I. Political situation

A. Background

Sudanese Civil Wars
In 1983, the Second Civil War started in Sudan, although it was a continuation of the First Sudanese Civil War of 1955 to 1972. It took place, for the most part, in southern Sudan and was one of the longest lasting and deadliest wars of the later 20th century. Roughly 1.9 million civilian were killed in southern Sudan, and more than 4 million have been forced to flee their homes at one time or another since the war began. The conflict officially ended with the signing of a peace agreement (the Comprehensive Peace Agreement) in January 2005, yet serious tensions continue to the present day, and hundreds of thousands remain internally displaced. The war is usually characterized as a fight between the northern, Arabic-speaking Islamist government in Khartoum, and the southern, mostly Christian and animist black rebels.

Geographical situation of Darfur
The Darfur region to the west of Sudan consists of three provinces, Northern Darfur and Western Darfur (bordering Chad), and Southern Darfur (which borders the Central African Republic). The area is about the size of France. It has traditionally been one of the poorest areas in Sudan, and has long felt ignored by the Khartoum Government. The population is Muslim. Most inhabitants are black Africans, with others of Arab origin, though there is much intermingling.

Roots of the Darfur Crisis
The roots of the Darfur crisis can be attributed to a combination of factors: the scarcity of resources reinforced through extreme droughts; tribal conflicts and the feeling among Darfurians of being marginalised and excluded from the profits of Sudan's oil.

2003: Breakout of the conflict
In 2003 conflict broke out when rebel groups, feeling marginalised and left out at a time when Sudan was beginning to enjoy the profits from oil, began attacking government installations. Initially, there were two main rebel groupings, the Sudan
Liberation Army/Movement (SLA/M), and the Justice and Equality Movement (JEM), the latter being more influenced by Islamic ideology.

In response the Government of Sudan (GoS) launched a military and police campaign in Darfur and began to mobilise "self defence militias". A largely Arab movement, commonly known as the Janjaweed, developed in opposition to the SLM/A and the JEM. The distinction between the self defence militias and the Janjaweed is unclear. However both receive military and logistic support from the Khartoum regime.

The precise nature of the links between the Janjaweed and the Sudanese Government is hard to determine. The Government claims that it does not support the Janjaweed, though in fact there is ample evidence from international observers, including African Union (AU) observers, that GoS aircraft provide air support for Janjaweed attacks on both rebel bases and villages, and that the Janjaweed uses the same arms and ammunition as the Government forces.

The situation has largely deteriorated into a struggle for control of scarce resources, notably grazing and arable land. It is complicated by the usual rivalry between semi-nomadic herdsmen and settled farmers. Pressure on land has contributed enormously to the intensity of the crisis.

The intensification of the war has led to the proliferation of weapons and the arming of militias, rebels and, increasingly, bandits and has turned Darfur into a region without law and order.

**Comprehensive Peace Agreement (CPA)**

In January 2005 the Government of Sudan and rebels (SLA/M) signed the CPA designed to end two decades of civil war.

The current President of Sudan, Omar al-Bashir, formed a government of national unity in July 2005 as part of a deal to end Africa's longest-running civil war.

The peace pact created a semi-autonomous southern authority, a national coalition government, separate north and south militaries and sharing of oil health with the option of full independence for the south in a referendum by 2011.

The CPA implementation process continues to face serious challenges that need the full attention of both Khartoum and South Sudan, in reaching agreement over the oil revenue sharing and north-south border.

**Darfur Peace Agreement (DPA) and Fragmentation of Darfur's Rebels Group**

On 5 May 2006 the DPA was signed by the GoS and the faction of the SLA led by Minni Minnawi, but rejected by two other groups.

Shortly after the signing of the DPA, however hostilities have resumed and the security situation has deteriorated even further.

The signing of the DPA led to a process of fragmentation of Darfur’s rebel groups. In July 2007 there were at least 28 rebel groups. This development makes the implementation of the DPA, peace negotiations and the delivery of humanitarian aid increasingly difficult.
However, on 5 of August 2007 most of the leaders of the rebel groups succeeded in formulating a **joint position paper to the AU-UN envoys in Arusha (Tanzania)**. It addresses the resettlement of the IDPs and the refugees, the deterioration of the IDPs and refugees’ situations in the camps, and individual compensation and wealth sharing. According to the rebels both individual and communal compensation are to be considered in accordance with international standards as well as power sharing.

