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**Written statement* submitted by the Cairo Institute for
Human Rights Studies (CIHRS), 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.

[24 August 2011]

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

UPR of Sudan: Implementation of recommendations

The Cairo Institute for Human Rights Studies expresses its growing concern over the state of human rights in Sudan since its Universal Periodic Review (UPR) in May. This submission traces developments in both Sudan and South Sudan since the UPR and questions the governments' commitment to implementing UPR recommendations. Most notable is the state of relations between Sudan and South Sudan since the cessation, and the impact on human security of developments in Darfur, Abyei and South Kordofan.

1. UPR recommendations 84.1 to 84.7 urge the Government of Sudan (GoS) and the Government of South Sudan (GoSS) to maintain amicable post referendum relations with each other and continue negotiations with a view to a peaceful resolution of matters of border demarcation, foreign debt, resources, and citizenship, with the understanding that nobody will be stateless.¹ Barely a week after the UPR, on 21 May, the GoS led an all out military campaign on Abyei, following an attack on a UNMIS convoy transporting Sudanese Armed Forces (SAF) members out of Abyei by alleged Sudan People's Liberation Army (SPLA) forces.² The SAF bombed four villages, conducted ground and aerial attacks, indiscriminately shooting at civilians. They looted and destroyed a third of the homes in Abyei with fire. An estimated 60, 000 people had been displaced by 30 May, fleeing from the attacks.³

In its presentation to the working group the delegation of the GoS noted the completion of popular consultations in South Kordofan and Blue Nile, and that these provinces now enjoyed security, stability and development.⁴ The situation in South Kordofan since 5 June contradicts these assertions. A report issued by the Office of the High Commissioner for Human Rights (OHCHR) and UNMIS covering the period 5-30 June 2011, states that the violations committed in South Kordofan in the month of June alone "could amount to crimes against humanity or war crimes for which individual criminal responsibility may be sought."⁵ The conflict adversely affected civilians with mounting evidence, from UN and other sources, alleging targeted attacks against civilians, particularly Nubians; indiscriminate aerial bombing and artillery shelling of civilian areas; destruction of physical infrastructure including churches; and extra-judicial killings, abductions, arbitrary arrest and detention based on political affiliations. There are also allegations of unaccountable deaths and forced displacement of approximately 73,000 people, and mass graves in Kadugli town, South Kordofan.⁶

2. On the situation in Darfur, UPR recommendations 83.55 to 83.71 call for access of humanitarian workers to affected populations, protection of relief workers, respect of ongoing peace processes, especially the Doha negotiations, cessation of

¹ See A/HRC/18/16

² The Kadugli Agreements created obligations on the parties to the CPA to jointly administer Abyei and ensure law and order through the JIUs (i.e. a maximum number of forces representing both sides) and the withdrawal of the rest of the forces.

³ OCHA, "Sudan: Abyei Crisis, Situation Report #8", 30 May 2011.

⁴ Para 6, Report of the Working Group on the UPR for Sudan.

⁵ Thirteenth periodic report of the OHCHR on the situation of human rights in the Sudan "Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011," August 2011.

⁶ NMIS Report on the Human Rights Situation During the Violence in Southern Kordofan -Unreleased July 2011.

all attacks on civilians and, ending violence against women. An agreement in Darfur can be reached when the GoS makes difficult concessions and exercises the relevant political will. That will seem to be limited with similar grave violations to those witnessed in South Kordofan being committed against civilians in IDP camps and other villages around Darfur.

Reports of flagrant disrespect and direct attacks on UN Personnel are on the rise, especially in South Kordofan and Darfur. The reports detail incidences of arbitrary arrest and detention of UN personnel, and their ill-treatment amounting to torture during detention. They also show the forcible removal of IDP's from UN protective custody by security agents impersonating Red Crescent personnel in UN protective perimeters.⁷ These incidences create growing concern about the Sudanese authorities' commitment to cooperate with humanitarian agencies.

