

In the Name of Allah, the Compassionate, the Merciful

National Group for Human Rights

Report on Human Rights

situation in Sudan, Submitted for Mechanism of Universal Periodical Review

First: The Introduction

1\ National Group for Human Rights is a civil society Sudanese Network registered in accordance to the Humanitarian Action Act for the year 2006. In its membership it includes 36 organizations active in the field for human rights, twenty of which having attained the consultancy status of the Economic and Social Council affiliated to the United Nations. The Group and its organizations reports on situations of human rights in all States in Sudan, as well as endeavoring to strengthen these situations through awareness and civil aid for needy people, offer of advice for responsible authorities and provision of right-related services in the fields of health, education and pure drinking water. The Group Coordinates its efforts with all stakeholders inside and outside Sudan.

2\ The Group presents this report to Mechanism of UPR on human rights situation in Sudan, making use of the opportunity given by the Mechanism to civil society organizations to document situations of human rights in countries members to the United Nations. The Group has adhered to principles of investigation and verification in information as well as cooperation and consultation with stakeholders. It has also held workshops to enrich discussion on issues dealt with in the Report, in addition to obtaining data from its organizations found all over States of Sudan.

3\ This Report on situations of human rights in Sudan was compiled over the four-year period form 2007-2010. Sudan is a vast country having borders with nine countries and includes over 500 tribes that overlap with those in neighboring countries the matter which engenders a variety of social and cultural interactions as well as many frictions that result in many security problems. The Report reflects the positive as well as the negative developments in situations of human rights in Sudan in their legislative aspects, mechanism of law enforcement, actual practices and violations observed to have been perpetrated by all related parties.

Second: Legal and Institutional Framework of Human Rights in Sudan

1\ Legal Framework of Human Rights in Sudan

4\ The international charters and treaties endorsed by nations on rights and public freedoms have become part and parcel of the Sudanese legal system for protection of human rights, according to Sudan transitional constitution for the year 2005. The Constitution has included

the so-called Rights Document provided for in article 27 (3) thereof, that has guaranteed the legality of international standards on human rights directly before Sudan Judiciary without need to have the recourse to a national legislation enacted by Parliament to enforce these standards. The Sudan Constitution also regards the comprehensive Peace Agreement as an integral part of the constitution and one of its sources, as mentioned in article 225 thereof. This legal structure at the level of legislation has been commended by human rights independent expert, Mr. Mohammed Shandi Osman in his report submitted to the 15th session of Human Rights Council in Geneva, which regarded developments as positive advances in rights and freedoms. Nonetheless, in the consideration of the National Human Rights Group this legislative development towards protection and promotion of rights and freedoms has not been accompanied by sufficient awareness-raising efforts about these rights and capacity-building of State employees in legislative and executive functions, the National Judiciary, civil society organizations at their various levels, dissemination of knowledge about rights, observation of violations and their reduction through local, regional international mechanisms of justice against threats to these advances .

5\ The National Group For Human Rights has noted that while the state has endorsed many basic international conventions on human rights, there are others on which it has not expressed its opinions such as the two protocols annexed to the International Convention on Civil and Political Rights, the Convention Against Torture (CAT) and Convention of Eradication of Discrimination Against Women (CEDAW).

(b) The Institutional Framework of Human Rights in Sudan

(b/1) The Sudan Judiciary

6\ The Sudan Judiciary has exerted great efforts in the past four years to implement international standards related to just trials, in cooperation with the agencies of the United Nations, some organizations and civil society institutions, with the objective of enhancing the judicial process in the pre-trial, trial and post-trial (appeal) stages as well as improving the situations of courts and justice instruments in general followed by consolidation of the independence of Sudanese Judiciary through the establishment of the National Judicial Commission entitled to appoint and discharge judges and organize judicial situations as mentioned in the Judicial Commission Act for the year 2006. Yet, the National Group For Human Rights has documented lapses that have to be addressed by the state concerning criminal procedures in the stages of investigation and interrogation, in particular the situations of police custodies, poor knowledge by criminal police members about constitutional Rights charter and international standards for fair trials. Moreover, the

criminal system in Sudan does not allow the accused to seek the aid of lawyers to attend procedures of investigation and interrogation (pre-trial stages) in addition to low degrees of awareness on rights and defence of human rights situation in Sudan in general, which feature is shared by the state and institutions of civil society alike.

