

Statement by UN High Commissioner for Human Rights Louise Arbour following visit to Sudan, 30 April-5 May 2006

Khartoum, 5 May 2006

I visited Sudan for the first time as High Commissioner for Human Rights in September 2004. Since then there have been a number of developments that hold great promise for peace and development for a large part of the country. The Comprehensive Peace Agreement was signed and a new Interim Constitution with exemplary human rights provisions promulgated. The impact of these developments is beginning to be felt in some areas, such as an increase in freedom of expression and the media.

My second visit to Sudan comes amid ongoing talks in Abuja on a peace settlement for Darfur. I hope all parties will come together on an agreement that could allow for more vigorous steps to bring an end to the protracted suffering of the people of the region.

The human rights crisis in Darfur was the reason for my first visit to Sudan. A year and a half later the situation is just as critical, and in some respects worse. There are continuing attacks on civilians, raids and pillaging of villages and rape and gender-based violence. The accounts I heard in the camps for internally displaced persons (IDPs) of South and West Darfur also highlight the high insecurity within and outside the camps. Their testimony confirms reports by human rights monitors, relief workers and Sudanese and international non-governmental organizations (NGOs) that the violence in Darfur has recently reached a level not seen since late 2003 and 2004.

In 2004 I met with women who had been raped by men they claimed to be Janjaweed militia. This time, I spoke to women in West and South Darfur who said they had been sexually assaulted recently but also met women with babies born as a result of rape. In West Darfur I heard reports of armed men in the camps and allegations of the recruitment or abduction of children to serve as soldiers.

Despite the overwhelming presence of the national security apparatus throughout Darfur, there is no apparent minimum level of physical protection for the communities affected by the conflict. On the contrary, the pervasive presence of the national security apparatus inspires fear and apprehension among IDPs and their host communities.

In Darfur NGOs as well as IDPs expressed serious concern over the decline in the amount of humanitarian aid coming to the region. An immediate worry is the cutback in assistance from the World Food Programme due to a shortfall in contributions from donors. The security situation has also limited access to many communities outside the regional capitals. In addition, the Government is also imposing limitations on the delivery of assistance, a situation that is set to worsen with the entry into force of a new law on the work of NGOs. This legislation is designed as stated by the Government to combat terrorism and money laundering and to ensure that NGOs perform tasks acceptable to the authorities. When fully implemented, the NGO law will further hamper the work of NGOs by imposing heavy bureaucratic requirements and additional costs and

delays and therefore restrict even more the already limited space available to civil society generally.

I also heard reports of increased involvement of rebel groups in attacks against civilians, looting and causing massive displacement, reportedly as a result of infighting. Rebels have also attacked humanitarian workers/impeded humanitarian work. A particularly worrying development is the proliferation of armed groups [with no clear allegiances or political aims] engaged in criminal activity.

In discussing the critical situation in Darfur with Sudanese local and national authorities I was struck, as I was during my first visit, by their efforts to minimize the gravity of the problem. All other accounts differ from official claims that there is no significant problem of rape and sexual violence specific to Darfur, or that the military does not act in concert with armed groups in attacks that frequently result in civilian casualties.

Despite a number of measures taken by the authorities, notably the establishment of special courts and committees, impunity remains the norm in most cases of human rights violations in Darfur.

Human rights violations committed by members of Sudan's security services have long been documented, including arbitrary arrest, illegal detention and torture. Many violations are reported to occur in places of detention operated by the security and intelligence services. The UN's human rights monitors have repeatedly been denied access to such detention facilities, more so recently, despite the free and unfettered access agreed and promised by the authorities.

I experienced firsthand the difficulties human rights monitors face when I asked to visit the national security detention centre in the Kober prison in Khartoum earlier this week. Despite earlier assurances from officials of the National Intelligence and Security Service (NISS) I was not able to enter the centre and speak to detainees.

The Sudanese national security apparatus requires fundamental overhaul. The CPA and the Interim National Constitution envisage the reform of the NISS, but no progress has been made on that front so far. A crucial part of this reform is the abolition of the broad immunity granted to officers of the security apparatus for acts committed in the course of "official" duties, which promotes impunity and is inconsistent with the principle of equality before the law.

Ensuring the protection of the people of Sudan, and necessarily the people of Darfur, is primarily the responsibility of the Sudanese Government of National Unity. The world's leaders unanimously enshrined in the outcome document of the World Summit last September that when a State is unable or unwilling to safeguard its population from genocide, war crimes, ethnic cleansing and crimes against humanity, the responsibility to protect is to be shared by the international community. The responsibility to protect entails not only putting an immediate stop to violations: it also means prevention and prosecution. Where impunity is allowed to prevail, protection will remain elusive. The international community took a significant step in this direction in the case of Darfur last

year when the Security Council referred the situation there to the International Criminal Court. It is important for the ICC to exercise its mandate with relation to Darfur robustly and visibly, with the full cooperation of the GNU and the support of the international community, especially in light of the fact that Sudanese efforts at establishing accountability and ensuring justice and reparation for the victims and survivors of the conflict have so far proved inadequate.

I also visited the south of the country, specifically Juba and surrounding communities. During my discussions there it became clear that the full and timely implementation of the CPA is the key to the consolidation of peace and the reconstruction of southern Sudan. After two decades of war, the challenges are enormous in all sectors of society. These challenges are compounded by widespread insecurity caused by the massive influx of weapons and the activities of illegal armed groups, including, reportedly, the Lord's Resistance Army. It is essential that there be immediate disarmament.

During my visit I was granted access to the main prison in Juba, even though I had given no prior notice of wishing to visit the facility. I interacted with the general prison population, men and women, and with death-row inmates.

The international community should wholeheartedly support the efforts of southern Sudan and NGOs to strengthen the judiciary, provide for the realization of economic, social and cultural rights – such as food and clean water, shelter, education and health – and achieve equality, particularly gender equality.