were undertaken from 28 February to 10 March 2008 and from 29 June to 11 July 2008, respectively.

5. During her first visit to the Sudan this year the Special Rapporteur focused on the situation in northern Sudan, eastern Sudan and Darfur. The Special Rapporteur visited Kober prison in Khartoum and interviewed three groups of people on the circumstances of their arrest, detention and trial: defendants charged in connection with the murder of a student at Nilein University in February 2007; detainees sentenced to death for the murder of newspaper editor Mohamed Taha; and detainees sentenced to between 10 and 20 years' imprisonment for allegedly having plotted a coup in 2004. In her second visit to the country the Special Rapporteur focused on the situation in northern Sudan, Darfur, the transitional areas and Southern Sudan.

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<sup>2</sup> A/HRC/5/6.

<sup>3</sup> A/HRC/6/19.

<sup>4</sup> A/HRC/7/22.

6. The Special Rapporteur wishes to thank the Government of National Unity, and the Government of Southern Sudan for their cooperation during her visits. She wishes to thank all her interlocutors and counterparts for their contribution. She regrets that she was not allowed access to Northern State<sup>5</sup> and some of the officials and institutions in Khartoum which she had expressed the wish to visit,<sup>6</sup> as necessary for the discharge of her mandate. She also regrets that the Government refused to issue a visa for the United Nations human rights officer assigned to service her mandate to travel with her to the Sudan in June 2008.

7. The Special Rapporteur thanks the Government of National Unity for the information provided with regard to action taken to implement the recommendations of the group of experts to further the protection of human rights in Darfur.

8. The Special Rapporteur would like to thank the United Nations Mission in Sudan (UNMIS) and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) human rights sections for the support they provided and all the people who took the time to provide her with information about the human rights situation in the Sudan. She commends the national human rights defenders and the international agencies for their hard work in further promoting and protecting human rights, and in providing humanitarian assistance to the people in need.

## **I. GENERAL SITUATION**

### **A. International legal framework**

9. Sudan is State party to a number of international human rights instruments.<sup>7</sup> The second periodic report of the Sudan to the Committee on Economic, Social and Cultural Rights was due

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<sup>5</sup> The Special Rapporteur planned to undertake a three-day visit to Northern State during her visit to Sudan in March 2008 to assess the situation of communities affected by the Merowe Dam and the planned Kajbar Dam. Although the programme had been carefully coordinated with the Government and the United Nations had provided security clearance, permission to travel to Northern State was withdrawn the day prior to her departure, on the advice of the State Security Committee. The reasons provided were that the security services had observed mobilization in the areas affected by the dam project, as well as the presence of political party representatives and foreign observers. Two foreign nationals had been arrested and deported from Northern State. United Nations Mission in Sudan (UNMIS) Human Rights has been denied access to the area since August 2006.

<sup>6</sup> National Intelligence and Security Services and Dam Implementation Unit.

<sup>7</sup> These include 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 and its two Optional Protocols, the International Convention on the Elimination of All Forms of Racial Discrimination, the 1926 Genocide Convention, the 1949 Geneva Conventions and the two Additional Protocols, and the African Charter on Human and Peoples' Rights. Sudan is also a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court. It has recently referred the Convention on the Rights of Persons with Disabilities to parliament for ratification.

on 30 June 2003, and the deadline for the third periodic report was 30 June 2008. In addition to the reports due under the International Covenant on Economic, Social and Cultural Rights, the follow-up report to the 2007 concluding observations of the Human Rights Committee is due on 1 August 2008. The overdue 12th to 16th periodic reports to the Committee on the Elimination of Racial Discrimination have been due every two years since 20 April 2002 and the report to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was due on 26 August 2007.

10. In June and July 2008, UNMIS human rights section, in cooperation with the Advisory Council on Human Rights of the Government of Sudan (ACHR) and the Ministry of Legal Affairs and Constitutional Development (MOLACD), organized workshops in Khartoum and Juba on obligations to implement and report under the international human rights treaties ratified by Sudan. Special attention was given to the International Covenant on Economic, Social and Cultural Rights, in view of the expressed decision of the Government of the Sudan to complete its report on implementation of this treaty. The workshop also covered the treaties that had not been ratified by the Sudan, to advance the discussion about the implications of ratifying them. The workshop concluded with the development of a list of recommendations on the matter.

### **B. National framework, institutions and reforms**

11. Some progress has been made in implementing the Comprehensive Peace Agreement (CPA) during the reporting period. With regard to the national legal framework, according to information provided by the Legislative Committee of the National Assembly, by July 2008 59 new bills had been passed by the National Assembly and other bills had been presented. The laws passed include, amongst others, the Armed Forces Act, the Criminal Procedure Act, the Elections Act, the Joint Integrated Units Act, the National Civil Service Act, the Police Forces Act and the Political Parties Act.

12. The Elections Act was passed on 7 July 2008 and was signed into law by the President on 14 July 2008. According to information received, the Act allocated 40 per cent of seats for proportional representation to enable a better representation for small parties and regional groups; 60 per cent of seats were designated for geographical constituents; and 25 per cent of seats were allocated for women who may also compete for other seats. The Act also provides for the establishment of an electoral commission.

13. Amongst the laws not reformed or passed are those governing the National Intelligence and Security Services (NISS) and establishing the national human rights commission. According to the Government these are subject to extensive consultations and scheduled to be passed during the next session of the National Assembly commencing in October 2008. During previous missions to the Sudan the Special Rapporteur was informed that these laws will be passed but there has been no progress. The Special Rapporteur urges the authorities to prioritize these laws in the interest of improving the human rights situation in the country.

14. The revised amended version of the 2004 Child Act was finalized by the Legal Reform Committee and forwarded to the Cabinet of Ministers for review and endorsement. The Special Rapporteur is pleased to note that the bill defines a child as a person who has not yet reached the

age of 18 and revokes “signs of maturity” as a criterion for defining a child as adopted by the previous Act. It also prohibits female genital mutilation, raises the age of criminal responsibility to the age of 18, dedicates a section for juvenile trials, and provides for the creation of a special prosecutor and courts. The bill also elaborates on the means of reform and rehabilitation and provides better guarantees for children with disabilities.