### B. Peace Keeping Operations

**AMIS (African Union Mission for Sudan)**
The African Union had deployed a monitoring mission to Darfur to observe compliance with temporary ceasefire of April 2004 in view of the signing of the CPA. The AMIS mandate had been enhanced in the course of 2004 to protect civilians and humanitarian aid operations, however the representatives of the African Union complained about their limited means to achieve it.

"**Hybrid**" African Union-United Nations Peacekeeping Force (UNAMID)
After months of intense diplomatic jockeying, the international community obtained Sudan’s green light for the deployment of the world’s largest peacekeeping mission in Darfur with mandate to support the implementation of the Darfur Peace Agreement.

The hybrid U.N.- African Union operation was authorized by the U.N. Security Council on 31 July 2007. As the Sudanese government was adamantly opposed to non-Africans playing any major role in this force, the latter will be made up of 20,000 peacekeepers and 6,000 civilian police "predominantly African".

UNAMID shall be operational no later than December 2007.

### C. Political Developments

The DPA and numerous ceasefire agreements including the most recent "**Tripoli Consensus on the political Process for Darfur**" of 20 April 2007 have not led to a peaceful solution.

**Darfur-Darfur Dialogue and Consultation (DDDC)**
The DDDC is contained in the "Declaration of Principles" signed by the GoS and the Movements in July 2005 and is one of the main elements of community peace negotiations and reconciliation.

**Reconciliation - Compensation**
The DDDC stresses the importance of the reconciliation and compensation of victims and that all displaced people have the right to return to their places of origin.

**China's influence**
The role of China is essential; this has become a mantra for those wanting to find a solution in Sudan as well as those who are clearly procrastinating. China and Sudan have strong political, economic and military ties. In the last two years China imported almost 50% of Sudan's total oil production.
China is a permanent member of the UN Security Council and can thus veto any condemnation of Sudan. However, recently, China has reacted to the international criticism and the threat of a boycott of the 2008 Olympics, and has nominated a special representative for Darfur.

Amnesty International (AI) recently denounced the arms embargo violation by China and Russia. AI cites 2005 figures showing that China sold $24m of military material to Sudan (and Russia $21m).

D. Regional impact of the Darfur Crisis

The destabilising effects of the crisis have spread to Chad. The ethnic groups are the same on both sides of the border, and President Idris Deby of Chad is a Zaghawa, an ethnic group also found in Darfur. On 3 May 2007 Sudan and Chad signed a peace agreement. They decided to work with the AU and the UN to put an end to the conflict in Darfur and in Eastern Chad. They also made a commitment to prevent the use of their respective territories for the shelter, training or support to opposition armed movements from the other party. The troubles also spread to the Central African Republic where rebel groups are said to be operating from Darfur with the support of the Sudanese authorities.

II. Issues related to human rights and humanitarian aid

Commitment to International HR Instruments
Sudan is a party to:
- the International Convention on the Elimination of All forms of Racial Discrimination (CERD):
- the International Covenant on Civil and Political Rights (ICCPR),
- the International Covenant on Economic, Social and Cultural Rights (CESCR)
- the Convention on the Rights of the Child (CRC):
- the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)
- the 1951 Convention relating to the Status of Refugees and its 1967 Protocol
- the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa

Sudan has just signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

In the fourth year of the conflict, the human rights situation is however deteriorating in Sudan. The situation in Darfur remains unstable in the extreme, with ongoing military conflict and abuses including abduction, torture and sexual violence.
**Refugees**

In July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that 160,000 people had been newly displaced since January 2007, putting the total number of displaced at 2.2 million and the total number of people receiving relief assistance at 4.2 million, nearly two-thirds of Darfur's population. OCHA reported that many of Darfur's IDP camps can no longer absorb new arrivals.

The camps have been subject to incursions by the Sudanese police, army and security forces in recent months and have been the scene of violent clashes between rebel factions.

Humanitarian access in the region remains limited and dozens of aid workers have been kidnapped and physically or sexually assaulted so far this year. Brutality and rape are widespread.

Attacks on villages and their razing to the ground, the killing and forceful dispersion of their population, and arrests without trial, rapes and child labour are still ongoing.