(b/2) The Human Rights Commission in Sudan

7\ The Sudanese Parliament has enacted the law related to the establishment of a national human rights commission for the year 2008, but the appointment of members of the commission is still being debated at the Republic Presidency Establishment and consequently it is suspended to date due to disagreements of the two partners to power about nomination of members of the commission. Likewise, a human rights commission has been established in Southern Sudan and has performed its tasks but it lacks effectiveness in protection and improvement of human rights in Southern Sudan and is silent concerning the grievous violators of rights and freedoms by Sudan People Liberation Army. This is more so as there are reports about violent practices during the disarmament process of people of South Sudan tribes. In this context, the National Group For Human Rights outlines the insufficient efforts by the two partners to power in not nominating and appointing the members of the National Human Rights Commission and calls for speeding up of the process .

(b/3) The Constitutional Court and Human Rights

8\ By virtue of Article 119 of Sudan Constitution for the year 2005, the Sudanese Parliament has enacted the Constitutional Court Act for 2005. It is a court independent from Sudan Judiciary as well as legislative and executive powers and it aims to defend the constitutionality of laws and it has the essential task of protection of basic rights and freedoms as mentioned in article 122 (2) of the Constitution Court Act. It also assumes responsibility for criminal jurisdiction regarding the President of the Republic and his two deputies and judges of the Higher Court in accordance with article 60 (2) of Sudan Transitional Constitution for the year 2005.

Third: Political and Constitutional Developments

9\ The month of April 2010 has witnessed the first multi-party elections under local and international monitoring in Sudan in a quarter of a century. These elections proved a chance to reject totalitarian regimes and establishment of the principle of peaceful rotation of power and rejection of political violence. The elections were accompanied by grave technical and logistical mistakes that affected the proceedings, and due to poor preparations the elections

have been put off in some states and are still in complete up to date in Southern Kordofan state, while the withdrawal of some parties has visibly affected the level of competition.

10\ The ratification of the referendum of self-determination in Southern Sudan, the Abeyei Referendum, popular consultation in Southern Kordofan and Blue Nile are among the greatest developments related to human rights in the period covered by the Report.

11\ The people of Southern Kordofan and Blue Nile states subject to popular consultation Act require more enlightenment about their rights in understanding and practicing popular consultation and its consequences. The Group believes that the awareness-raising and consultation under way is sufficient and the Group fear that the wrong understanding of popular consultation may lead to internal tensions in the concerned two states that may provoke fighting again.

12\ The referendum on self-determination in Southern Sudan is the biggest event in preparation and in the meanwhile it is regarded as the greatest threat to stability and peace in the future Sudan unless the disputed issues between partners are resolved, particularly the right to vote in the Abeyei referendum. The Group has observed tensions on both side of the borderlines between the South and North, especially Abeyei and the delay in the resolution of these issues may impede the referendum and creates dark uncertainty after the end of the transitional period.

Fourth: Northern Sudan

13\ The implementation of the Comprehensive Peace Agreement and other Agreements has proceeded well over the past four years, leading to considerable peace and security all over Sudan, while the Doha Negotiation making good progress despite the refusal of some armed movements to join the talks and continue the war the matter which raises our concerns over the future of Darfur.

14\ Despite the ratification of the act of the press and publications is a serious step in boosting press freedoms and freedom of expression, however the monopoly of the power of press accountability to The Press and Publications Council and not normal courts is an obvious imperfection. During the period covered by the Report some newspapers were suspended and their premises confiscated as well as the arrest of some newspaper staff with no trial in blatant violation of the freedom of the press and expression.

15\ Over the period covered by the Report the Group has noted violation cases dealt with in ways that do not guarantee justice, such as the incident on 13.6.2007 when four people were killed by the police in clashes in Kajabar area in dam constrictions over the establishment of

the Dam there. On the other hand, no verdict has been issued as yet over the killing of 15 people in Port Sudan at the hands of the police in 2005.