3. Recommendation 83.52 urges the GoS to take concrete steps to prevent any form of infringement on the human rights of South Sudanese residing in the North, including by addressing issues of nationality and citizenship in cooperation with the authorities in Southern Sudan. The GoSS has showed its willingness to honour this recommendation by allowing for dual citizenship for both Northerners and Southerners. The same cannot be said of the government of Sudan. On 9 July, the Press Council of Sudan froze the issuance of several publications including the *Ajras Al-Horriya* because they are partly owned by, and have publishers who are, South Sudanese. The Press Council cited Article 28 of the Press Law, which requires the publisher to have Sudanese nationality and concluded that the declaration of independence by South Sudan also changed the citizenship of these owners making the ownership of the newspapers foreign and not entitled to publish in Sudan.⁸
4. Recommendations 83.73, 83.74 and 83.75 call on the GoS to continue cooperating with the UN Independent Expert on Human Rights in Sudan. The GoS has been cooperating with the IE. However, we fear that recent moves by the GoS to seek an end to that mandate will negate the many achievements that the IE's work has achieved, particularly that a considerable number of his recommendations are yet to be realized. The IE remains the only mandate providing a comprehensive overview of the human rights situation.
5. Despite several recommendations addressing the need for serious legislative reform, especially laws that directly contradict international law, there has been

⁷ On 30 July there were verified reports of the Sudan Armed Forces engaging in acts that constitute violations of International Conventions and the Status of Forces Agreement (SOFA) including shelling in close proximity to UN property, resulting in damage; summary execution of a UN national staff member; assaults on physical integrity of UN staff; arbitrary arrest and detention of UN Staff and associated human rights violations including ill treatment amounting to torture; harassment, intimidation, and obstruction of freedom of movement of UN personnel; and intrusion on UN premises including the UNMIS Protective Perimeter established to protect civilians internally displaced as a result of the conflict. On 8 June SAF attacked Shivi village, in Dilling, in aerial bombardments that killed two civilian staff at the UNMIS Julud Team Site. On 19 June, the UNMIS Kauda Team Site reported the dropping of seven bombs in Kauda hitting areas south and northwest of the Team Site. On 25 June, the SAF air-strike dropped two bombs on Julud airstrip, just 350 meters from a school, and three kilometers from UNMIS Julud Team Site. On 11 July, the GoS threatened to expel aid agencies and nongovernmental organizations from South Kordofan and Darfur alleging that these organizations have been assisting the rebels/insurgents with logistical support. There was no evidence to substantiate these allegations.

⁸ 'Sudan: Freezing the issuance of six newspapers that some of their owners are South Sudanese now,' Arabic Network for Human Rights Information Press Release, 10 July 2011.

little significant progress. The National Security Act (NSA), remains a source of numerous violations, allowing National Intelligence and State Security NISS agents to commit atrocities with impunity, giving them immunity from criminal prosecutions for acts committed in the course of duty, and sanctioning arbitrary arrest and incommunicado detention.⁹

6. Recommendations 83.124 to 83.130 advocate an end to impunity. Addressing past abuses committed by all parties during Sudan's numerous conflicts is an important element of transitional justice; key to sustainable peace and transforming the culture of impunity in Sudan and South Sudan. Both the GoS and the GoSS should investigate all violations of international humanitarian law and cooperate with the ICC to bring those responsible to justice.

We therefore call upon the GoS and GoSS to:

- Ensure amicable resolution to the border demarcation;
- Promote religious freedom, expressly outlawing the strict application of Sharia law and decriminalizing apostasy;
- Ratify the Convention against Torture in light of the continued use of torture by state agents against political prisoners, human rights defenders, and captured rebel fighters;
- Ratify basic international human rights treaties particularly the ICCPR-OPT2, CEDAW, and the Convention for Protection of all Persons from Enforced Disappearance;
- Cooperate fully with all UN agencies including issuing open invitations to Special Procedures;
- Fully implement recommendations by the IE on Sudan;
- End attacks on civilians.

We urge the GoS to:

- Cease all hostilities and vacate its troops from Abyei to allow for a negotiated solution;
- Comply with recommendation 83.160 to improve the living conditions and safety of IDPs by providing access to humanitarian assistance and ensuring the security of UN and other humanitarian workers;
- Expedite the appointment of members to the Human Rights Commission and make it a fully functional body;
- Ensure effective protection of journalists and human rights defenders and refrain from intimidating, harassing, and arresting them;
- Guard against rendering some citizens stateless;
- Adjust national legislations, particularly the NSA, the Press and Printing Act, and the Volunteer and Humanitarian Act to be compliant with international standards.

We encourage the GoSS to:

- Expedite the transition of the SPLA into a civilian military force governed by the rule of law.

⁹ Article 50 of the NSA authorizes the arrest or detention of any person by the NISS for a total period of four and a half months without judicial oversight on unspecified grounds.