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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

## Written statement* submitted by the International Federation for Human Rights (FIDH), 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.

[13 February 2006]

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

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**Sudan**

The International Federation for Human Rights (FIDH) expresses its deepest concern at the ongoing perpetuation of grave Human rights violations in Sudan.

***With regard to the serious violations of human Rights and international humanitarian Law committed in Darfur***

FIDH strongly condemns the continuation of gross violations of human rights and international humanitarian law committed in Darfur by the different parties to the conflict, especially the deadly attacks against civilians, the sexual violence against women, the ongoing clearing of population within the region, the targeted murder of members of the African Union troops and the abduction and murder of national and international humanitarian aid workers.

FIDH recalls the conflict has lead to the forced displacement of more than 2 million people. More than 3 million people, half of Darfur's population, consequently depend on international relief aid.

FIDH supports the conclusions of the second periodic report of the UN High Commissioner for Human Rights on the human rights situation in Sudan, published on January 11, 2006. This report calls on the Sudanese Government to halt attacks against civilians in Darfur and to disarm the Janjawid who are commiting the worst atrocities. The degradation of the situation is such that on January 25, 2006, the UN Secretary-General Kofi Annan, stated « [...] *the transition from the A.U. force to a U.N. peace operation in Darfur is now inevitable.* »

FIDH recalls that the International Criminal Court (ICC) has jurisdiction over the crimes committed in Darfur since the UN Security Council referred the situation to the ICC on March 31, 2005. FIDH is concerned that the Special criminal Court on the events in Darfur established by the Sudanese authorities does not respond to the criteria of competence, independence and effectivenes and does not satisfy the requirements of complementarity to the ICC Statute.

**With regard to the inhumane treatment of the internally displaced persons (IDPs).**

FIDH is deeply alarmed by the policy conducted by the government to relocate the IDPs, who actually live in camps around Khartoum, following 20 years of civil war in the South of the country.

Since 2004, around 30,000 IDPs have been affected by this programme of relocation which is, according to the Sudanese government, intended to improve their conditions of living and to facilitate their return.

FIDH considers this programme is violating the provisions of the International Covenant on Economic, Social and Cultural Rights and the UN Guiding Principles on Internal Displacement as theses displacements are carried out by force and without prior notice, in desertic areas lacking of basic amenities such as water, healthcare and education.

These evictions are therefore carried out under tensions, like in May 2005, when 14 persons, police officers and IDPs died.

***With regard to the violations of the rights of human rights defenders***

FIDH is deeply concerned by the signature in August 2005 of a presidential provisional decree entitled «*the Organisation of Humanitarian Voluntary Work Act*». If adopted by the Parliament, this Bill will impose serious restrictions to the freedom of association in Sudan.

Indeed, the decree provides for the appointment of a Registrar which is to control the registration of NGOs. The registrar shall be entitled to request any information concerning the work of any association and to create investigation committees whenever necessary, to investigate violations committed with respect to this Act by any national or international NGO. This body shall also control the internal elections and shall be responsible for settling disputes between associations. Funds or donations from outside the country are also forbidden by this Bill.

FIDH points out to the fact that this decree was signed in the context of harassment and threats against human rights defenders. FIDH recalls the numerous legal harassment against independent NGOs, notably against the Sudan organisation against torture (SOAT), FIDH member organisation and the arbitrary detention of several members of international and national NGOs on the occasion of the 6th A.U. Assembly of Heads of State and Government held in Khartoum in January 2006.

**Therefore, FIDH requests the Commission on Human Rights to:**

1. **adopt a resolution under item 9 of its agenda:**

- strongly condemning the gross violations of human rights and international humanitarian law committed in Darfur,
- asking for the establishment of a UN peace operation with a mandate of protection of civilians to complement the African Union force,
- renewing the mandate of the UN Special Rapporteur on the situation on human rights in Sudan,

2. **exhort all the parties to the conflict in Darfur:**

- to conform to the ceasefire agreements and to engage in the peace negociations
- to strictly respect international humanitarian law

3. **urging the Sudanese authorities:**

- to abide by the UN Security Council resolutions 1556/2004, 1590/2005, 1591/2005, 1593/2005, 1627 /2005, 1651/2005 and the recommandations of the report of the international commission of inquiry on Darfur published in February 2005,
- to abide by the decisions and declarations adopted by the A.U. Assembly of Heads of State and Government and by the A.U. Peace and Security Council on the situation in Darfur, notably decisions AU/Dec.54 (III) and Conf/AU/Dec.68 (IV) respectively adopted during the 3rd and 4th ordinary sessions of the Assembly of Heads of State and

Government as well as the declarations PSC/PR/Comm. (XII) and PSC/PR/Comm. (XVII) respectively adopted by the A.U Peace and Security Council during its 13th and 17th sessions,

- to disarm the militias and to put an end to the attacks against civilians,
- to fight against the impunity of the perpetrators of the most serious crimes committed in Darfur by ratifying the Statute of the ICC, by bringing its domestic law in accordance with the Rome Statute and by fully cooperating with the ICC Prosecutor,
- to ratify the Protocol to the African Charter on Human and Peoples's Rights on the Establishment of an African Court on Human and Peoples' Rights and to make the declaration accepting the competence of the Court to receive cases lodged by NGOS and individuals (article 34.6 of the Protocol),
- to put in place a programme of relocation of IDPs in order to improve their conditions of life, in conformity with the International Covenant on Economic, Social and Cultural Rights,
- more generally to conform with the UN Guiding Principles on Internal Displacement,
- to refrain from adopting the « Organisation of Humanitarian Voluntary Work Act» and to conform with the provisions of the Declaration on Human Rights Defenders adopted in 1998,
- more generally to conform with the all international and regional human rights instruments ratified by the Republic of Sudan.

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