

PRESS CONFERENCE BY JUSTICE MOHAMED OTHMAN CHANDE

Khartoum, June 8, 2011

Ladies and gentleman,

In my capacity as the Independent Expert on the human rights situation in the Sudan, I carried out my 3rd visit to the Sudan from 31 May to 8 June. I would like to thank the Government of Sudan for its invitation and cooperation during this visit. I would also like to thank UNMIS and UNAMID for supporting and facilitating my visit.

During this mission, I visited Khartoum, North and South Darfur, Juba and Malakal, Upper Nile State in South Sudan and Abyei. I met with a wide variety of stakeholders including the Undersecretary of the Ministry of Justice, members of the Advisory Council for Human Rights, the Director of the Human Rights Department of the Ministry of Foreign Affairs, specialized UN agencies, the National Press and Publication Council, members of the civil society, human rights defenders and diplomatic corps in Khartoum. In South Sudan, I met with the Minister of Legal Affairs and Constitutional Development, the Governor of Upper Nile State, the Brigadier General of the 2nd Division of the Sudan People's Liberation Army (SPLA) and the South Sudan Human Rights Commission. In North Darfur, I met with the Deputy Wali, the Prosecutor and members of civil society. In South Darfur, I met with the Deputy Wali, the Chief Justice and Chief Prosecutor, Director of NISS, the chieks and women groups in IDP camps.

Since my last visit in March, Sudan underwent the Universal Periodic Review (UPR) process at the Human Rights Council. I am encouraged by the Government's commitment to implement the recommendations stemming from the UPR. Moreover, I welcome the Government's intention to resume the Joint Forums on human rights with UNMIS, UNAMID and other partners as well as the sub-forums in Darfur. Many interlocutors whom I met remain anxious about the establishment of the National Human Rights Commission. I am encouraged by the Government's decision to appoint a Special Prosecutor in Khartoum charged with monitoring the situation of detainees under national security custody. I urge the Government to continue to appoint competent Prosecutors charged with similar responsibilities in other states. I commend the Government for being very engaged in the process.

By now, you are aware of the situation in Abyei occasioned by the SAF occupation. I note with concern that prior to this incident, the parties have been unable to implement the binding judgment of the Permanent Court of Arbitration on the demarcation of the border of Abyei, as well as obligations assumed under agreements brokered by the international community including in particular the Abyei Protocol and the CPA on the holding of referendum for self-determination, all of which lie at the heart of the Abyei conflict.

I visited Abyei and I am concerned not only of the destruction, massive displacement of the residents, and the attendant humanitarian crisis, but also of the future status and security of the residents of Abyei. I urge the Government in Khartoum to abide by the

call of the UN Security Council for the SAF to withdraw its forces from Abyei, and to create the necessary conditions for the return of the residents to their ancestral homeland. I received allegations of killings, rape and other forms of inhuman and degrading treatment during and subsequent to the attack. I urge the SAF and the Government of Sudan to grant unqualified access to UNMIS to enter into Abyei town consistent with their mandate with a view to verify these allegations, and for the Government of Sudan to conduct a comprehensive investigation into the events in Abyei so as to bring those responsible to justice.

The key to the resolution of the Abyei conflict and to the improvement of the human rights situation lies in political engagement between the parties. In this regard, I urge the parties to return to the negotiation table to resolve their outstanding differences so as to bring peace and stability in the area.

Once again, I was disappointed that my request to meet with the Director General of the National Security Services (NSS) and visit to the NSS detention facilities was not met, especially in light of the numerous reports I have received of the immediate post-referendum environment in the Sudan leading to the significant restrictions on political rights and freedoms, including the freedom of expression, assembly and association. I continue to receive reports of the prolonged detention of persons without no access to legal representation or to their families. I call on the Government of Sudan to respect the political rights and freedoms as enshrined in the Interim National Constitution and allow the Sudanese people to exercise their rights freely. I also call on the Government to release all detained persons, or charge them with a recognizable offence and prosecute them in accordance with the law.

Article 39 of the Interim Constitution of Sudan guarantees the right to freedom of expression and media. I was informed that the National Assembly is about to consider amendments to the Press and Journalistic Publications Act 2009. I would urge the National Assembly to consider once and for all, prohibiting pre-press censorship, abrogating all other legislation in compatible with guarantees on freedom of expression.