The IDP camps are crowded, with no prospect of a return to their villages given the security situation.

The GoS claims to support the return of the IDPs in their villages but fails to provide the security for them. At the same time the UNHCR reported that over the past two months up to 75,000 Arabs from Chad and Niger have been relocated by the Sudanese government to former villages of displaced non-Arab people and have been provided with official Sudanese identity cards and citizenship.

**Sexual Violence**

Rape and sexual violence are used as a weapon of war and are being used on an increasing scale in Darfur.

Members of militia forces regularly perpetrate crimes of sexual violence against women and girls who are often targeted because of their ethnicity and accused of supporting the SLA/Abdul Wahid rebel faction. Government soldiers and other state actors have also committed acts of sexual violence both in large attacks against entire populations, as was the case in Deraibat, and in small attack against women and girls inside and outside camps and villages.

The issue of sexual violence remains shrouded in silence. Social stigmatization prevents many victims from telling relatives, doctors, or police what has happened to them. Some government officials deny that rape is a serious problem in Darfur, and humanitarian aid workers are afraid of jeopardizing their work if they speak out about the issue.

Perpetrators are rarely brought to justice and many of the mechanisms the state has established to combat sexual violence, such as the State Committees on Combating Gender-based Violence, function poorly and have had a little impact.
**Child soldiers**
In June 2007, the Committee on the Rights of the Child expressed concern regarding the recruitment of children which continues to occur in Sudan, including with the promise or in exchange of money, goods or services.

**Impunity and the International Criminal Court**
As violations and abuses continue unabated, a climate of *impunity* prevails.

On 2 May 2007 the International Criminal Court (ICC) issued arrest warrants against Ahmed Haroun, State Minister of the Interior during the height of the conflict, and Janjaweed militia commander Ali Mohamed Ali Abdelrahman, also known as Ali Kushayb. On 27 February 2007 the ICC’s chief prosecutor had named these first two suspects accused of committing war crimes in Darfur.

Sudan is not a party to the Rome Statute, which created the ICC in 2002, and therefore denies ICC jurisdiction over its nationals. However, the U.N. Security Council resolution of 2005 (1593) refers Darfur to the ICC for massive human rights violations committed in the western Sudanese region. The resolution gives the prosecutor of the ICC authority to investigate and prosecute serious crimes committed in Darfur.

**Arbitrary detentions**
Mechanisms of justice and accountability are under-resourced, politically compromised, and ineffective. In this regard, many people are detained without investigation.

The International Secretariat of the World Organization against Torture (OMCT) has been informed by the Sudan Organization against Torture (SOAT) that following the peaceful demonstration on 13 June 2007 against government plans to build the Kajabar Dam in Sudan's Northern State, people were arrested. No reason for their detention was given and their release was allegedly conditional on signing a document whereby they agreed to abide by certain conditions, namely to refrain from engaging in further political activities.

**Harassment of Journalists and Human Rights Defenders**
In Khartoum, on 8 November 2007, the Sudanese authorities have arbitrary interfered in the activities of human rights defenders, in breach of international conventions signed by the government of Sudan and standards set in the United Nations Declaration on Human Rights defenders and the Sudanese Interim National Constitution, which guarantees liberties including freedom of assembly, association and expression.

The combination of arbitrary summonses, detention and questioning without legitimate grounds amounts to harassment of the individuals involved and the obstruction of the organizations they work for, which finds legal justification in legislation like the National Security forces Act of 1999. Human rights mechanisms including the UN Special Rapporteur on Sudan have repeatedly called for such laws to be amended to bring them into line with international standards and the Sudanese government's constitutional obligations.
Death Penalty, Torture
On 10 November 2007, the Khartoum Criminal Court sentenced 10 people to death for the murder of journalist Mohammed Taha. One of those facing execution is 16 years old. All defendants in the case had allegedly been tortured to give confessions, which were used in court as evidence against them.

The use of death penalty against child offenders (who were under 18 at the time of the crime) is prohibited under international law: ICCPR and CRC have both provisions exempting this age group from execution.

The use of torture to extract confessions is prohibited under international law. It is however built into the Sudanese system of justice by Article 10 (i) of the Law of Evidence of 1993 which states that "...evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is satisfied that it is independent and admissible"

Human Rights Unit