15. The fifth national census in the Sudan conducted from 22 April to 6 May 2008 received widely differing reactions around the country with some stating it had been successful and others complaining of underrepresentation of certain elements of the population. In Darfur, the census operation went ahead despite the opposition of all non-signatories to the Darfur Peace Agreement and the Minni Minawi faction of the Sudan Liberation Army (SLA). Internally displaced persons (IDPs) resisted enumeration in a number of camps despite attempts by the United Nations and the international community to break the impasse, and areas in Western Darfur bordering Chad and Southern Darfur remained inaccessible to enumerators owing to the prevailing insecurity. Government officials reported a coverage rate of 85 per cent in Western Darfur and 90 per cent in Northern and Southern Darfur. The National Population Council has announced that it will estimate the number of people not reached by enumerators on the basis of the 1993 census results.

16. On 8 June 2008, President Al Bashir issued Republican Decree 146 adopting a landmark agreement between the National Congress Party and the Sudan Peoples’ Liberation Movement entitled “The Road Map for Return of IDPs and Implementation of Abyei Protocol”. The four main points outlined were: security arrangements, return of IDPs, an interim administration and final arbitration. A follow-up to the decree, specifying the modalities for the establishment of the interim administration was issued on 15 June 2008. The road map establishes the geographical boundaries of the interim administration in an agreed map that was attached to Decree 146. It also gives the Abyei administrative area a special status under the Presidency and establishes the Abyei Executive Council, Abyei Security Committee, and Abyei Area Council, and outlines how they will be financed. This interim agreement will come into effect pending the result of the final arbitration process.

17. The Speaker of the Southern Sudan Legislative Assembly (SSLA) announced that the Code of Civil Procedure Bill, the Southern Sudan Research Council Bill, the Personal Income Tax Provisional Order Bill, the Appropriation Bill, the Judiciary Bill, the Judicial Service Council Bill and the Kush Institution Bill have been passed into law.

18. In summary, there has been some progress, however significant portions of the CPA relating to strengthening the human rights record of the Sudan have not been implemented and as a result, the human rights legal and institutional framework remains weak.

### **C. General human rights situation**

19. In the present report the Special Rapporteur briefly highlights the most significant events which have occurred during the period under review, region by region.

## II. NORTHERN SUDAN

### A. Justice and Equality Movement attack, 10 May 2008

20. On 10 May 2008 armed members of the Darfurian Justice and Equality Movement (JEM) launched an attack on Khartoum. The United Nations Secretary-General condemned the attack and expressed concern over its possible effect on civilian lives and property. The fighting that took place in the Omdurman district of Khartoum entailed violations of international human rights and humanitarian law reportedly committed by both sides. The Government's response in the weeks after the attack entailed serious violations of civil and political rights.

21. Child soldiers as young as 11 years old were apparently used in the JEM attack. The Government has taken the commendable decision to allow independent observers access to the captured child combatants. In line with the Government's findings that these children were forcibly recruited they should be treated as victims of the conflict. This includes attempting to trace their families and ensuring they are not prosecuted in relation to the attack but demobilized and fully reintegrated in society. While access for international observers to the children was a positive development, the children were subjected to repeated interviewing by a range of actors, among them criminal investigators, international journalists and members of international organizations, with seemingly little consideration given by the authorities to the possibility that this might re-traumatize them. They were also used as principal witnesses in court for the trial of JEM combatants. The authorities should have taken every measure to ensure that the procedures would be child-friendly and to protect the identity of the children so as not to put them or their families at risk of reprisals.

22. In the days following the attack, pictures and names of some of the captured alleged child combatants were made public by the Government. The public exposure of photographs of the children and their identity details may undermine future efforts for their reintegration.

23. On 11 July 2008 the Special Rapporteur was given access to some 90 children who are being detained in a training facility 90 km north-east of Khartoum. According to Government sources, all were child combatants captured after the Omdurman attacks. The visit took place in the presence of members of ACHR. The children were held in good conditions of detention and appeared to be well cared for.

24. Before international observers were given access to the children, they were held for around three weeks without contact with the outside world. The children reported that prior to being moved to a separate detention facility, they had been held for several days, together with adults, in a large hangar whose location they were unable to identify. They indicated that detention conditions there had been harsh but did not provide further details. More than 10 children, who remained detained with adult suspects after most of the children had been transferred to a separate detention facility, were charged along with adults for criminal offences related to the Omdurman attacks. Seven of them have been excluded from the judicial proceedings at different stages of the trials, on the grounds that they were minors. One defendant believed to be 16 years old was sentenced to death on 31 July; the judge reportedly had not agreed to conduct a medical examination to determine his age.

25. The use of child soldiers is not limited to the Omdurman attacks. Compounding numerous reports of the use of child combatants, during her visits the Special Rapporteur encountered some child soldiers recruited by different factions, including the Sudanese armed forces. Encouragingly, the Government's Disarmament, Demobilization and Reintegration (DDR) Commission continues to be very active in its efforts to campaign against the recruitment and use of child soldiers and carries out reintegration programmes in close collaboration with the United Nations Children's Fund (UNICEF), as well as other international partners.

26. According to the Government, 34 civilian deaths were caused as a result of the fighting in Omdurman. There were reports of serious violations by combatants on both sides, including the targeted killings of civilians, indiscriminate fire, the disproportionate use of force and the execution of wounded or captured enemy combatants.

### **B. Arbitrary arrests and detention**

27. The Government responded to the events of 10 May by making numerous arrests. According to police figures, in the Khartoum area 481 people were detained and then released again in the immediate aftermath of the attack. Other sources have reported that several hundred civilians were arbitrarily arrested and detained without charge in the aftermath of the attacks, in addition to combatants and some 90 alleged child combatants. At the end of July, two and a half months after the attacks, some 500 were feared to still be in NISS detention, their whereabouts unknown, and the authorities had provided no specific information on those in detention to relatives or human rights workers. Other sources report even higher figures of detainees remaining in custody in connection with the attack. Those held reportedly include human rights activists, journalists, family members of the accused, and women. As the United Nations still does not have access to places of detention in Khartoum, the exact number of detainees is impossible to verify. The large majority of those detained appear to be of Darfurian origin and there is credible evidence that many of them were arrested on grounds of their ethnicity.

