



STATEMENT BY

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HEAD OF THE SUDAN DELEGATION

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Mr. Chairman,

Allow me at the outset to express to you our sincere congratulations on your well deserved election to the chairmanship of the 61st session of the Commission on Human Rights. I am confident that based on your skills and vast experience you will lead the deliberations of this session to successful conclusions. Allow me also Mr. Chairman to extend the satisfaction and congratulations of my delegation to other members of the bureau on their election. I want to assure you of my delegation's cooperation throughout this session.

Mr. Chairman,

I would like to commend the attention paid by the Commission and by the High Commissioner to the situation with regard to human rights in the Sudan. This attention is welcomed by my government as an encouragement to redouble our endeavours aimed at preserving human rights and creating conditions conducive to human security.

In spite of exceptional and unfavourable circumstances resulting from civil unrest in southern and western Sudan, and in spite of the resultant human sufferings which are regrettably the hallmark of any conflict in any part of the world in 2004, and culminating earlier this year, the Sudanese people have managed to lay a solid foundation for a durable and lasting peace in the entire country. This achievement is by all measures a source of pride for our people in the Sudan and for Africa, the African Union, and the regional Intergovernmental Authority on Development which has been so instrumental in bringing about peace in our country. Their involvement and achievements must be applauded.

Mr. Chairman,

During the course of 2004, the Government of Sudan and the Sudan People's Liberation Movement agreed on six protocols which paved the way for the signing of the comprehensive Peace Agreement on 9th January 2005 in Nairobi. This agreement not only ended the longest-running civil war in Africa but has also laid the basis for democratic, inclusive, representative and accountable government in Sudan. The devolution of powers and establishment of structures in the agreement include the recognition of the need for autonomy for southern Sudan and other states in the country. The agreement has also provided for the protection of human rights and fundamental freedoms of the Sudanese people, the establishment of political parties, reconfirmation of the rights of life, personal liberty, fair trial, privacy and the rights of the child. It also secures freedom of thought, conscience, religion, expression, assembly, association, movement and freedom from discrimination and tortures. These rights are guaranteed for all and will be entrenched in the national interim constitution that is to be drafted to replace the present national constitution.

Mr. Chairman,

The achievement we have accomplished was not confined to the Comprehensive Peace Agreement of January 2005. We have sought to address the conflict in Darfur, in western Sudan. The Government and the two Darfur rebel movements signed several humanitarian and ceasefire protocols in Ndjamena and Abuja in the course of 2004. The Government is cooperating fully with Nigeria the chair of the African union and with the Chadian and African Union mediators to peacefully resolve the Darfur conflict several regional summit and ministerial meetings took place in Libya, Egypt and Chad with the view to solving the problem in Darfur. We have also actively worked with the United Nations to address the humanitarian crisis. The Government has recently submitted a further detailed plan for disarming the armed groups active in Darfur, a plan which we are modifying in consultation with the African Union.

The situation in Darfur continues to be of deep concern to the Government. Although the improvement in the situation has been acknowledged in the meeting of the Secretary-General of the United Nations with the members of the Security Council earlier this month, agreements reached between the parties to the conflict have yet to be fully implemented.

The vital role of the African Union in Darfur has to be preserved, strengthened, and augmented. Financial, logistical and technical assistance is needed by the African Union to shoulder its responsibilities and fulfil its mandate.

The problem in Darfur has occupied the limelight in the international media, and found its way to the international and regional fora. The root causes of the conflict in Darfur can be traced back to the competition between different groups of people over scarce natural and economic resources, such as water, pasture, arable and residential land in a society that, notwithstanding its religious harmony, is characterised by tribal and linguistic diversity in addition to tribal ties with neighboring countries. The remoteness of the region, the meager resources and lack of international aid, coupled with the attacks by the rebels on police stations, had weakened the presence of law and security enforcement authorities in Darfur. Therefore in some parts of Darfur, traditional institutions such as tribes and clans commanded greater loyalty than the influence and authority of the state.

In addition to the abovementioned reasons there have been other factors that exacerbated the complexity of the situation in Darfur, namely the war in the southern part of the Sudan, which lasted for over twenty years and wasted huge financial resources that could have been spent on developing the least developed regions in the country, including Darfur. The war in the south has contributed to the spread of a culture of violence and incited some individuals and groups to believe that achieving their political objectives would be easier by taking up arms against the state. The armed conflicts in some of our neighbouring countries at different times have also contributed to instability, with a number of armed groups seeking refuge in Darfur, some of them from ethnic groups which straddle our frontiers. This led to a proliferation of weapons, something that has been very difficult to monitor given our long and porous common borders.

As far as the crisis in Darfur is concerned, we believe that the African Union, United Nations and other subregional organisations share our belief that the Comprehensive Peace Agreement provides a framework for settling the crisis in Darfur. In this context the Government of the Sudan will adopt the following principles to resolve Darfur problem:-

1. A Federal System of government which is the best form of governance for the Sudan.
2. The acknowledgment of cultural and social diversity in the Sudan and considering it as strengthening national unity.
3. The equitable distribution of national wealth as a means to achieve sustainable and balanced development of the whole country.
4. The devolution of power in an agreed model between different levels of government.
5. A peaceful and democratic rotation of power and free political competition.

The Government of the Sudan is particularly focused upon the humanitarian situation in Darfur. To further enhance the internationally-recognised progress and improvements in the humanitarian situation in Darfur, the Government believes that the humanitarian protocols it has signed with the rebel movements on the matter address all aspects of the situation, and that these protocols should be fully respected and duly implemented. The Government of the Sudan reiterates its full commitment to implement these protocols to save the lives of its people who are affected by the conflict. The international community should call on the rebel movements in Darfur to implement the protocols and should as well denounce the targeting by the Darfur rebels of humanitarian personnel through intimidation, abduction and murder.