16\ The Justice and Equality Movement used 89 children in their attack on Omdurman on 10.5.2008 in flagrant violation of national and international conventions related to protection of children. The representative of UNICEF in Khartoum has condemned this act. Also, the independent expert Mohammed Shandi has testified to the presence of large number of children in conflict area who are involved in armed combat.

17\ The year 2009 witnessed the issuing of the Child Act, a positive improvement towards child protection. The Group has in the meanwhile documented some of the violations over the period covered by the Report. In 2008 the Arch De Zoi Organization kidnapped a hundred and three children of Drafur from refugee camps in Chad and they were moved to France to be traded in. Though some of these have been convicted, their immediate deportation of France in the make of the initial verdict has deprived these children of their rights to sue. Moreover, the accused were did not face the major accusation of trading in human beings, nor has the international community condemned the crime or the non-realization of justice because of the intervention if the French President.

18\ All Sudanese laws have granted women all their rights based on equitable rights. The transitional constitution has provided for the positive discrimination for women in all economic, social and political aspects, and the percentage of women representation local, state and national parliament has reached 15% in addition to their extensive participation in executive and judicial powers.

19\ Despite the structural development in Sudan rural areas, women in many rural places still suffer from shortcoming, in meeting some basic rights such as health care, safe maternity, birth nurses and accessibility to care centre, all factors leading to high mortality rates during childbirth. Also, women in conflict areas suffer from psychological stresses and sense of insecurity more so since women in their areas shoulder the responsibility of agriculture, water fetching, domestic duties and upbringing of children, tasks all needing a large measure of security. This can be realized through activating the Khartoum Declaration which provided for treatment, social and psychological support and material compensation for women.

Fifth: Darfur

20\ Most of human rights violations in Darfur are caused by the civil war between Sudanese Government and Armed Movements, though there are also cases of violation related to intertribal fighting in frictions over breeding grounds and water sources, and other cases of

violations attributable to fighting between main and breakaway factions within the movements.

21 The refugee camps, numbering over forty in the three states, have been the main home for war-affected people, yet these camps have inadequate services in the fields of education and health care. Though voluntary repatriation programme, have been declared by the Government, these are only very slowly being implemented mainly due to unrest and insecurity in the voluntary repatriation areas and lack of basic services.

22 In March 2009, the Sudanese Government has decided to cancel the work license of several national and international organization on the pretext of their contravention or their employees contravening work situations or their intervention in the sovereignty of the state. The result of the expulsion of these organizations from their field location was withdrawal of such services offered to the refugees as water, health and environmental health. Since the decision, in our estimations was a hasty one, the people beneficiary to these centers were in fact affected, though national organizations and related governmental institution have largely covered the gap, particularly concerning water and health.

23 A bloody conflict took place in July 2007 between Al Fur and Al Bargid tribes on one hand and Al Zaghawa on the other in Kalama camp in Southern Darfur. The victims included those killed and wounded and displacement of 1863 families of refugees to outskirts of Nyala town, the matter which motivated the state Government to accommodate them in a new residential plan in Sakli area. This inter-tribal conflict is directly linked to frictions within the Armed Movements.

24 The Government of Southern Darfur claimed in August 2008 that Kalma camp contains quantities of weapons that threaten the Nyala airport nearby. While a police force was on the way to inspect some areas in the camp, they were confronted by armed groups within the camp and exchange of fire ensued, leading to 40 casualties on both sides, and implying that more than reasonable force was used.

25 In July 2010 bloody confrontations took place between members of tribes in Kalma camp over support or opposition to the negotiation then held in Doha over Darfur. There were 31 casualties most of which were Fur and Daju while a great many people fled their homes in fear of retaliation. According to documents revealed in the media Abd Al Wahid Movement was behind these events, and it is noteworthy the six perpetrators were camp leaders and sought the protection of the international force despite the requests by the government that they be put on trial.