28. According to reports, detainees have been held incommunicado. There were allegations of torture, mistreatment and inhumane detention, with some sources even reporting a number of deaths in custody. The Special Rapporteur's request to visit detainees other than the captured child combatants was refused by the Government, which stated that the detainees could only meet with their defence counsels. The Ministry of Justice gave assurances that "the Government's firm policy is that nobody will be tortured" and ACHR has expressed a willingness to follow up on any allegations of torture in coordination with UNMIS. However, no information has been provided with regard to the whereabouts of the estimated 500 persons who have been subjected to enforced disappearance. The Special Rapporteur must express her grave concern about the safety of the detainees and urge the Government to investigate the allegations of torture. She encourages ACHR to respond to the letters submitted in this regard by the Director of the UNMIS human rights section.

29. In addition to those held without charge, some 64 persons have been charged with criminal offences in connection with alleged participation in the 10 May attack and brought before special courts created under the 2001 Terrorism Act. This is the first time anyone has been tried under this Act. Several accounts of the trials have emphasized incompatibilities with international legal

due process standards. These have reportedly included severe limitations on access of appointed defence counsels to their clients and refusal by the courts to take due account of and investigate allegations of torture made by the defendants. Also, the courts operate in accordance with specific rules of procedure, set out by the Chief Justice in consultation with the Minister of Justice. These administrative orders override laws enacted by parliament, including the protection they offer from unfair trial. The Government should strictly observe due process, in particular for those accused of serious crimes who may be facing severe sentences or the death penalty.

30. On 29 and 31 July 2008, three of the five anti-terrorism courts in Khartoum pronounced 30 death sentences for alleged participation in the 10 May attacks on Omdurman. The verdict was reached chiefly on the basis of confessions which the defendants said they were forced to make under torture or ill-treatment and which they retracted in court. Another important element were testimonies by some of the children detained since the attacks on account of their alleged participation in the attacks. The children stated in court that they recognized the defendants as having been among the attackers. Defence lawyers will be appealing the judgement. Verdicts against 28 other defendants are expected to be passed shortly, and further trials are expected to take place after the current round of trials ends.

31. The National Intelligence and Security Services (NISS) reportedly carried out many of the arrests connected to the 10 May attack. This reinforced concerns about the 2001 National Security Forces Act, which contravenes human rights guarantees contained in the Interim National Constitution (INC) and international human rights law and standards. Despite the progress on reforming other laws based on provisions set out in the INC and the CPA, the National Security Forces Act is still unreformed. Members of the Human Rights and Legislative Committees of the National Assembly gave assurances that this Act would be the focus of the next Parliamentary session commencing in October 2008. The Special Rapporteur is concerned, however, that some members also expressed sentiments that the 10 May attacks had shown that the hands of the national security services could not be tied and NISS could not be restricted to just gathering intelligence as stipulated in the CPA.

32. There is evidence that NISS, beyond the response to the 10 May attacks described above, regularly uses arbitrary arrest and detention against political dissidents. According to reports, individuals are frequently picked up and detained by unidentified NISS agents without being told the reason for their arrest. Detainees have in some instances been held for several months without charge and without access to a lawyer or to their families. The locations in which NISS detainees are held are frequently unknown and there are allegations of secret detention facilities being maintained in residential or office premises. Members of several different political and opposition groups from around the country, as well as those associated with such groups, have reported being held by NISS in connection with their public political activities.

33. NISS is not the only Government authority reportedly responsible for arbitrary arrest and detention. The police have on several occasions been reported to hold individuals in their custody without initiating the required judicial review within 24 hours of the arrest. Police have also been accused of carrying out arrests based on only very limited evidence and without much regard as to whether physical detention is actually necessary in the case.

### **C. Freedom of expression**

34. Most likely exacerbated by the 10 May incident, restrictions on freedom of expression have been further tightened. Media organizations, non-governmental organizations (NGOs) and human rights defenders have all reported increasing harassment and censorship by the Government and especially NISS. On 14 May, for instance, NISS officers searched the premises of the Arabic-language newspaper, *Alwan*, confiscating property and indefinitely suspending publication of the paper. Reportedly, the reason for the raid and the suspension were allegations that *Alwan* had disclosed sensitive military information by publishing a story about a Sudanese military aircraft that was allegedly shot down by JEM during their attack on Khartoum. Journalists from other papers have been summoned and detained by authorities for resisting censorship. Some have reported ill-treatment during such detentions, including death threats and calculated humiliation.

35. The regular censorship of newspapers by NISS that was reinstated in February 2008 has also continued, with visits by NISS officials to newspaper offices on the evening before publication to review and potentially restrict content by removing or changing articles. An attempt to force newspaper editors to submit advance copies of papers to NISS every evening, however, was strongly resisted by several Arabic-language papers. Eight newspapers refused to comply with the new measure, which resulted in three of them being temporarily banned from publishing. In protest, the daily *Ajrass Al Huriya* called a press conference and was then again prevented from publishing for trying to cover it in the next day's edition. Ultimately NISS agreed to stop requiring advance copies to be submitted, and resumed the nightly visits to newspaper premises instead.

36. As Sudan prepares for a general election scheduled for 2009, it is essential that fundamental freedoms of expression, association, assembly and movement are guaranteed and respected across the country. Following the passing of a new Elections Act, much will also depend on a genuinely independent and impartial electoral commission being set up.

### **D. Justice and accountability**

37. One of the most important challenges to human rights protection in Sudan continues to be the lack of justice and accountability for serious crimes. In far too many incidents the Government has failed to hold accountable perpetrators of human rights and international human rights law violations. Even when confronted with the most serious and well-documented allegations, investigations of an appropriate standard frequently do not take place, are not made public or drag on for many months or years.

