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Agenda item 4

Human Rights situations that require the Council's attention

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

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

[25 June 2012]

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

Sudan: Human rights situation continues to deteriorate

The human rights situation in Sudan continues to deteriorate as a result of ongoing conflict in Southern Kordofan and Blue Nile states, and through the intensified repression of media and activists throughout Sudan. Amnesty International believes that the gravity of the situation in Sudan demands more than a once-a-year discussion and is submitting the following statement in an effort to contribute to the Council giving more sustained attention to Sudan.

Armed conflict in Sudan's Southern Kordofan and Blue Nile states - between the Sudanese Armed Forces (SAF) and armed opposition group the Sudan Peoples Liberation Army-North (SPLA-N) - has internally displaced over 500,000 people in both states and forced over 180,000 people to flee to neighbouring South Sudan and Ethiopia.

Ongoing indiscriminate aerial bombardments by the SAF have severely harmed civilians. The consequent loss of life, injury and destruction of civilian property has prevented civilians from cultivating their fields, leading to severe food shortages in Southern Kordofan and Blue Nile states. Food shortages have further been compounded by the refusal of the Sudanese authorities to allow impartial humanitarian organizations access in the two states, forcing hundreds of thousands of civilians to flee the conflict-affected areas.

On 2 September 2011, Sudan's President Omar al-Bashir declared a state of emergency in Blue Nile state, and shortly thereafter banned the SPLM-N as a political party. On 29 April and 7 May 2012, ten localities in Southern Kordofan state were declared under a state of emergency in addition to two localities in White Nile state and two localities in Sennar state. The state of emergency provides the President with expanded powers including to suspend the bill of rights and take any measures deemed necessary, which will have the force of law.

Sudanese authorities have arrested hundreds of perceived or known SPLM-N supporters, many of whom are being held incommunicado, without charge or access to a lawyer or their family. On 15 March 2012, Jalila Khamis Koko, and SPLM-N member and teacher from Southern Kordofan in Khartoum, was arrested by the National Security Services (NSS) from her home in Khartoum. Alawiya Osman Ismail Kubaida, the SPLM-N Secretary for Social Affairs, was arrested by plainclothes NSS agents at her home in Omdurman on 21 April 2012. Both are being held without charge or access to lawyers or their families.

Bushra Gamar Hussein Rahama, an X-ray technician and founder of the Human Rights and Development Organization in Southern Kordofan was arrested on 25 June 2011, from his home in Omdurman in Sudan. On 14 July 2011, he was released and immediately re-arrested. He is being held in Kober prison in Sudan's capital Khartoum, without access to a lawyer or his family and faces seven charges under the 1991 Criminal Act, including for Article 50 "undermining the constitutional system," which is punishable by death or life imprisonment. Bushra Gamar Hussein Rahama worked with the Sudan Peoples Liberation Movement (SPLM) in 2008, but has not been an active member since.

Furthermore, the Sudanese authorities continue to clampdown on freedom of expression through new forms of censorship. Since early 2011, Sudanese authorities have attempted to control independent Sudanese media including through preventing the publication of articles or opinion pieces, banning certain journalists from writing for newspapers, and confiscating newspapers after they have been printed thereby causing financial losses for newspapers.

Editors face great pressure from NSS agents, with whom they must remain in daily contact, and some have repeatedly been threatened with dismissal or cancellation of their newspaper's license in a bid to coerce media coverage of events. Newspapers also face forms of direct censorship,

Journalists are also frequently subject to arrest and criminal charges. In April and May 2012 Faisal Mohammed Saleh, a prominent columnist with several national newspapers faced harassment by the NSS. He was made to report to the NSS offices for 13 days, and was made to wait all day for an interrogation that never took place, without being provided with food or water. He was then repeatedly arrested and released, before being charged with "non-cooperation with a public agent."

Faisal Mohammed Saleh was acquitted on 31 May, but continues to face criminal charges for his 2011 reporting on the alleged rape of an activist by NSS agents.

The 2010 National Security Act gives the NSS hold extensive powers of arrest and detention without charge. This perpetuates a climate of impunity. During Sudan's Universal Period Review (UPR) in May 2011, the government of Sudan rejected a number of recommendations, including those about the need to review the 2010 National Security Act and to reform the NSS, in line with Sudan's international human rights obligations.

On 9 July 2011, following South Sudan's secession, the mandate of the UN Mission in Sudan (UNMIS) and consequently of its human rights component came to an end. The Independent Expert on the situation of human rights in the Sudan remains the only human rights monitoring mechanism across the country, covering the conflict-affected states of Southern Kordofan and Blue Nile and the suppression of freedom of expression throughout Sudan. In September 2011, the Human Rights Council decided to renew the Independent Expert's mandate under agenda item 10 on technical assistance and capacity building. Given Sudan's outright rejection to undertake essential reforms to the 2010 National Security Act and the NSS, the move from the more appropriate agenda item 4 (situations requiring the Council's attention) to one on technical assistance was unwarranted and should be rectified in September 2012. The mandate should also be extended for at least three years.

A number of concerns raised by former mandate-holder, Mohamed Chande Othman, in his final report (A/HRC/18/40 and Add. 1) remain outstanding and were further raised by the current mandate-holder Professor Mashood Adebayo Baderin, in a statement made on 13 June 2012 following his first mission to Khartoum, Sudan. These include the need for the government of Sudan to implement numerous recommendations, such as to ensure the protection of freedom of expression and to reform national security laws; the need to reform criminal law and procedure; and to improve the human rights situation in Southern Kordofan and Blue Nile states. Recommendations compiled by the Group of Experts on Darfur also remain pending.

The Human Rights Council must do everything possible to prevent the gross human rights violations that characterize the situation in Sudan. It is crucial that the Council benefits from timely regular reporting on the human rights situation in the country. For this reason, in renewing the Independent Expert's mandate in September, the Council should request him to report to it twice a year. Moreover, the Council should request him to report to the General Assembly

Amnesty International urges the Human Rights Council and its member and observer states to:

- Demand an immediate end to indiscriminate aerial bombings and other violations of international human rights and humanitarian law by the Government of Sudan in Southern Kordofan and Blue Nile;

- Demand that the Government of Sudan allows humanitarian organizations and independent human rights monitors immediate and unhindered access to both states;
 - Establish as recommended by the UN an independent inquiry into the alleged violations and abuses of international human rights and humanitarian law by all parties to the conflict in Southern Kordofan and Blue Nile since June 2011;
 - Suspend all international arms transfers to the government of Sudan and call on the UN Security Council to expand immediately the current UN arms embargo on Darfur to cover the whole of Sudan, in order to stop military and related supplies reaching all parties to the conflict in Darfur, as well as to prevent the deployment and use of conventional arms in Southern Kordofan and Blue Nile, used to commit violations of international humanitarian and human rights law;
 - Call on the Sudanese authorities to reform relevant laws, including the 2010 National Security Act, in accordance with Sudan's international human rights obligations;
 - Call on the Sudanese authorities to immediately stop the harassment and intimidation of journalists, writers and editors in Sudan and respect their right to freedom of expression;
 - Ensure that in September 2012 the Human Rights Council renews the mandate of the Independent Expert under agenda item 4, for a period of three years, and with a request to report to the March and September sessions of the Council and to the General Assembly.
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