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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Austria, Belgium*, Canada, Denmark*, Finland, France,
Germany, Hungary, Ireland*, Italy, Japan, Liechtenstein*,
Mauritius, Netherlands, Norway*, Poland, Portugal*, Spain*,
Sweden*, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

1995/... Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, and recalling the Addis Ababa agreement of July 1990,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commission of the Economic and Social Council.

Recalling also General Assembly resolution 49/198 of 23 December 1994 on the situation of human rights in the Sudan and its own resolution 1994/79 of 9 March 1994, also on the situation of human rights in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, recent reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of religious intolerance,

Noting also with concern the latest reports of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly (A/49/539, annex) and to the Commission (E/CN.4/1995/58),

Deeply concerned about continuing human rights violations by all parties engaged in the conflict in the Sudan,

Greatly disturbed by credible reports that government and military forces have attacked civilians awaiting food relief trains,

Deeply concerned about continued reports of indiscriminate bombing of civilian targets, including camps for displaced persons, in southern Sudan,

Deeply concerned that the judiciary is subject to gross interference by the Government and that lawyers representing persons in cases brought by the Government have been subject to harassment,

Deeply concerned that access by the civilian population to humanitarian assistance, despite some improvements, continues to be impeded, violating international humanitarian law and representing a threat to human life that constitutes an offence to human dignity,

Concerned that, as reported by the Special Rapporteur, the phenomena of slavery and practices associated with slavery continue to exist in the Sudan,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, including women, children and members of minorities, who have been forcibly displaced in violation of their human rights and who are in need of relief, assistance and protection,

Concerned about the passivity or collusion of the Government in the face of activities, especially affecting displaced families from the south, that

include the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or cruel, inhuman and degrading punishments,

Alarmed by the continued exodus of refugees into neighbouring countries, conscious of the burden that this places on those countries, and expressing its appreciation of the efforts of host countries and of the international community to assist the refugees,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices as reported by the Special Rapporteur in his latest reports, including civil and judicial discrimination against women,

Disturbed by the continuing failure of the Government to provide for a full impartial investigation of the killing of Sudanese national employees of foreign government relief organizations, despite past announcements by the Government of the Sudan of its intention to convene an independent judicial inquiry commission,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the past three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

1. Expresses its thanks to the Special Rapporteur for his most recent report (E/CN.4/1995/58), and expresses its support for his work;
2. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture;
3. Expresses its outrage at the use of military force by all parties to the conflict to disrupt or attack relief efforts aimed at assisting civilian populations, and calls for an end to such practices and for those responsible for such actions to be brought to justice;
4. Emphasizes that it is essential to put an end to the serious violations of human rights in the Sudan;
5. Urges the Government of the Sudan fully to respect human rights, and calls upon all parties to cooperate in order to ensure such respect;

6. Deplores the fact that, following its interference with the Special Rapporteur's visit in 1993, the Government of the Sudan has persisted in its refusal to cooperate with the Special Rapporteur in his efforts to carry out his mandate in full, in particular by denying him the right to visit the Sudan;

7. Calls upon the Government of the Sudan to allow members of the judiciary and other legal institutions to exercise their appropriate functions free from government restrictions and interference;

8. Urges the Government of the Sudan to release all political detainees and prisoners, cease all acts of torture and cruel, inhuman or degrading punishment and close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in the custody of ordinary police or prison authorities where family members and lawyers can visit them and that such persons receive just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

10. Urges the Government of the Sudan to terminate policies or activities which support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment;

11. Calls upon the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, and welcomes activities by any local or women's groups towards that end, as reported by the Special Rapporteur;

12. Notes with appreciation the current regional effort of the heads of State of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

13. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority on Drought and Development;

14. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable resolution of the civil conflict and to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

15. Also calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including land mines, against the civilian population, and to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary execution;

16. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets;

17. Calls once more upon the Government of the Sudan to ensure a full and thorough investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver humanitarian assistance to all persons in need;

19. Decides to extend the mandate of the Special Rapporteur for an additional year;

20. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

21. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to that end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

22. Recommends that the Special Rapporteur begin consultations with the Secretary-General on modalities leading to the placement on monitors in such locations as would facilitate improved information flow and assessment and would help the independent verification of reports on the situation of human rights in the Sudan;

23. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session;

24. Decides to continue its consideration of this question as a matter of priority at its fifty-second session.