38. In her last reports the Special Rapporteur reported on a number of cases of killings of civilians which have not been prosecuted, including an incident in 2007 where security forces used lethal force in suppressing protests against the construction of a hydropower dam in Kajbar, killing four civilians.<sup>8</sup> The Government stated that the investigative process was still ongoing and a report will be handed over to the Ministry of Interior. According to the Government,

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<sup>8</sup> See A/HRC/7/22, paras. 26-30 and A/62/354, paras. 17-19.

investigations such as the Kajbar one take time because of the number of people involved in them, but the Government was still hoping to complete it “in the coming time”. The Special Rapporteur is deeply concerned at the lack of progress in identifying responsibility for the killings and initiating criminal prosecutions.

### III. EASTERN SUDAN

39. In March 2008 the Special Rapporteur visited Port Sudan in Red Sea State for the first time. She enquired about the killing of 22 civilians and the injury of others during a non-violent demonstration on 29 January 2005 in Port Sudan.<sup>9</sup> The incident followed the delivery of a statement by youths to the local government office demanding employment and a share in the wealth generated by the gold mine and harbour, as well as positions of political power. The Special Rapporteur has raised this case numerous times with the authorities and was pleased to have an opportunity to visit the region to gather more information. She requested information on the status of the investigation and prosecution of those responsible and received information that Special Forces were brought to Port Sudan to deal with the unrest and that they used excessive lethal force. An investigative committee was formed by the Government on 18 February 2005. Its members included a judge from Khartoum, a judge from Port Sudan, a member of NISS, a member of the police, a member from the office of the Attorney-General, and an official from the local native administration. The committee undertook a survey of the area of the incident and visited the hospital where those killed and injured were taken. It received witness accounts and many people testified during the one-month period. The report was submitted to the authorities, but the findings were not made public. The only action taken upon conclusion of the investigation was to start the process of compensation settlement through blood money or *dia*. The Government provided *dia* to 16 out of the 22 families of those who were killed. Six families refused to accept the blood money. Many of the relatives have faced threats and intimidation for continuing to ask for justice in this case. None of the families have received any information about the outcome of the investigation three years later and no one has been brought to justice. The Special Rapporteur called on the Government to make the findings of the investigative committee public and to bring those responsible to justice without further delay.

40. The Special Rapporteur received reports that NISS continues to harass and violate the rights of citizens through arbitrary arrest and detention, torture and ill-treatment and general abuse of power. According to information received on 21 February 2008, 300 students gathered in Port Sudan for a peaceful demonstration were threatened that if they did not disperse they would be killed, as in 2005.

41. Another critical demand for people in eastern Sudan is development, particularly in the areas of health, education, employment and water. The eastern region, particularly the Red Sea and Kassala States, has been marginalized economically and politically within Sudan for many years, which has generated widespread poverty. The Beja are non-Arabs with their own language; some can read or write Arabic but are confined to low-paying jobs. Allegations were received that certain ethnicities, namely, Beja, Hausa, Fallata and Massalit face discrimination.

<sup>9</sup> For further information see A/61/469, paras. 39-44, A/62/354, para. 48 and A/HRC/7/22, para. 55.

#### IV. DARFUR

42. The Government has taken some initial steps to implement the recommendations of the group of experts on Darfur and address human rights concerns. The Swiss Government generously donated funds to assist the Government in this endeavour; on 1 July in El Fasher there was a public launch of the Swiss technical cooperation project to support implementation of the recommendations. Examples of steps taken by the Government include the increased number of police - including several dozen police women - that have been deployed to Darfur, and the activities of the State committees against sexual and gender-based violence. Also, the indictment, prosecution and sentencing of several regular forces personnel accused and found guilty of rape sends an important signal to perpetrators and communities. The Government's progress reports, as well as updates from the ground on the status of implementation of the recommendations of the group of experts are documented in detail in the addendum to this report.

43. Fighting involving Government of Sudan forces, signatories and non-signatories to the 2006 Darfur Peace Agreement, and other armed groups has resulted in civilian casualties, widespread destruction of civilian property, including homes and markets, loss of livelihood and mass displacement of affected communities. In addition, increasing insecurity negatively impacts on humanitarian space and the security of the civilian population. Violence and sexual abuse of women and children by State, non-State and private actors, such as criminal groups and bandits, also continue almost unabated throughout Darfur. A culture of impunity is prevalent: the State fails to investigate, punish and prosecute perpetrators of human rights violations.

44. Although violations of the Darfur Peace Agreement occur frequently and are committed by all parties to the conflict, the Ceasefire Commission continues to be unable to investigate and monitor incidents on a formal basis as the Joint Commission still has not met to agree a new structure for the Ceasefire Commission. The continued failure of parties to the conflict to protect the civilian population from the fighting, distinguish between combatants and civilians, and utilize only proportionate force during clashes and military operations remains a critical issue.

45. There are several reports of air attacks by Government forces, leading to extensive civilian casualties. These include attacks on civilians in Saraf Jidad, Sirba, Silea and Abu Suruj in West Darfur in January and February 2008,<sup>10</sup> the bombing of a number of villages in North Darfur such as the air attacks on Helif village on 29 April or on Ein Bissar and Shegeg Karo villages on 4 May 2008. In May alone such air strikes reportedly caused the death of 19 civilians and injury of another 30, including women and young children. Objects indispensable to the survival of communities were also destroyed during the attacks. The majority of the bombs apparently impacted on civilian populated areas, including detonations in the vicinity of water installations, a school and a market. The available information suggests that the bombing of these villages was indiscriminate, and the impact on civilian communities was disproportionate to any military advantage likely to be gained as a result of the air strikes.

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<sup>10</sup> For details see the ninth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan, 20 March 2008 available at <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SDPeriodicReports.aspx>

46. In the first three weeks of July 2008 there were 21 separate incidents of aerial bombardment. The air strikes were carried out by the Government of Sudan with Antonov aircrafts and MIG fighter jets. Reportedly, the strikes impacted in the vicinity of civilian communities and allegedly resulted in the deaths of 12 persons, including 5 women and 2 children. The United Nations received further reports that civilian objects, in particular cultivated land and livestock, were also destroyed.

