



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani**

Addendum

**Mission to the Sudan: comments by the State on the report of the  
Special Rapporteur\***

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\* Reproduced as received.

## **Proposed amendments to the report of the Special Rapporteur on the human rights of internally displaced persons by the Government of the Republic of the Sudan**

### **I. General comments**

1. In paragraph 4 of the report (Political context), it has been stated that (Following its independence from the United Kingdom in 1956, Sudan has been affected by long standing civil wars, between the north and the south, and in the eastern and western regions of the country.) end of quote. This totally contradicts the basic historical fact that the rebellion in Southern part of the Sudan started in August 1955 before Sudan's independence from the British colonization. Rebel movements that are supported by external parties raised arms in later stages.

2. In Para 6 of the report, it was mentioned that " ..... which marked Sudan's first multi-party elections in 24 years, although these came under criticism by international observers" this statement is not true and contradicts the reports of different credible observers including the United Nations Mission in Sudan- UNMIS and the Carter Center as well as other independent international, regional and national observers. This part is based on BBC News information (foot note 3- page5), that lacks the impartiality and sufficient standards to be a reference in such an international professional report. The 2010 Legislative and Presidential elections is indeed the first multi-party election after the CPA in 2005.

3. In the same Para 6 the report refers to the International Criminal Court, which is not relevant to the mandate of the Special Rapporteur, and the SR knows for sure that, adhering to any international treaty is governed by the Vienna Convention on the law of treaties 1969 and 1978, and the consent of sovereign state to be bound. The other issue is that the part is not an integral, relevant or essential part to the introduction; hence, the Government of Sudan requests its deletion from the report. This part is also based on BBC News information as mentioned in foot note 3 –page 5, and GOS would like to express its rejection to take such a source as a reference in this report.

4. In the same Para 6, the SR refers to the constitution making process in Sudan, its transparency, participatory and inclusiveness, and as a matter of neutrality and credibility of the report, the SR should have also highlighted the efforts and activities undertaken by the government in collaboration with UNDP by reflecting these efforts in the report, since it had been made known to him during his visit.

5. The report in different paragraphs refers to millions of IDPs and gives specific number in different areas of Sudan. In this regard the government is challenging the accuracy of the numbers given , the below table shows the actual statistics:

| <i>State</i>   | <i>No. of IDPs</i>   | <i>Returnees</i> |
|----------------|--|------------------|
| South Kordofan | 180.000  |                  |
| Blue Nile      | 60.000   | 32.000           |
| South Darfur   | 330.000  |                  |
| East Darfur    | 105.000 (Affected by Labado and Mahajria Incidents but not IDPs) |                  |

| <i>State</i>   | <i>No. of IDPs</i> | <i>Returnees</i> |
|----------------|--------------------|------------------|
| Central Darfur | 120.000            |                  |
| North Darfur   | 183.000            |                  |
| West Darfur    | 72.000             |                  |

6. In Para. 19 the report referred to the Child Act 2008 while it is the Child Act 2010 which is applicable now.

7. The report in different Paragraphs mentioned impediments and restrictions to humanitarian access which, the government considered as inaccurate because regulating the work and ensuring the sovereignty of the state can never be considered as restriction.

8. Para 36 stresses the concern of IDP leaders whom he met with regard to the humanitarian situation in the camp which they deem deteriorated significantly since the expulsion of NGOs in 2009. The government also considered it in-accurate because the information and documents handed to the SR during his visit shows clearly that, providing humanitarian service continues as usual with the help of national NGOs and other international actors.

9. Para 38 refers to one of our major problems that is "part of the family would remain in the IDPs camp in order to maintain their registration and access to services" we expected the report to make specific recommendations in relation to this.

10. Para 39 is very controversial, it did not take into consideration all the developments in the area of speeding the process of the investigations and ignored the role of different actors including, the Ministry of Justice through the issuance of circulars, establishment of Darfur Prosecutor Office and others. Also efforts by the Ministry of Interior and the order of the Minister to facilitate lifting the immunity to insure accountability for any wrongful action or inaction, in addition to that the existence of the female police in Darfur.

11. Para 43 make reference to the promotion of an inter-Darfurian dialogue, the conference took place in February in the presence of different international, regional and national actors. We expected that to be reflected in the report as one of the major achievements.

12. Para 47 refers to availability of services e.g. education at reasonable distance. In this regard we emphasize the existence of mobile schools that move with nomads.

13. In Para 48 the report is drawing the conclusion that the absence of NGOs in areas of return, and the lack of capacity of local government impacted negatively ensuring sustained social services, although there are many national NGOs working there and prove to be professional in handling and providing humanitarian and other services.

14. In Part (B) of the report entitled "Persons of South Sudanese Origin" the three paragraphs under this title, that is 54 – 55 did not reflect the positive efforts of Sudan and also did not establish clearly the responsibility and obligation of South Sudan towards its own citizens.

## II. Comments on the recommendations

15. The Government would like to commend the useful recommendation of the SR, but our expectation is that the recommendations in relation to the issue of IDPs should go to the following stakeholders:

- The Government of Sudan
- Other parties to the conflict
- International Community
- The Government of South Sudan
- IDPs Community

The report limits itself to the first three stakeholders.

16. The recommendations in relation to "prevention and mitigation" and "information collection and dissemination" we are requesting the SR if he could share with the government any successful experience, that Sudan can benefit from.

17. The recommendation in relation to ensuring all necessary safeguards against possible statelessness should stress the obligation of the government of South Sudan to resolve this issue immediately.

18. The Government of Sudan expected more and strong recommendations to the other parties to the conflict, including but not limited to :

- Stop the conflict immediately and join the peace process.
- Stop targeting civilians including IDPs.

19. Also the recommendations to the international community should include:

- Stop any logistical support to the parties to the conflict and encourage them to join the peace process.
- Delivering humanitarian assistance should not be a pre-condition to providing assistance or enough funding.

### **III. General observations**

20. The report focuses mainly on the characterization of the internal political instability as the main cause for the displacement while ignoring other key factors. The overall economic deficit in Sudan is mainly attributed to the augmenting burden of debts and the unjust economic policies of international financing institutions, further increased by the unilateral and multilateral unjustified sanctions imposed on Sudan by some powerful states for mere political indifferences.

21. The report, when talking about the IDPs in Darfur, South Kordofan and the Blue Nile, turned a blind eye to the deliberate policy used by the rebels in these areas in displacing civilians as a method of warfare. The employment of such abhorrent method is intended, in the first place, to create humanitarian crises so as to attract the attention of the international community to the political issue. This inhumane practice is substantiated by the fact that those tribal leaders who call for voluntary return of the IDPs have been targeted and executed by the rebels.

22. The intransigence of the rebels to reach peaceful solutions, despite the existence of multiple platforms for negotiations, and its continued fragmentation, exacerbated the humanitarian toll of the IDPs and instead of finding a solution to their protracted suffering, the IDPs themselves became key elements in the conflict. The IDPs camps have turned to platforms wherefrom political and sometimes military activities are carried out by pro-rebel elements.

## **IV. Conclusion**

23. The Government of Sudan would like to assure the SR that:
- The IDPs rights are one of its major concern and priorities.
  - Durable solution is our ultimate objective.
  - Ending the conflict and enhancing the security is a strategic goal that we intend to achieve soon.
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