I note with concern that humanitarian assistance to IDP camps is strictly limited in South Darfur. I met with representatives from IDPs in Nyala who informed me that the newly displaced have not received aid, in the form of food, medical aid and shelter since January. I call upon the Government and the international community to provide humanitarian assistance to the IDPs who live in very precarious conditions. Furthermore, the IDPs live in a state of insecurity due to the presence of armed elements and criminality that occur within the camps. I call upon the Government to fulfill its obligation in creating a safe and secure environment for these displaced communities.

Civilians in Darfur continue to bear the brunt of fighting between armed movements and Government forces. In the west of Jebel Marra, I have received credible reports of hostilities between the Sudanese Armed Forces (SAF) and armed groups. The escalation of hostilities in the west of Jebel Marra and in North Darfur resulted in the killing of civilians and destruction of their homes and properties and led to the further displacement

of the population. This has also affected humanitarian access. I strongly urge all parties to the conflict to respect international human rights and international humanitarian law and to ensure humanitarian access and at all times, the protection of civilians.

The state of emergency in Darfur continues to curtail fundamental rights and freedoms. Arbitrary arrests and prolonged detentions without judicial oversight are being carried out invoking emergency and/or National Security legislation. As of today, 4 IDP leaders from Abu Shouk IDP camp remain detained in Shalla prison without charges since August 2009. I was informed that a UNAMID local staff from Abu Shouk IDP camp in El Fasher arrested on 6 May remains in detention without access to legal representation or her family. Despite efforts, UNAMID has not had access. Another UNAMID national staff has been arrested and detained in Nyala without charge. I call on the authorities to grant and facilitate UNAMID access to places of detention where these individuals are currently being detained.

The recently concluded All Darfur Stakeholders Conference in Doha brought together more than 400 stakeholders from all segments of Darfur and international community who unanimously endorsed the Doha Outcome Document as a framework for negotiations. The Doha Outcome Document addresses key issues of highest concern including ceasefire and permanent security arrangement, human rights and fundamental freedoms, justice and reconciliation and Compensation, return of IDPs and refugees as well as power and wealth-sharing. I particularly welcome the human rights dimension of the Doha Outcome Document which addresses civil, political, economic, social and cultural rights and provides for human rights mechanisms in Darfur. While noting this positive development, I would like to encourage all parties to participate in these talks in the furtherance of the resolution of the conflict and to bring peace and security for Darfur through a comprehensive peace agreement.

Internal efforts through tribal reconciliation arrangements are another positive contribution towards peace and protection of civilians in South and West Darfur.

On South Sudan, I would like to take this opportunity to congratulate the Government of South Sudan (GoSS) on its impending independence. I acknowledge the enormous challenges ahead and urge the international community to provide all necessary support to this new nation. I look forward to the Government upholding its commitment to carrying out the necessary Constitutional amendments to ensure the upholding of human rights standards and welcome its pledge to ratify and implement key human rights conventions in this regard.

However, I am deeply concerned of the continued fighting and hostilities that have and are taking place between the SPLA and rebel militia groups, which has resulted in the killing of civilians, including women and children and resulting in more than 10,000 displaced persons in the Upper Nile, Unity and Jonglei states. Since the referendum, over 30 violent incidents costing the lives of 1,200 people have taken place. Many of the people affected by the violence remain inaccessible to humanitarian actors due to restrictions placed by the SPLA. I continue to receive reports of human rights abuses with

the most frequent and worst abuses perpetrated by the police and security forces of South Sudan. I appeal to the Government of South Sudan to fulfill its responsibility to protect all civilians and to take concrete measures to address widespread impunity and lack of accountability.

In conclusion, I encourage the Governments of Sudan and South Sudan to continue to seek technical cooperation and assistance from the international community, and relevant international and regional stakeholders, particularly the UN missions, for support of strengthening its national institutions. UN HRC 15/27 of 7 October 2010 had called upon the international community to continue to provide support and technical assistance to the Sudan in the field of human rights.

In conclusion, I would like to underscore the centrality of human rights and rule of law to peace and stability both in Sudan and South Sudan. Key to this is an appropriate legal framework, institutional arrangements and democratic reforms. I urge of Governments of Sudan and South Sudan to renew efforts in these areas so as not to unravel the progress made during the 5 years of the implementation of the CPA.

Thank you.