47. In another worrying example of a direct attack on civilian targets by Government forces, an attack on Tawilla by members of the Central Reserve Police (CRP) on 12 May left the town completely deserted. After a CRP member was found dead inside the Rwanda IDP camp, CRP personnel responded by burning and looting of huts and destroying the market. Approximately 20,000 people from Tawilla town and the IDPs from Rwanda camp were forced to flee the area. As of 22 July 2008, most have not returned to the area. Representatives of the local community complained about killings, violent assaults and rapes that occurred during the attack. No action has been taken for accountability and justice.

48. Civilians also continue to suffer from violence and abuses carried out by both signatory and non-signatory rebel groups. During the Special Rapporteur's visit to the Mario villages near Kafod she was extremely concerned to see an example of this. Armed clashes between the two signatory factions, the Sudan Liberation Army (SLA)/MM and SLA/Free Will on 21 May resulted in the almost complete destruction of the villages, including the burning down of the mosque. The clashes killed 13 civilian villagers, including the *mullah* and the *muezzin* and injured another 8 (see the addendum to this report).

49. In Gereida, South Darfur, under the control of SLA/MM, the Special Rapporteur enquired about the case of 19 Massalit men who were arrested by SLA/MM and then disappeared on 29 September 2006 following an attack on Gereida by an armed group. In October 2006 a mass grave was found containing the remains of some of those who had been arrested. The Special Rapporteur called upon the Government to investigate, inform the families of the fate of their relatives and bring the perpetrators of human rights violations to justice. To date the Special Rapporteur has not received any information.

50. Many communities and other interlocutors in Darfur expressed strong concerns regarding what they perceived as the inability of UNAMID to protect the civilian population from the conflict and incidents such as the one that occurred in Tawilla right next to a UNAMID camp. At the same time, the 8 July attack that killed seven UNAMID peacekeepers in Darfur tragically demonstrated the risks United Nations personnel run in carrying out their mission. The population's expectations of the relatively new mission, which is still struggling with deployment issues, may well be unrealistically high and very often United Nations personnel on the ground simply do not have the resources and support to intervene to the full extent of their mandate. If the trust and support of the population is to be maintained it is essential that the Sudanese Government and the international community give their unconditional support to speeding up and completing the deployment of UNAMID and to ensuring that the mission is fully staffed and equipped to effectively carry out its core mandate of protection of civilians. Such support must be combined with more active awareness-raising activities amongst communities.

51. Beyond direct violations committed by the conflicting parties, Darfurians are also suffering from an overall increase in insecurity and the resultant shrinking of humanitarian space. Comparing the statistics for the beginning of 2008 with the same period in 2007, killings of humanitarians have risen from one in that period in 2007 to eight in 2008; armed assaults on humanitarian premises have gone up from 23 to 51; and abductions of humanitarians has leapt from 45 to 103.

52. The most illustrative example of increasing insecurity and its impact on humanitarian space is perhaps the increasing prevalence of carjackings in Darfur. According to United Nations figures, in the first six months of 2008 alone 135 vehicles belonging to humanitarian agencies and NGOs were lost as the result of such incidents. This is almost the same number as the total of 139 vehicles for the whole of 2007. As a direct result, for instance, since 1 May 2008 the World Food Programme has been forced to reduce the rations it gives out by almost half. While the Government cannot realistically be expected to prevent every single incident of carjacking, there are disturbing reports of extremely slow and ineffective responses by the concerned authorities.

53. One of the major obstacles to improving the human rights situation in Darfur remains the widespread absence of justice and accountability for violations and the impunity this promotes. This is clearly evident from the lack of follow-up to incidents such as the one in Tawilla, in which no investigation was carried out to identify the perpetrators and bring them to justice. The prevalence and negative effects of impunity are demonstrated extremely well by looking at the issue of sexual and gender-based violence (SGBV) and other grave violations which are prohibited by international law.

54. SGBV has been an ongoing part of the conflict in Darfur and remains widespread, despite several encouraging steps by the Government to address the issue. Conflict-related violence against women and girls includes rape, gang rape, attempted rape, serious assaults and beatings. Although there has been an increase in the reporting of SGBV, the majority of incidents of sexual violence remain unreported, mainly due to fear of the social stigma associated with rape. On several occasions victims chose not to file complaints because in most cases police cannot or will not take appropriate action against perpetrators (see the addendum to this report).

## V. TRANSITIONAL AREAS

55. Between 14 and 20 May 2008, ongoing political tensions in Abyei escalated into violent clashes and heavy fighting between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA), both supported by groups of armed civilians. The battle had severe repercussions on the civilian population of the town and surrounding areas. Large areas of the town were completely destroyed, burnt and looted. UNMIS estimates that 4,379 huts were burned during and following the fighting, while some 2,005 remained intact.<sup>11</sup> According to humanitarian agencies an estimated 50,000 people were displaced from the area. Eyewitnesses and victims reported extremely serious violations of human rights and international humanitarian law.

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<sup>11</sup> Report of the Secretary-General on the Sudan, S/2008/485, para. 20.

56. Most likely triggered by an incident in which an SAF sergeant was killed by SPLA police on 13 May, armed clashes between the SAF and SPLA broke out in Abyei town the next day. Reportedly, the SAF was supported by former members of the Southern Sudan Union Movement (SSUM) who are now integrated into the SAF and armed Misseriya civilians, while the SPLA drew support from armed Dinka civilians. The following six days saw heavy fighting, in which the conflicting parties were said to have employed tanks, heavy artillery, rocket-propelled grenades and mortars. On 20 May a reported SPLA attack was repulsed by the SAF which established full military control over Abyei.

57. According to eyewitness testimony, destruction of large parts of the town was not only due to fighting, but also a result of the comprehensive looting and burning of civilian houses and other properties including United Nations and NGO compounds. Eyewitnesses reported seeing both SAF and SPLA personnel participating in the burning and looting. From 16 May, only the SAF and Misseriya were looting since the SPLA was no longer in the town. Looting continued after 20 May, after the SAF repulsed an SPLA attack from outside the town and major hostilities ceased. Witnesses reported seeing looted property being stored inside the SAF 31st Brigade compound. On a number of occasions United Nations Military Observers (UNMO) saw SAF soldiers burning houses, such as on 16 May when an UNMO observed an SAF soldier on a donkey setting fire to several civilian houses. Looting was frequently accompanied by violence. There are several reported cases of elderly or infirm persons who had not been able to flee the town being physically attacked and seriously injured by looters. For example, one old woman who was bedridden at the time of the attack stated that armed men she thought belonged to the SSUM militia had entered her house and, upon finding her there, had beaten her until she lost consciousness.