26\ In September 2010 and concurrent with events in Kalma camp violations were made due to armed conflicts, in Al Hameedyah camp in west Darfur and claimed the lives of ten refugees while twenty were wounded. The perpetrators belonged to armed Movements that carried out the carnage in Kalma.

27\ Between 2007 – 2010 the armed Movements have carried out violence acts against the international Mission in Darfur (UNAMID), considered the main guardian of refugees in the camps and a source of their sense of security. Some members of UNAMID were killed and panic spread among inhabitants of the camps.

28\ The Government of Sudan and rebellion movements in Darfur have in the meanwhile taken positive and continual efforts to resume negotiations to reach a final solution to the Darfur issue. However, some of the main armed movements are still unwilling to join the process which matter raises concerns that the tragedy of 1.771.000 refugees in the camps will go on.

Sixth: Southern Sudan

29\ Southern Sudan is undergoing a critical period since the signing of the Comprehensive Peace Agreement in 2005, and this entails great attention to situations of human rights in the South the issue that has not received adequate concern by observers on local and international levels. In spite of the frequent violations by cadres of the Sudan People Liberation Army. The Government of Southern Sudan has prevented the national organizations concerned with human rights from observing and following up these developments on the ground, and the international violation mechanism has only recently paid them any attention during the recent events against Shilluk tribe by members of SPLA in the wake of local efforts by national Southern organizations to document these violations.

30\ The Finkang social organization reflected the schemes for compulsory displacement of Shulluk tribe simultaneous with the disarmament operation in the organization's press conference on 8.7.2010 as well the efforts by Dinka people to take away the lands of the Shulluk. The organizers expressed their resistance to the formation of the four Shulluk areas (Manjo, Fashuda, Finkang and Malakal) as well as killings, detention, torture of old people, rape of girls and women, burning of houses and pouring of plastic and candles on people's bodies. For example on 9.1.2009 an armed attack was carried out against the innocent people of Shalo, Angadyar and Adanim in which a large numbers of SPLA and resulted in the number and displacement of thousands and confiscation of property, as was shown in the pictures shown in the press conference .

31 The Group its concerns over the passive role played by members of SPLA in violation of freedom of opinion and press. For example, a cadre of a political organization in the Equatoria was detained and killed on 28.9.2010, a Nazir and Omda were arrested who were sentenced to capital punishment, though the sentence has not been effected. Also, two people from Kadouk were killed and 380 people were murdered in the clashes between Shulluk and Dinka .

32 The security situation in Southern Sudan still causes anxiety, and serious challenges are still posed to results of the election polls by ex-supporters of SPLM. Violations by the cadres of this movement were observed during elections including expulsion of national monitors and confiscation of headquarters of several organizations such as the International Institute for Development of Sub-Saharan Africa.

33 The Group has attentively followed the tragedy of a family on 26.8.2010 caused by a member of SPLA near Yai who bound the eight members of a girl before shooting and killing them including four children and then raping the girl .

34 The security situation in Abeyei is still unsettling where in May 2008 there bloody events were leading to death of dozens and the complete burning of the town market as well as some houses. Hundred of civilians fled the town after exchange of gunfire between SPLA and armed groups.

35 General Telefon Kuku, a member of Nuba tribes, was arrested in Juba following his writings on the internet claiming that SPLA manipulated Nuba tribes as easy war recruits throughout the civil war between the South and the North, but that the demands of the Nuba people have not been incorporated in the Naivasha Peace Agreement.

36 Religious freedom was violated in Rumbeik town Al Buhayrat state, where the Governor and his deputy in coordination with the Church Council issued a resolution banning the proclaiming of Azzan and Taraweeh prayers. Moreover, the workers involved in repair work of the mosque in disregard of the fact that the rights of religious minorities are protected by virtue of Sudan Transitional constitution and the Peace Agreement that took great care to outline the rights of minorities, and the Non-Muslim Rights Commission in Khartoum takes the same stance .

