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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

**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.

[2 December 2007]

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

The review of the mandate of the Special Rapporteur on the situation of human rights situation in the Sudan

The current mandate of the Special Rapporteur on the human rights situation in the Sudan (Special Rapporteur) was established by the former Commission on Human Rights in 2005, which called on the Special Rapporteur "to monitor the situation of human rights in the Sudan". However, the establishment of a Special Rapporteur for Sudan goes back to 1993.¹

Previous mandate holders have carried out fact finding visits throughout Sudan and reported regularly to both the former Commission on Human Rights and the UN General Assembly on the situation of human rights in the Sudan. It should be recalled that the Special Rapporteur already started focusing on Darfur in 2001 and visited the region in October 2002 "because of the seriousness of reports received". At its 59th session in 2003, he warned the Commission of "a serious deterioration of the situation, with a high potential of destabilizing the country". Despite this, the Commission ignored his warning and terminated his mandate at that session. In recognition that seriousness of the human rights situation in Sudan required ongoing attention, in 2004, the Commission established an Independent Expert on Sudan, and the following year it re-established a Special Rapporteur on the human rights situation in Sudan.

Since convening a Special Session on the situation in Darfur in December 2006, the Council has, on various occasions, expressed its serious concern on the human rights situation in Darfur. It has established a high level mission and, subsequently, a Group of Experts, composed of the Special Rapporteur and six other thematic special rapporteurs, to ensure effective follow-up on previous resolutions and recommendations on Darfur.

Amnesty International has welcomed the establishment and activity of the Group of Experts and their methods of work, including identifying priority issues, indicators and steps towards implementation of existing recommendations.

However, despite the above initiatives and the cooperation of the government of Sudan with the Group of Experts, the situation in Darfur remains characterized by widespread and systematic violations of human rights and international humanitarian law by all parties to the conflict and by almost total impunity for the perpetrators of such violations. Although the engagement of Sudan with the recommendations is welcome, the government's answers almost invariably fail to respond to major concerns and often distort the situation. More importantly, there is insufficient progress in the actual implementation of the recommendations.

Amnesty International expects that the Council will strongly support the conclusions of the Group of Experts by urging the government of Sudan to continue to work closely with the

¹ The mandate of the Special Rapporteur on the human rights situation in the Sudan was renewed by the former Commission on Human Rights each year between 1993 and 2002. The mandate was terminated in 2003. In 2004, the Commission established an Independent Expert on Sudan, and the following year, a Special Rapporteur on the human rights situation in Sudan with resolution 82/2005 adopted by consensus at the 61st session of the former Commission on Human Rights.

Group in taking concrete measures to ensure that the recommendations are implemented. It is most important the Group of Experts be able to continue to monitor the implementation of the recommendations and that Council continues to ensure follow up to the Group's work.

While the situation in Darfur has commanded the attention of the Human Rights Council, and is the focus of the work of the Group of Experts, the human rights situation in other parts of Sudan is also serious, and it is deteriorating in some places. Amnesty International and other independent observers, including the Special Rapporteur, continue to receive credible reports of serious human rights violations in regions of Sudan beyond Darfur. They make it clear that the Council must continue to monitor the human rights situation throughout Sudan. The role of the Special Rapporteur on Sudan will be central both to the work of the Group of Experts and to monitoring the human rights situation throughout Sudan.

Violations in regions other than Darfur include continued arbitrary arrest and prolonged incommunicado detention. Torture by different Sudanese government security forces continues to be recorded, particularly against students and marginalised groups like Darfuris. Of some thirty opposition politicians and retired army officers arrested in July who were accused of plotting against the government (the Mubarak al-Mahdi group), most have said they were tortured by methods including suspension by hands and feet, severe beating, and prolonged sitting or standing. The government of Sudan persistently fails to investigate allegations of torture, even when they are raised in court.

The government of Sudan is still failing to take action to redress abuses committed by government authorities. Too often it is those who complain and who investigate human rights violations who are detained, rather than the perpetrators of abuses. For instance, a government Committee of Investigation set up to investigate the killing of four persons, and wounding of nine on 13 June 2007, in a peaceful march to protest the building of the Kajbar Dam, has still not reported on its findings, while journalists and others who travelled to the area to carry out their own investigation were arrested and held in detention, some for up to 10 weeks. Other committees set up to investigate serious human rights incidents, such as the attacks on Buram in 2006 and the conflicts between Rizeiqat and Tarjum in 2007, have never reported publicly on their findings, and nothing has been done to redress the violations committed.

The right to freedom of expression is frequently violated in Sudan. The government regularly imposes gag orders on the media - for instance on reporting criminal processes in Darfur; in relation to detention of the Mubarak al-Mahdi group after the initial announcement in July; and on the killing of protestors against the Kajbar Dam. At least 10 journalists have been detained since June for writing articles critical of government policies or because they were investigating sensitive subjects. Without enjoyment by all of the right to freedom of expression, the monitoring of the implementation of the Comprehensive Peace Agreement, the institution in Darfur of a durable peace that incorporates full respect for human rights, and the holding of free elections in 2009, as scheduled, will be impossible. The serious failures of domestic mechanisms are further reasons for continued UN monitoring of the human rights situation in Sudan.

In the light of these considerations, Amnesty International recommends that the Council extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan.

The Special Rapporteur and the Group of Experts have distinct and complementary mandates. Both are necessary for the Council in addressing the situation of human rights in Darfur, in particular, and Sudan, in general. In addition, the Special Rapporteur plays a vital role as coordinator to the Group of Experts.

Maintenance of the mandate of the Special Rapporteur is essential to convey to the government of Sudan and to the victims of human rights violations the UN's continued concern about the need to improve the human rights situation in Sudan. The mandate of the Special Rapporteur must be renewed to maintain the Council's (and the UN General Assembly's) only independent mechanism able to regularly report on and provide authoritative recommendations aimed at addressing the human rights situation in Sudan.
