

To all Member States of the UN Human Rights Council

10 September 2010,

Re: Renewal of the Mandate for the Independent Expert on the situation of human rights in Sudan

Your Excellency,

The undersigned human rights organizations, are writing to urge your government to duly address the situation of serious and widespread human rights abuses which continue to occur in Sudan. We also urge your government to support the renewal of the mandate of the Independent Expert on the situation of human rights in Sudan, Mohamed Chande Othman, at the upcoming 15th session of the United Nations Human Rights Council in Geneva (13 September – 1 October 2010).

On 17 September, the Independent Expert will address the Human Rights Council for the first time since the Council established the expert's mandate in June 2009. In his written report released in May 2010, the Independent Expert observed some progress in the implementation of the 2005 Comprehensive Peace Agreement and the recommendations of the Group of Experts on Darfur. He however clearly noted in his conclusion that "the unresolved and serious human rights concerns overshadow the positive gains realized". In many parts of Sudan, the human rights situation on the ground has deteriorated since the release of this written report.

The 15th session of the Human Rights Council will take place at a critical moment for Sudan, following the April 2010 elections, and in the run-up to the referendum on southern self-determination scheduled to take place in January 2011, along with a referendum on the status of the disputed territory of Abyei. In this context, we urge your government to give particular attention to addressing the lack of protection of the human rights of civilians; the culture of impunity for violations committed in areas affected by conflicts and violence – in particular in Darfur and Southern Sudan; and ongoing restrictions on freedom of expression in northern Sudan.

By renewing and strengthening the mandate of the Independent Expert, the Human Rights Council would demonstrate its sustained engagement in addressing the ongoing grave human rights violations across Sudan, in one of the country's most critical historic moments.

Protection of civilians in areas of conflict

We remain concerned about increased armed conflict in Darfur, post-election violence in Southern Sudan, and continued political oppression in northern Sudan.

In Darfur, the peace process has stalled and violence has increased in the face of shrinking access to affected areas by UNAMID and humanitarian agencies. This lack of access exacerbates the information vacuum caused by the March 2009 expulsions of 13 humanitarian organizations from Darfur. Civilians continue to be the first victims of inter-factional rebel fighting and government clashes with rebel groups, notably the Justice and Equality Movement. The lack of access to justice and the continued impunity for crimes committed in Darfur constitute aggravating factors and underscore the need to implement all recommendations put forth by the Group of Experts on Darfur in 2008. The African Union Assembly itself expressed “concern at the recent degradation of the security situation in Darfur” at its 15th ordinary session on 27 July 2010 in Kampala, Uganda (Assembly/AU/6(XV)).

In Southern Sudan, the increase in inter-ethnic violence in 2010, ongoing resource conflicts, and attacks on civilians by the Ugandan Lord’s Resistance Army in Western Equatoria, demonstrate the inability of southern government authorities or the UN Mission in Sudan to protect civilians. The almost total absence of rule-of-law institutions in most of Southern Sudan is a key element of this failure to protect civilians. Security forces are not able to protect civilians from most violence, and often the soldiers themselves violate rights, particularly in the context of disarming civilians. Southern security forces were also responsible for human rights violations during the April elections, as well as in the post-elections period during military operations against renegade military commanders, alleged militia forces, and opponents of the ruling party.

The Human Rights Council should address the widespread failures to protect the human rights of civilians in volatile areas affected by conflicts and violence. Particularly in Darfur and Southern Sudan, the Independent Expert has a critical reporting role, together with the human rights component of UNAMID and of the United Nations Mission in Sudan (UNMIS), in bringing attention to abuses committed. In Darfur, the Independent Expert should continue to monitor the implementation of recommendations of the Group of Experts. In Southern Sudan, he should continue to promote changes in the security sector to better protect civilians.

Civil and political rights in the lead up to the referendum

In his first report to the Human Rights Council (A/HRC/14/41), the Independent Expert expressed his concerns on the human rights violations committed by the National Intelligence and Security Service, which still has broad powers of arrest and detention. The Independent Expert, as well as NGOs, documented numerous cases of harassment, arrests and detentions of journalists, opposition supporters and independent candidates, before and during the April 2010 elections, by both northern and southern authorities.

The authorities in northern Sudan arbitrarily arrested high-profile opposition figures and journalists following the elections, demonstrating the continued restriction of the right to freedom of expression. They also continued to arbitrarily arrest and detain Darfur student activists without charge, sometimes in undisclosed locations, which amounts to an enforced disappearance.

The protection of the rights to freedom of expression, peaceful assembly and movement to polling stations for all eligible voters is essential prior to the southern self-determination referendum. Across Sudan, journalists and other members of civil society members have expressed their concerns about their freedom to openly discuss all outcomes of the referendum. In addition, Southern Sudanese displaced persons living in Khartoum and northern states have voiced concerns about their basic citizenship rights in the event of a southern vote for secession. The Sudanese government authorities at the national level and in Southern Sudan should take steps to protect minority populations.

The Human Rights Council has a critical role in contributing to an appropriate enabling environment for the referendum and in promoting a peaceful and credible process. To do this, it needs to strengthen its response to the post-election repression, the increasing violence in Darfur, and ongoing insecurity and human rights abuses by the security forces in Southern Sudan. The Council should work to uphold human rights throughout the country as the best way to ensure a peaceful referendum in January 2011.

Your Excellency,

We call on your Government to respond to the needs of millions of people affected by grave human rights abuses committed both by government forces and non-state armed groups in Sudan, and to express its full support for a resolution renewing the mandate of the Independent Expert on the situation of human rights in Sudan during the 15th session of the Council.

Sincerely yours,

- 1. African Centre For Justice and Peace Studies (ACJPS)



- 2. Amnesty International



- 3. Arab Center for the Independence of the Judiciary and the Legal Profession – Egypt



- 4. Arab Foundation for Civil Society and Human Rights Support – Egypt

- 5. Asian Forum for Human Rights Development (FORUM-ASIA)



- 6. Asian Legal Resource Centre (ALRC)



7. Association Nigérienne pour la Défense des Droits de l'Homme (ANDDH) – Niger



8. Bahrain Center for Human Rights – Bahrain



9. Cairo Institute for Human Rights Studies (CIHRS)



10. Centro de Estudios Legales y Sociales - CELS



11. Collectif Devenons Citoyens Burkina-Faso (CDEC-BF) – Burkina Faso

12. Damascus Center for Human Rights Studies – Syria



13. Darfur Relief and Documentation Centre (DRDC)



14. Democracy Coalition Project



15. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)



16. Egyptian Initiative for Personal Rights (EIPR)



17. Forum National des Organisations des Droits de l'Homme (FONADH) – Mauritania



18. Foundation for Human and Humanitarian Rights – Lebanon



19. Human Rights and Advocacy Network for Democracy (HAND) Uganda



20. Human Rights Watch



21. International Federation for Human Rights (FIDH)



22. International Refugee Rights Initiative (IRRI) – Uganda



23. International Service for Human Rights (ISHR)



24. Land Center for Human Rights – Egypt



25. Sudanese African Monitor

26. West African Human Rights Defenders Network
(ROADHH / WARDHN)



27. Yemeni Organization for the Defense of Rights and Democratic Freedoms

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