58. As of 26 July 2008, at least 68 bodies had reportedly been recovered from Abyei town, 34 of which appeared to be civilians, including several women. Eyewitnesses reported that several deaths had resulted from the indiscriminate use of force, violence linked to looting and, most disturbingly, the deliberate killing or execution of dozens of civilians as well as of one injured combatant who was hors de combat. The majority of incidents reported identify SAF and allied forces as the perpetrators although there are also accusations directed against the SPLA and its supporters. Given the seriousness of the allegations, the Government of National Unity must take immediate action and support an in-depth, independent fact-finding inquiry and make the report public.

59. Some progress towards addressing these issues has been made as part of the commendable political agreement (the Abyei Road Map) that was struck on 8 July to de-escalate the crisis. Besides agreeing on the withdrawal of all SAF, SPLA and proxy forces from Abyei, the parties also agreed to refer the underlying unresolved dispute regarding the findings of the Abyei Boundaries Commission to be decided by the Permanent Court of Arbitration in The Hague. The agreement also initiated an inquiry by the Joint Military Committee established under the ceasefire into military aspects of the incidents in Abyei. Further to the political agreement, the rifts that the incident created between the local Dinka and Misseriya communities must also be addressed as a matter of urgency. Beyond justice and accountability, steps must also be taken to ensure community reconciliation and healing. With the seasonal migration of the Misseriya and their cattle towards the Kiir river area now approaching, steps must urgently be taken to ensure respect for traditional grazing routes and mutual accommodation of the local populations in order to avoid additional violent clashes.

60. Several interlocutors expressed strong concerns regarding what they perceived as the inability of the United Nations to protect the civilian population of Abyei during the conflict. With a Chapter VI mandate, and limited equipment and resources, United Nations personnel did not have the means to contain two major armies with heavy weaponry and intervene as forcefully as they might have wanted to. Rather, UNMIS said it had to restrict itself to sheltering civilians seeking refuge and evacuating them to safe locations away from the clashes. In the wake of the events in Abyei it is essential that the United Nations provide clearer and more practically applicable guidance on how exactly UNMIS implements issues of protection of civilians under its mandate and how this should be put into practice on the ground. This should be supplemented with an improved rapid deployment capacity of UNMIS in order to strengthen troop levels in hotspots. Measures need to be taken to better integrate civilian action, including high-level follow-up with civilian authorities and public diplomacy.

61. The transitional areas face serious problems in the administration of justice. Frequently, official systems and localized set-ups that emerged during the period of armed conflict can be found within a state. In Southern Kordofan, for instance, the official state government based in Kadugli cannot exert its power over SPLA-controlled areas, which are administered by SPLM officials and retain close ties to Southern Sudan. This has blocked significant legal and judicial reforms and contributes to ongoing political tension. It also promotes impunity for criminal offences, as perpetrators from one area can escape punishment by simply moving to the other area of control. In this regard, it is positive that the CPA parties have recently made progress in their efforts to integrate national police and SPLM police in Southern Kordofan.

62. The SAF and SPLA have been involved in arrests and detention of civilians, falling outside their legal mandates. In Kadugli in Southern Kordofan, for instance, a 14-year-old boy was arrested by SAF military intelligence officers on 5 March 2008. Apparently the SAF did not seek the legally required prior approval of a civilian prosecutor before carrying out the arrest. Accused of having stolen a sub-machine gun from a SAF garrison, the boy was held for a total of 44 days without being handed over to the police, even after the responsible civilian authorities made an official transfer request. Conversely, the SPLA arrested and detained a 55-year-old veterinary assistant of the Hawazma tribe in White Lake/Jaw on 28 January 2008. The man had worked for six years in the White Lake region, which is an assembly area for SPLA troops moving out of Southern Kordofan. The man was reportedly questioned by SPLA military intelligence in connection with the arrest of another SAF soldier. He was allegedly given 25 lashes on the morning of 29 January, and again three days later after he was questioned. The victim reported that he had 2,000 Sudanese Pounds worth of medicine with him when he was arrested and alleges that the medicine was not given back to him when he was released on 12 February.

63. In addition, the presence of the formal judiciary in remote areas is so limited that local populations rely almost entirely on traditional, customary law-based administration of justice. While traditional systems of justice may work well in resolving many local disputes and minor criminal cases such as petty thefts or the destruction of property, their processes and decisions can contravene human rights norms. This remains a concern, even though customary laws are changing to reflect changing social attitudes. Decisions on family law and personal status in particular frequently discriminate against women and customary courts are also not appropriate forums to resolve penal cases of a serious nature, in particular cases of rape or other sexual offences. In some parts of the country, most notably in Southern Sudan, there have been efforts

to integrate these often widely respected systems as an official part of the judicial system and, as part of this process, ensure their compliance with fundamental human rights norms. Given the other complications affecting the administration of justice in the transitional areas, however, such initiatives have been extremely limited.

## VI. SOUTHERN SUDAN

64. Many interlocutors in Southern Sudan display a commitment to human rights, but the Government of Southern Sudan should take a more proactive approach to implementing a broad human rights agenda by allocating resources to institutions that support human rights, such as independent commissions, the police and the judiciary. Without financial support, which requires political will, commendable commitment will not necessarily have an impact. There are major human rights concerns linked to prevailing insecurity and the proliferation of firearms, as well as the role of the SPLA in civilian law enforcement. Concerns also include the impunity of SPLA personnel, the administration of justice, the conditions in detention centres and the lack of progress on the fulfilment of social and economic rights.