37 Currently, Southern Sudan witnesses serious shortage in humanitarian needs as a result of movement from North to South , a by-product of the preparations for the coming referendum. It is feared that starvations and humanitarian disasters may occur. The Southern Sudan Human Rights Commission was established and hopefully received by the Southern citizen, however it has not proved its neutrality and independence from the Government of

Southern Sudan and, consequently, it has been suspiciously silent on the above violations. In addition, it has not been active in the field of seeking support to finance the humanitarian need, and neglecting the fact that South Sudan is in dire need of positive and impartial action in the coming period (the referendum and its ramification).

38\ There is increased anxiety over the expected reactions by cadres of SPLA against the Southern tribes and parties calling for unity, more so since the declaration by President of SPLA and Governor of Southern Sudan that he is in favor of separation during his participation in the meeting of the General Assembly of the United Nation.

Seventh: The U. N. Organizations

39\ The U. N. organizations in Sudan undertake basic roles in cementing peace and humanitarian action in all levels as well as supporting structural development through the various development projects. However, some practices attributed to some of these organizations leave a bad impression and erroneous messages, to all parties in the country. For example, the Group has observed the actions of the World Food Programme when they distributed foods whose validity has expired among school children in Southern Darfur and resulted in illnesses such as diarrhea among these children the matter which prompted the state Government to suspend receiving foods by the programme, as revealed in Sudanese newspapers and T.V. channels .

40\ The fact that some of the accused people in Kalma camp events sought the protection of UNAMID and have not been handed over for trial has confirmed the suspicions of that impunity from punishment is natural in Darfur and guarded by establishments that should have done justice.

41\ UNICEF signed an agreement with the justice and Equality Movement whose purpose was, according to news reports, the protection of children in areas occupied by JEM against mobilization and assault. Though the aim may be a noble one, the more was harshly criticized by the Government as it involved a rebellious armed movement and that UNICEF has overstepped the limits of its tasks.

Eighth: Recommendations

42\ The Group advises the Sudan Government to exert more efforts at raising awareness about human rights and capacity-building among employees in the legislative and executive branches of the states the national judiciary, civil society organizations as well as spreading knowledge regarding monitoring over violations and their minimization through the various tools of equity.

43\ Amelioration of situations of custodies in away that preserves the dignity of people .

- 44\ Amelioration of Criminal legislations so as to guarantee the accused the right to seek the aid of lawyers during interrogation and investigation stages.
- 45\ Speeding up the process of nomination and appointment members of the Human Rights Commission and finalization of its establishment.
- 46\ Intensification of awareness regarding the concept and philosophy of popular consultation in Southern Kordofan and Blue Nile states.
- 47\ Stressing the urgent need to resolve the disputed issues in Abeyei Referendum or agreement on new arrangements on the issue that prevent frictions between inhabitants of the area or return .
- 48\ We advise the armed Movement in Darfur to renounce fighting and to join peace process.
- 49\ No journalist should be put on trial or a newspaper be suspended save in accordance with the normal proceedings of court .
- 50\ Speeding up the trial of those responsible for killings in Port Sudan, Kajbar Dam and Kalma camp.
- 51\ Activation of legislations and procedures concerning protection of children from compulsory mobilization.
- 52\ Provision of basic health and maternity services for the rural women.
- 53\ Activation of voluntary repatriation programmes through provision of basic services and security in repatriation villages.
- 54\ Granting voluntary organizations more freedom to carry out their activities in event-affected areas in Darfur and the South.
- 55\ UNAMID forces should hand over the accused in the recent Kalma events to be tried in consolidation of the principle of sanctity of justice .
- 56\ the need for local and international monitoring of the referendum process to ensure a free and impartial are accepted by all parties .
- 57\ Freeing of Telefon Kuku and all detainees in prisons of SPLA to prepare the way for the referendum .
- 58\ The need to put an end to tribal fighting in the South, addressing of all grievances and signing with the parties that withheld recognition of the election results in the South .
- 59\ The need of international organizations to adhere to the mechanisms and arrangements agreed on in their work in conflict areas.
- 60\ Activation of the Khartoum Declaration to provide protection and support for women in conflict areas.
- 61\ Increasing the rate of women participation in the parliament to 35% over the next four years.
- 62\ The need for firmer action by the international community to put an end to abduction of children in Africa and restoration of these children to their families together with compensations and psychological support needed.