

RESPONSE OF THE GOVERNMENT OF SUDAN
TO THE

REPORT OF THE SPECIAL RAPPORTEUR ON THE
SITUATION OF HUMAN RIGHTS IN THE SUDAN,
SIMA SAMAR

SUBMITTED TO THE 9TH SESSION OF THE
HUMAN RIGHTS COUNCIL

1. The Government of Sudan welcomes the Special Rapporteur's report on the situation of human rights in the Sudan submitted to the 9th ordinary Session of the Human Rights Council and would like to underline the remarks she made particularly about the cooperation she found from the Government of National Unity and the Government of Southern Sudan during her visit.
2. The cooperation extended by the GoS to the SR comes as part of the commitment made by the GoS to Human Rights Council and the Group of Expert on Darfur identified in the report (A/HRC/5/6) that recommendations of such Group will be implemented through an open and constructive dialogue between the SR and the GoS.
3. The GoS would like also to welcome the reflection of the report on some positive developments on the human rights situation that took place in the Sudan during the period covered by the report (January to July 2008).

National framework, institutions and reforms

4. The GoS welcomes the following remarks of the SR:
 - Passing of 59 new bills by the National Assembly (the Parliament) by the end of July which include, among others, the Armed Forces Act, the Joint Integrated Units Act, the Police Forces Act and the Political Parties Act
 - The passing of the Election Act which allocated 25% of the seats to the women besides the possibility of their competing for other seats;
 - Finalization of the revised amended version of the Child Act of 2004 which defined clearly the child as a person below 18, years old, prohibited FGM, raised the age of criminal responsibility and provides for better guarantees for children with disabilities.
 - The completion of the fifth national census in fulfillment and in implementation of the Comprehensive Peace Agreement;
 - The adoption on 8 June 2008 by a Republican Decree of the 'Roadmap for return of IDPs and implementation of Abyei Protocol' that provided for: security arrangements, return of IDPs, an interim administration and final arbitration.
 - Passing of a number of bills into law by the Southern Sudan Legislative Council

General human rights situation

Northern Sudan

5. The GoS welcomes the following remarks of the SR:

- 'The commendable decision' taken by the GoS in allowing independent observers access to the 90 captured child combatants used by the rebel movement JEM in its 10th May attack on Khartoum and their exclusion from trials and transfer to a training centre where they were kept in good conditions and well cared of;
- That the Government's Disarmament Demobilization and Reintegration (DDR) Commission continues to be very active in its efforts to campaign against the recruitment and use of child soldiers in collaboration with UNICEF and other international partners;
- The steps taken by the GoS to implement the recommendations of the Group of Expert on Darfur particularly with regard to the launching of the Swiss funded project with a number of activities both in Darfur and Khartoum;
- Increasing the number of police – including several dozen police women - that have been deployed to Darfur;
- The activities of the State Committees against sexual and gender based violence (SGBV);
- Indictment, prosecution and sentencing of several regular forces personnel accused and found guilty of rape

JEM attack 10 May:

6. While the GoS welcomes the explicit condemnation of this attack made by the UN Secretary General, yet, we expected the SR too to voice a clear condemnation of the attack in her capacity as SR to Sudan particularly with regard to the fact that the attack resulted in 34 deaths the majority of whom are civilians and the destruction of vital civilian installations and the intimidation of large scale of innocent civilians.
7. With regard to the concern expressed by the SR about the public exposure of the photos of the children who participated with the JEM forces in the attack, we submit that the purpose for such publishing was to allow the recognition of these children by their respective families and relatives with the view to reintegrating them. The photos were vitally important owing to the fact that illiteracy is widespread in these regional communities besides the confusion that might be caused if only names were published due to the fact that many people in these areas share identically the same names even up to the third name. The result of such publishing was the swift recognition of 44 children by their families.
8. It is not true that a 16 year old child was sentenced to death by the courts established for the trial of the JEM combatants who launched the attack on Khartoum. The exclusion of all the children from the adult was carried out initially based on information given by the children themselves about their age. During the trial other seven accused were medically proved to be minors and were also excluded from the trial. The accused mentioned in the SR's

report was subjected to a medical examination ordered by the court which proved that his age is over 18 years and it is totally untrue that the court refused to conduct a medical examination for him.

