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HUMAN RIGHTS COUNCIL  
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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S  
ATTENTION**

**Written statement\* submitted by Pax Romana (International Catholic Movement for  
Intellectual and Cultural Affairs and International Movement of Catholic Students),  
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.

[20 February 2008]

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

## Human Rights Situation in Darfur, Sudan

On December 13, 2007, the UN Human Rights Council adopted resolution A/HRC/6/L.51<sup>1</sup> which fails to renew the mandate for the group of experts on the situation of Human Rights on Darfur for another year. It means that the Council has stifled the UN's ability to achieve the recommendations set out by the expert group's final report<sup>2</sup> and closed many of the doors of hope it had previously opened for many.

The council appeased the international community with the adoption of a resolution on the renewal of the *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (A/HRC/6/L.50)<sup>3</sup>, yet within the words of such resolution seemingly compromised its mandate away upon impending pressure by Sudan and its allies<sup>4</sup>. "The council's resolution 'acknowledges the cooperation' of Sudan and 'welcomes the open and constructive dialogue' between Sudan and the experts' group. This is directly contradicted by the experts' group, which concluded that while cooperation with Sudan had worked well in procedural terms:

[I]n terms of substance ... few recommendations have been fully implemented or reportedly had a tangible impact on the ground. Several recommendations that were prioritized as short-term and could have been implemented within three months... have not yet been implemented."<sup>5</sup>

Pax Romana implores the council to reinstate its previous years steadfast resolve in order to prevent the council from again succumbing to the fear of impending controversy between the members of the council, and the fear of uneasiness amongst the states upon taking of a controversial vote.<sup>6</sup> The council should not be reluctant to criticize governments

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<sup>1</sup> *Human Rights Council Group of Experts on the situation of human rights in Darfur*, U.N. Doc. [A/HRC/6/L.51](#) (Dec. 13, 2007).

<sup>2</sup> *Final report on the situation of human rights in Darfur prepared by the United Nations Experts Group on Darfur, presided by the Special Rapporteur on the situation of human rights in Sudan and composed by the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General on the human rights defenders, the Representative of the Secretary-General on human rights internally displaced persons, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences*. U.N. Doc. A/HRC/6/19 (Nov. 28, 2007), [http://www2.ohchr.org/english/bodies/hrcouncil/docs/6session/A.HRC.6.19AEV\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/6session/A.HRC.6.19AEV_en.pdf) (last visited Feb. 20, 2007).

<sup>3</sup> *Mandate of the Special Rapporteur on the situation of human rights in the Sudan*, U.N. Doc. A/HRC/6/L.50 (Dec. 13, 2007), <http://daccessdds.un.org/doc/UNDOC/LTD/G07/152/88/PDF/G0715288.pdf?OpenElement> (last visited Feb. 20, 2008).

<sup>4</sup> "The Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, *without distinction of any kind* and in a fair and equal manner." U.N. Doc. A/Res/60/251 (April 3, 2006), [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) (last visited Feb. 20, 2008).

<sup>5</sup> U.N. Doc. A/HRC/6/19 (Nov. 28, 2007); Human Rights Watch, *UN: Unacceptable Compromise by Rights Council on Darfur* (Dec. 14, 2007), <http://hrw.org/english/docs/2007/12/14/sudan17584.htm> (last visited Feb. 20, 2007).

<sup>6</sup> Human Rights Watch, *UN: Unacceptable Compromise by Rights Council on Darfur* (Dec. 14, 2007), <http://hrw.org/english/docs/2007/12/14/sudan17584.htm> (last visited Feb. 20, 2007), (suggesting the council was reluctant to present a vote on a stronger resolution, as such a resolution would have opposition and require a roll call vote requiring all members to state on the record their support).

which violate human rights, especially when prior acts of respect for a nation's sovereignty and reluctance to criticize have resulted in no greater cooperation by the governments. The atrocities in Sudan have gone on long enough that the council's demonstrated tendency to wilt under the bows of political pressure, should cease.<sup>7</sup> The council should stand on principle, and should not need to be reminded the overall goal established by its mandate.<sup>8</sup>

The Council's decision to continue of the Special Rapporteur's work throughout the next year should be acknowledged and appreciated from a procedural prospective as furthering the humanitarian mandate of the council. However, this work should not be hampered with the lack of resources. Especially, if the rapporteur should also take into account the recommendation of the group of Experts. The lack of resources hinders the current work being undertaken by the Special Rapporteur on the situation for human rights in Sudan, as this office is already understaffed and underfinanced.<sup>9</sup> As a follow up to resolution A/HRC/6/L.50, there is a need to have a special fund or at the least a clear delineation of funds to support such efforts. More than a request of the Secretary General to support the efforts of the Special Rapporteur needs to be shown<sup>10</sup>, so as not to prevent the council from forming the reputation as just another UN body articulating sophisticated legal rhetoric, with little functional substance.