65. The Southern Sudan Human Rights Commission (SSHRC) was established by the Government of Southern Sudan (GoSS) as an independent Commission under article 149 of the Interim Constitution of Southern Sudan with a mandate to protect and promote human rights and fundamental freedoms. Since the last report of the Special Rapporteur the Commission has made significant progress towards carrying out its role as an independent oversight mechanism, promoting human rights standards and raising concerns with the relevant authorities. Its first annual report was published in June 2008 and it plans to expand its presence beyond Juba. Strong international support, including technical, financial and logistical assistance, plays an essential role in continuing these positive developments, improving the capacity of the SSHRC and extending its reach. As of July 2008 the GoSS had still not passed and signed the enabling act for the Commission. It is imperative that the SSHRC is backed up by a strong law clearly defining its role and powers according to the Paris Principles.<sup>12</sup>

66. Numerous people in Southern Sudan are killed as a result of localized armed clashes and general insecurity. A particular security concern is the continuing presence of the Lord's Resistance Army (LRA) and other armed groups across a wide area of Southern Sudan.

67. Localized armed clashes between tribes commonly occur over disputes related to land, cattle, other resources and family affairs. Because of the proliferation of weapons and the so far limited effect of disarmament, demobilization and reintegration programmes, in many cases the Government has not intervened or taken sufficient action to protect the lives and property of those affected by inter- and intra-tribal fighting. In other instances the Government has intervened so forcefully as to aggravate rather than alleviate the situation. The latter is of particular concern in the light of the President of Southern Sudan's operation order No. 1/2008 regarding the disarmament of the civilian population, which was issued in May 2008. If disarmament does not occur voluntarily, it may cause some violence.

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<sup>12</sup> General Assembly resolution 48/134.

68. Following tensions related to cattle raiding, between the villages of Logurony and Iloli in Hiyala, Torit, SPLA forces were sent to the area to attempt to disarm the community and prevent them from clashing. In the darkness, mistaking the SPLA forces for livestock raiding attackers from Iloli, the Logurony villagers opened fire. In the ensuing fight several villagers and eight soldiers were killed. In the aftermath of the battle the SPLA took retaliatory action, including the burning of huts and, allegedly, the execution of three captured villagers. According to the SPLA, a board of inquiry has been set up and as of July an investigation into the incident was reportedly ongoing. The Government of Southern Sudan must ensure that anybody found responsible for violations be held fully accountable and the investigation report made public.

69. The incident also illustrates a general concern regarding the role that military SPLA forces play in supposedly civilian law enforcement. For the justice and law enforcement institutions of the Government of Southern Sudan, the issue of SPLA demobilization and integration into civilian life has been a source of difficulty. The integration of thousands of SPLA members into the Southern Sudan Police and Southern Sudan Prison Services has caused considerable strain, as it is being done without due consideration for the skills and numbers required, or for the limited resources within these institutions. In addition, former SPLA members frequently maintain their old rank upon transfer into the new services making many of them excessively top-heavy and causing some dissatisfaction amongst the professional staff. The relatively new police forces and prison service of Southern Sudan also face many additional challenges of both infrastructure and capacity.

70. One of the most problematic symptoms of the transition to civilian law enforcement is the continuing interference and abuse of power by both civil and (especially) military officials. There are several reports detailing cases of military personnel asserting powers of arrest over civilians, despite the fact that the Interim Constitution of Southern Sudan states in article 154 (5) “the Armed Forces in Southern Sudan shall have no internal law and order mandate, except as may be requested by the civil authority when necessity so requires” and thus clearly prohibits the SPLA from initiating police action.

71. Detention centres and correctional facilities are generally in very bad condition and do not meet international standards. Lack of resources results in overcrowding, bad sanitation and an absence of separate facilities for children, women or mentally ill people. Due to a lack of specialized facilities for the mentally ill, all are detained in prison without receiving proper medical care. In most prisons, approximately half of the population are remand prisoners, whose cases are part of the enormous backlog of cases to be reviewed. UNMIS is trying to encourage regular judicial reviews of the cases. Since January 2007 there have been three prison riots resulting from frustration over lengthy detention periods on remand. The authorities are aware of these problems as well as the wider issues facing the correctional system, and appear eager to address them. A comprehensive human rights handbook on detention and correctional issues has been produced, with plans to provide it to every official in the prison system. There is also a programme to refurbish existing detention facilities, although this has suffered from slow progress and a lack of funds committed and released by GoSS and the international community.

72. Reports continue to be received regarding SPLA personnel enjoying impunity for crimes committed by them. The bulk of reported incidents are cases of assault, rape, arbitrary arrest, intimidation and other general abuses of power. According to the police, they cannot investigate cases involving military personnel as they fall under the responsibility of the SPLA and the

military justice system. The SPLA has to some extent acknowledged the problem and has reacted by moving army barracks away from the city centres. The military justice system is also being strengthened, although the SPLA has admitted that it would take time and a substantial commitment of resource to successfully transform the former guerrilla army into a disciplined, professional force.

73. Discriminatory practices still persist against women when it comes to divorce, child custody and property rights, as traditional courts will often favour the husband. Early and forced marriages are still a common practice across Southern Sudan, resulting in school dropouts and, at times, death during child delivery. Wife inheritance is still practised. Domestic violence appears to be widespread but underreported. Domestic violence is still considered a domestic issue that stays within the family. Only when a case becomes “serious” may it be taken to the chief courts or even to the police. There is no specific legislation dealing with domestic violence and there are no shelters available. At times women end up in prison for their own protection.

74. Sexual violence is prevalent in Southern Sudan and underreported. There are a number of reports where the alleged perpetrators have been men in uniform, i.e. police, SPLA or members of the Joint Integrated Units (JIU). In such cases, investigations are not always carried out or pursued due to fear of reprisals, or judgements are simply delayed. Women traders in marketplaces who stay at night to guard their goods have been victims of sexual harassment and rape, as well as tea sellers and women working in restaurants and bars at night. A further problem is the practice of denying medical treatment to the victims unless they have filled in a Form 8 at the police station. Receiving proper medical treatment and adequate examinations is a challenge, as the facilities or equipment are not always available and medical staff are not trained in how to deal with such cases.