9. The JEM members who participated in the attack of 10 May were committed to trial before three specialized courts (and not special courts as mentioned in the SR's report). The consultations which were conducted between the Chief Justice and the Minister of Justice concerned the establishment of the courts and not their procedures. The procedures followed by these courts are the ordinary criminal procedures provided for in the Criminal Procedures Act of 1991 that guarantees all safeguards for fair trial according to the Sudanese Constitution and the international human rights standards. The Acts under which the accused are tried include the Anti-terrorism Act, the Criminal Act and the Arms and Ammunition Act. All the accused were legally represented by panels of defence of more than 30 lawyers of their own choice.
10. The verdicts which were reached by the courts have not been solely based on confessions made by the accused. Testimonies of witnesses (more than 100 witnesses) including the children who were recruited by the JEM and participated in the attack were heard, large amount of documents were also reviewed by the courts including those which were caught in the possession of the accused themselves. Also caught in the possession of the fighters was a CD containing the final instructions for the battle given by the JEM leader Khalil Ibrahim where some of the fighters who were captured in the attack appear. Also the court inspected the major battle ground in Omdurman which was filmed and documented.

Eastern Sudan:

11. After the conclusion of the Eastern Peace Agreement with the opposition Eastern Front an immediate emergency development plan of rehabilitation was initiated addressing the areas of health, education, water networks and electricity in the region. Large amount of fund from the national treasury has been allocated for these projects which are now under implementation.
12. The remark made by the SR that certain ethnicities such as the Beja are marginalized is quite amazing. The Beja Congress forms the larger part of the Eastern Front that signed the peace agreement. Prominent figures from this organization are now holding senior positions in the Government including the post of Assistant to the President of the Republic.
13. The GoS is particularly concerned about this part of the report because the SR has not raised this issue during her meetings with the concerned authorities neither at the central nor regional level; otherwise she would have been fully acquainted with the updated developments in the issue.
14. With regard to Portsudan incidents of 2005 that triggered the interference of the police, it is untrue that the demonstration was 'non-violent'. It is well documented that the demonstrators burnt down the major market place in the city

• Darfur:

15. During the recent visit made by the President of the Republic to the three Darfur states HE the President launched a comprehensive plan to address the situation in Darfur. Also a wide consultation among the political parties and organizations is presently underway within a framework of the Sudanese People initiative to settle the problem of Darfur.
16. His Excellency the President also declared, during the visit, the Amnesty for all the children who took part with the JEM forces in the attack of 10 May on Khartoum considering them as victims of the conflict in Darfur.
17. One of the recent breakthroughs in resolving the crisis of Darfur is the disarming, demobilizing and reintegrating of 233 members of the SLA (Peace Wing) that took place in May.

Transitional areas

18. The GoS welcomes the remarks made the SR regarding the updates on resolving the issue of Abyei through the international arbitration. We have the pleasure to inform the august Human Rights Council that a new joint administration for Abyei has been established and mandated with the task of facilitating the swift return of the IDPs and to seek for compensation of all victims in the area from a fund which was specifically allocated for this purpose. It is worth noting that by virtue of these new measures the troops of both the SAF and the SPLA have withdrawn from the area. The settlement has received wide international applaud and recognition.

Southern Sudan:

19. The GoS welcomes the following remarks of the SR:
 - The commitment by many interlocutors in Southern Sudan to human rights;
 - The significant progress made by the Southern Sudan Human rights Commission in carrying out its mandate

Recommendations:

20. The GoS would like to welcome the recommendations of the SR stated in her report and would reiterate in this respect its utmost willingness to cooperate fully with the SR and other UN mandate holders to improve the situation of human rights in the Sudan.
21. The GoS welcomes particularly the recommendation made by the SR to the warring factions to 'end all attacks on civilians including human rights defenders and humanitarian workers'. It is worth noting that the Sudanese Armed Forces and the Police have lost seven of their staff in different incidents while trying to return vehicles carjacked by the rebels and presently,

upon the request of UN agencies, the Sudanese police escort and guard aid convoys.

22. The GoS would like to underscore particularly the recommendation of the SR to the international community and the United Nations to continue support the efforts of the Government in implementing the Comprehensive Peace Agreement through the constructive engagement of all parties for the promotion and protection of human rights in the Sudan.