Furthermore, the Special Rapporteurs lack of current resources to available to meet it's continued mandate is compounded by the new mandate it received to "assess the needs of Sudan...and to mobilize the necessary international technical and financial support for Sudan..."<sup>11</sup> Essentially, this forces Sima Sumar, as Special Rapporteur to not only become an intermediary with the Sudanese government and the U.N., an investigator into the atrocities, but now a mobilizer or international fundraiser of monetary support. Resolution, A/Res/60/251, forming the Human Rights Council states, that "the methods of work of the Council shall be . . . *results oriented*, . . . and also allow for substantive interaction with special procedures and mechanisms."<sup>12</sup> More efforts and efforts should be made available for Ms. Sumar.

In addition to supporting the new responsibilities given the Ms. Sumar, public disdain for the appointment of notorious "Janjaweed" leader Musa Hilal as special advisor

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<sup>7</sup> More than 2.5 million people have been displaced and over 200,000 people have died as a result of the four-year conflict between the region's ethnic African rebels and the Arab-dominated Sudanese government and its militia allies.

<sup>8</sup> "...protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner." U.N. Doc. A/Res/60/251 (April 3, 2006), [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) (last visited Feb. 20, 2008).

<sup>9</sup> Human Rights Watch, UN: Unacceptable Compromise by Rights Council on Darfur (Dec. 14, 2007). This trend of understaffing was continued from the prior work under the Commission on Human Rights. U.N. Doc. E/CN.4/2006/53/Add.2 (Feb. 28, 2006). However, some states expressed satisfaction at the decision confident Sumar would be able to continue efficiently. Human Rights Watch, UN: Unacceptable Compromise by Rights Council on Darfur (Dec. 14, 2007).

<sup>10</sup> U.N. Doc. A/HRC/6/L.50 (Dec. 13, 2007) (calling "upon [sic] the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to discharge her mandate fully, including by enabling any required consultations in this regard.")

<sup>11</sup> U.N. Doc. A/HRC/6/L.50 (Dec. 13, 2007)

<sup>12</sup> U.N. Doc. A/Res/60/251 (April 3, 2006), [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) (last visited Feb. 20, 2008).

to President Omar El Bashir of Sudan should be articulated.<sup>13</sup> “This appointment of Hilal, who is subject to a United Nations travel ban for his role in Darfur, . . . underscores the urgent need to put justice high up on the agenda.”<sup>14</sup> Pressure should be put upon the nation of Sudan to relinquish Hilal’s appointment and instead to investigate him for crimes in Darfur<sup>15</sup>.

Finally, Pax Romana strongly demands:

1. *The Government of Sudan to stop any acts of violence against civilians in Sudan. The government has responsibility to protect its population. No impunity should be accorded to perpetrators.*
2. *The Government of Sudan to implement the recommendations from Group of Experts in its first (A/HRC/5/6) and second report (A/HRC/6/19) without further delay.*
3. *The Human Rights Council to provide resources to the Special Rapporteur on the Human Right Situation in Sudan to be able to undertake her mandate effectively.*

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<sup>13</sup> Human Rights, News, *Sudan: Notorious Janjaweed Leader Promoted* (Jan. 20, 2008).

<sup>14</sup> *Id.* “Human Rights Watch research shows that Hilal was actively involved with training camps for Janjaweed, and that he and his men participated in several large attacks on North Darfur villages in 2003 and 2004. A government document obtained by Human Rights Watch specifically named Hilal, ordering all security units to “allow the activities of the mujahedeen and the volunteers under the command of Sheikh Musa Hilal to proceed.” *Id.*

<sup>15</sup> *Id.* Although Sudan has not signed the Rome statute, and therefore is not subject to the ICC’s jurisdiction, Pax Romana believes Sudan’s failure to surrender the two subjects abhors the ideas of international justice. Even though such an act or failure to act by Sudan may not amount to obstruction of justice literally because of justicial procedural barriers, substantively this act by Sudan appeals to our innate sense of an obstruction of “justice”. This sense of obstruction is exemplified by the failure of President Bashir to turn over the two suspects sought for arrest by the International Criminal Court (ICC).