75. Despite notable efforts and some progress, serious challenges remain in the protection and promotion of human rights in Southern Sudan. Institutions continue to struggle with meagre resources, both human and financial, to find redress to many problems. Several of these institutions have revisited or are currently revisiting their plans, budgets, structures and legal frameworks, and strategizing on their future and compelling priorities. Several of them have also welcomed and benefited from assistance provided by the international community, including that of the United Nations, in the form of technical and financial support, training, infrastructure and logistics. However, enormous challenges remain ahead as key laws still need to be passed or amended, viable mechanisms need to be put in place to guarantee adequate protection of basic human rights, and increased awareness on human rights needs to be disseminated throughout Southern Sudan.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

### **A. Conclusions**

76. Despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country. Human rights violations and breaches of humanitarian law continue to be committed by all parties. Land and air attacks by Government forces on civilians in Darfur; the 10 May Justice and Equality Movement attack on Omdurman; the arbitrary arrest and detention of hundreds of Darfurians; several serious incidents in Darfur, including the

12 May Central Reserve Police attack on Tawilla and the fighting between rebel groups near Kafod on 21 May; the fighting in Abyei in May between the Sudan Armed Forces and the Sudan People's Liberation Army (SPLA); and clashes between villagers and the SPLA in Torit, Eastern Equatoria on 4 June all entailed reports of serious violations being committed by all the parties to the conflict. It is essential that impartial, transparent and comprehensive inquiries be held to investigate allegations, identify perpetrators and hold them accountable. The Special Rapporteur reiterates her request that the Government of National Unity and the Government of Southern Sudan make the reports of investigative committees public in order to combat impunity and further the promotion of the rule of law.

77. Concerns are mounting about the violations of civil and political rights in different parts of the country in the lead-up to the general elections. In the period under review there have been widespread allegations of arbitrary arrests and detention, torture, incommunicado detention and serious violations of the right to fair trial.

78. One of the Special Rapporteur's principal concerns remains impunity. Allegations of violations of human rights are not duly investigated, nor are the findings made public. Perpetrators of serious crimes, such as the killing of civilians, have not been brought to justice and reparations have not been provided to victims. The Special Rapporteur has raised several cases on numerous occasions with the Government of the Sudan, however to date there has been no progress.

79. The Special Rapporteur's reports and recommendations contain her assessment of the gaps and the needs of the Sudan in order to further the protection of human rights in the country. During her visits to Sudan she was pleased to note that the United Nations bodies and agencies, UNAMID, UNMIS and others operational in Sudan with support from the Office of the United Nations High Commissioner for Human Rights, continue to provide technical assistance to the Government of Sudan with a view to assisting it to implement its obligations under international law. Donors have also continued to provide funds for technical assistance for the improvement of the human rights situation in the Sudan.

## **B. Recommendations**

80. **The Special Rapporteur reiterates all previous unimplemented human rights recommendations contained in her reports, those of the High Commissioner and of the group of experts mandated by the Human Rights Council in resolution 4/8. In addition, she recommends that:**

**(a) The Government of National Unity:**

**(i) Continue and intensify efforts to implement the recommendations compiled by the group of experts, in accordance with the specified time frames and indicators;<sup>13</sup>**

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<sup>13</sup> A/HRC/5/6, annex I.

- (ii) **Accelerate the implementation of the Comprehensive Peace Agreement and establish the national human rights commission, in accordance with the Paris Principles;**
  - (iii) **Revise laws to conform with the Interim National Constitution and international human rights standards; priority attention should be given to reform of the National Intelligence and Security Services;**
  - (iv) **Address impunity and ensure that all allegations of violations of human rights and international humanitarian law are duly investigated and that the perpetrators are brought to justice promptly, in particular those with command responsibility. Given the seriousness of the allegations in Abyei, the Government of National Unity must take immediate action and support an in-depth, independent fact-finding inquiry and make the report public;**
  - (v) **Fully cooperate with UNMIS and UNAMID and remove any obstacles that may hinder humanitarian efforts in Sudan;**
  - (vi) **Engage in regular consultations with civil society to develop strategies to improve the human rights situation in the Sudan;**
- (b) **The warring factions:**
  - (i) **Respect obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians;**
  - (ii) **End all attacks on civilians, including human rights defenders and humanitarian workers;**
- (c) **The Government of Southern Sudan:**
  - (i) **Ensure adequate means and resources are provided to the institutions responsible for the administration of justice and rule of law so as to facilitate a necessary improvement in access to justice, including the provision of legal aid services;**
  - (ii) **Ensure its budget is adequately distributed amongst key sectors such as education, health, social services, law enforcement and rule of law institutions, as well as offices working on human rights, the Southern Sudan Human Rights Commission and the office of the Presidential Adviser on Human Rights/Gender;**
  - (iii) **Accelerate the process of legal reform, in accordance with the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan and international standards of human rights;**

- (iv) **Prevent SPLA interference in the administration of justice, especially in the work of the police and the judiciary, and provide appropriate training to former SPLA members integrated into the institutions of the Government of Southern Sudan;**
- (v) **Address impunity and ensure that all allegations of violations of human rights are duly investigated, the findings of ad hoc commissions made public, perpetrators promptly brought to justice and reparations provided to victims;**
- (d) **The international community:**
  - (i) **Continue to provide technical and financial support to the Government of National Unity and the Government of Southern Sudan, on the basis of a needs assessment, to fully implement the Comprehensive Peace Agreement, build democratic national institutions for the protection of human rights and the equality of all people in the Sudan, and combat impunity;**
  - (ii) **Continue the constructive engagement with the Government of Sudan for the promotion and protection of human rights;**
- (e) **The United Nations:**
  - (i) **Ensure that UNAMID and UNMIS, in accordance with their mandate, take the necessary measures to protect civilians, proactively deter attacks on civilians and prevent violations of international human rights law;**
  - (ii) **Provide support and technical assistance to the Government of National Unity and the Government of Southern Sudan, in accordance with assessed needs, for the implementation of their obligations under international human rights law;**
  - (iii) **Ensure that the Human Rights Council and the Office of the High Commissioner for Human Rights continue the constructive engagement with the Government and civil society in the Sudan for the promotion and protection of human rights.**

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