One of the major impediments to improving the security situation in Darfur has been the well-documented failure of rebel movements to abide by the cease-fire agreement and their refusal to move their forces into specified areas as stipulated in the Ndjamena Agreement and by African Union resolutions. The Government has agreed to a further increase in African Union monitors and their protection forces. This move is aimed at consolidating cease-fire monitoring, assisting with confidence building and enhancing tranquility in the camps of internally displaced persons and refugees to facilitate their voluntary return to their homes. At the same time, and according to the African Union Summit resolution, the rebel forces must be cantoned.

The Government further believes that implementing and consolidating the federal system of government in the northern states provides a real solution to the conflict in Darfur as it would ensure that:

1. States shall have their own constitutions that do not contravene with the federal Constitution.
2. States shall have their own elected State Governors.

3. States shall have their own elected Legislative Assemblies.

Mr Chairman,

Two important developments related to the Darfur Crisis have taken place. These have been the release of the report of national Commission of Inquiry on Darfur, and the release of the report of international Commission of Inquiry on Darfur. The former report took more than eight months while the latter took 12 weeks. The drafters of the International report pointed to the serious time constraints that faced them, and it is self evident that this shortcoming adversely affected the work and the findings of the Commission. Nevertheless, the two reports have agreed in their findings in four points:

1. There has been no genocide in Darfur.
2. That serious human rights violations have nevertheless been committed.
3. That the victims of the violations have to be compensated.
4. That impunity shall not be tolerated.

Immediately on the release of the findings of the national Commission of inquiry, the Government of the Sudan established three senior commissions to address these issues, namely the identification and prosecution of those guilty of human rights abuses, the compensation of war victims and a body examining the issue of tribal boundaries in Darfur. We observed that the methodology followed by the National Commission and the conclusions it has drawn were more legally to the point than the International Commission. The omissions on the part of the Government of the Sudan to which the national Commission referred have yet to be established and investigated.

Mr. Chairman,

Time limitations would not permit me to go into the details of the findings of the two Commissions. I wish to draw your kind attention only to the following points.

1. The establishment, by Presidential decree, of the National Commission of Inquiry in May 2004, five months before the establishment of the International Commission of Inquiry, testifies to the seriousness with which the Government of the Sudan has sought to address the issue of human rights violations in Darfur.
2. The Government of the Sudan strongly disagrees with the International Commission of Inquiry's assertion that the Sudanese judicial system is unable and unwilling to prosecute those suspected of involvement in crimes in Darfur. Sudan has a functioning and competent legal system. There are 1619 courts spread throughout Sudan; 898 of these are magistrate courts. In Darfur there are 115 courts of law. Sudanese Courts are served by 3700 judges who are appointed according to strict criteria. The judiciary in Darfur heard 30,840 Cases in 2003, of which 15598 were Criminal Cases. In 2004 it dealt with 27, 317 Cases of which 11, 642 were criminal cases. The system has continued to operate despite rebel attempts to

dislocate law and order in the region through systematic attacks on judges and policemen. Almost seven hundred policemen have been murdered in Darfur and more than 80 police stations have been destroyed. The Sudanese legal system is derived from two major universal legal systems. The Sudanese judicial system has a well-established history of efficiency and independence which guarantees beyond all doubt its ability and willingness to adjudicate on the issues put before it. International instruments on human rights law and international humanitarian law to which the Sudan is a party constitute part and parcel of our national law.

3. It must also be noted that systematic attacks by rebel movements in Darfur have often resulted in suspensions of international humanitarian work. This in turn has often prevented food and medicine from reaching hundreds of thousands of people in need. These criminal acts of terrorism and wanton violence triggered indignation and condemnation amongst the United Nations, African Union, and humanitarian aid community, yet the report did not adequately address its mandate in this regard. The Government of the Sudan on the other hand has spared no effort to provide humanitarian agencies with access to whatever part of Darfur they wish to work within. The Government's Open Door policy has been widely recognised.

Mr. Chairman,

Concerning the thematic issues of the present session, we fully support the reform of the Commission on Human Rights to be more representative, democratic and transparent. The African Group, Organisation of Islamic Conference and Non-Aligned Movement have expressed similar, if not identical, views on the enhancement of the work of the Commission to which we fully subscribe. In this regard, the country specific resolutions, in the light of past and the present experiences, have been permeated with selectivity and politicisation.

Premeditated plans to name and shame have resulted in the subordination of fundamental rights such as the right to development, which is very crucial in terms of the actualisation, promotion and protection of human rights, to other fields which could possibly and easily be charged with politicisation. In this regard, we have been encouraged by the statement made by the High Commissioner for Human Rights during her last meeting with the African Group in Geneva that the right to development should be afforded the priority it deserves.

Mr. Chairman,

In conclusion, our resolve and determination to seek peaceful and negotiated settlements to situations causing, inter alia, human rights violations, has been demonstrated by the Comprehensive Peace Agreement signed at the beginning of this year. We want to go forward and would hope for a helping hand to be extended. I am duty bound to bring to the attention of this august body that unmeasured, uneven and unbalanced pressure and signals have exacerbated the already volatile situation in Darfur. Let us recall the statements made by both the first Vice President Mr Ali Osman Mohamed Taha and Colonel John Garang, the architects of the Comprehensive Peace Agreement, before the

Security Council last month, and their appeal to the international community to bear in mind that a government of national unity will lead the country during the Interim period. Any undue pressure on the Government of National Unity will retard its ability to implement the Comprehensive Peace Agreement. This in turn will impede the benefits of peace from reaching the Sudanese people. Let us give peace in the Sudan a positive environment in which to take root.

I thank you, Mr. Chairman.