



# General Assembly

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## Human Rights Council

### Eighteenth session

Agenda item 9

**Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action**

### **Written statement\* submitted by the Society of Threatened Peoples, 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]

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

## **Promotion and protection of human rights through tolerance and reconciliation in Western Sudan**

Massive human rights violations, amounting to crimes against humanity, have been committed in Darfur (Western Sudan) since the outbreak of violence in 2003. Former UN Secretary-General Kofi Annan admitted in December 2006 that the United Nations and the international community had failed to halt the bloodshed in Western Sudan. On July 14, 2011, another peace treaty has been signed for Darfur, but war and massive human rights violations prevail in the crisis region.

There will be no reconciliation in Darfur without justice. Achieving justice and reconciliation requires a balance between leaving violence behind, truth-telling about the past and forms of justice appropriate to the particular society. Different countries have worked towards reconciliation in different ways. The experiences of Indonesia, Timor-Leste, Ethiopia, Angola, Morocco, Mozambique, South Africa and Rwanda are highlight different approaches, from official amnesia about the past, to truth commissions, healing, forgiveness and prosecutions.

Certainly it is difficult to talk of reconciliation while fighting and massive human rights violations are still going on. But dealing with justice and reconciliation is a long-term process. A genuine reconciliation in Darfur requires that the root causes of conflict be addressed in a comprehensive and just manner. All reconciliation efforts will fail until a comprehensive and just political settlement of the Darfur conflict will be brokered. Written peace agreements are only the starting point for a broad and long-term process of reconciliation.

A genuine reconciliation process in Darfur must include all stakeholders, not only the Sudanese government and the armed resistance movements, but the civilian population as well. The Doha Peace Agreement signed in July 2011 lacks any support of the civilian population in Western Sudan. Even leading politicians of Northern Sudanese parties such as the former Prime Minister Sadiq al-Mahdi have criticized the agreement as “provocative” for the other Darfur rebel groups and has described the three months ultimatum given by Khartoum for the rebel movements to join it as being unrealistic and wishful thinking. Instead of achieving real peace and reconciliation, this Doha Peace Agreement only provides an illusion of peace and normality.

The Sudanese authorities have constantly ignored the demands of the two million IDPs and refugees in Chad. The refugees urge Khartoum since to ensure their safety, to stop human rights violations, to disarm militias and criminal elements, to maintain law and order, to guarantee their safe return, to rebuild their villages, to offer compensation for destroyed houses and belongings and to bring the perpetrators of massive human rights violations to justice. None of these demands has been fulfilled after eight years of fighting in Darfur.

The lack of justice numerous times has been condemned by leading representatives of the IDP and refugees. On August 16, 2011, Sudan’s minister of Justice Mohammed Bishara Daus has appointed his deputy Essam El-Din Abdul Qadir Zein as new prosecutor for crimes committed in Darfur. Sudan has created the position of a special prosecutor for Darfur in 2003 in order to prove its seriousness in ending impunity. But the two prosecutors who were appointed before have failed to try or bring charges against any individual despite credible reports of atrocities.

The failure by the Sudanese judiciary to act on Darfur has led the UN Security Council in March 2005 to refer the situation in Western Sudan to the International Criminal Court (ICC) after a UN Commission of Inquiry concluded that the Sudanese judiciary was unwilling or unable to end impunity. Since then the ICC has charged three individuals from

the government side, including President Omar Hassan al Bashir, South Kordofan governor Ahmed Haroun and militia leader Ali Kushayb. All three were charged for war crimes and Bashir is also wanted for genocide, but the Sudanese authorities are refusing any cooperation with the ICC.

Reconciliation efforts could be supported by truth commissions. They should exist at different levels. At the community level, it should be based on traditional methods of conflict resolution, well known in Western Sudan. But also on the regional level, a consistent and coordinated process of truth and reconciliation might be necessary. But healing and forgiveness should not lead to an unconditional amnesty for all violations of human rights. Severe crimes against humanity must be addressed and people responsible for these crimes brought to justice.

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Sudan:

- to fully cooperate with the ICC and to bring to justice all persons responsible for crimes against humanity and other massive human rights violations,
  - to ensure the safety and safe return of all IDP and refugees from Darfur,
  - to provide compensation to IDP and refugees,
  - to start a genuine reconciliation process.
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