



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2005/L.36/Rev.3  
21 April 2005

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 19

**ADVISORY SERVICES AND TECHNICAL COOPERATION  
IN THE FIELD OF HUMAN RIGHTS**

**Ethiopia (on behalf of the African Group): revised draft resolution**

**2005/... Situation of human rights in the Sudan**

*The Commission on Human Rights,*

*Recalling* its decision 2004/128 of 23 April 2004,

*Recalling* the relevant communiqué of the African Union Peace and Security Council, namely PSC/AHG/Comm. (XXIII) adopted by the Heads of State and Government at Libreville on 10 January 2005 and communiqués XII, XIII, XVI and XVII dated, respectively, 2 July, 27 July, 17 September and 20 October 2004,

*Recalling also* Security Council resolutions 1556 (2004) of 30 July 2004, 1590 (2005) of 24 March 2005, 1591 (2005) of 29 March 2005 and 1593 (2005) of 31 March 2005,

*Taking note* of the findings of the International Commission of Inquiry on the violation of human rights and international humanitarian law in Darfur as well as the report of the National Commission of Inquiry,

*Also taking note* of the reports of the independent expert (E/CN.4/2005/11), the former Special Rapporteur on extrajudicial, summary and arbitrary executions on her mission to the Sudan (E/CN.4/2005/7/Add.2), the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Darfur region of the Sudan (E/CN.4/2005/72/Add.5), and the responses of the Government of the Sudan to these reports,

*Recognizing* the primary responsibility of the Government of the Sudan to protect and promote human rights within its territory, and its obligation to enhance the applicability of international humanitarian law,

*Taking note* of the report of the High Commissioner for Human Rights on the situation of human rights in the Sudan (E/CN.4/2005/3),

*Welcoming* the conclusion of the Comprehensive Peace Agreement in Nairobi on 9 January 2005 between the Government of the Sudan and the Sudan People's Liberation Movement, which is a critical step towards the development of a peaceful and prosperous Sudan, provides a framework for settling the crisis in Darfur and greatly contributes to the promotion and protection of human rights in the Sudan, and calling on the parties to the Agreement to work together to resolve the question of Darfur,

*Expressing its deep concern* at the situation of human rights in Darfur, in particular attacks against civilians, gender-based violence and the dire consequences of the prolonged conflict for the civilian population in Darfur, in particular the increase in the number of refugees and internally displaced persons,

1. *Welcomes:*

(a) The full involvement of the Commission of the African Union in the peaceful resolution to the conflict in Darfur, and calls upon the African Union and its member States to continue their pivotal role in ensuring a successful conclusion to the peace talks being conducted in Abuja under the auspices of the African Union;

(b) The crucial role played by the African Union and its various mechanisms in helping to reach a peaceful settlement to the conflict in Darfur, and in this regard appreciates the leadership of H.E. President Olusegun Obasanjo of Nigeria in hosting and chairing the Abuja peace talks and expresses its confidence that the African Heads of State will continue their support to the peace process in Darfur;

(c) The assistance extended by the international community to the African Union and calls on the donor community to further provide logistical and financial support to the African Union mission in Darfur to enable it to carry out its mandated functions effectively with a view to re-establishing peace and security in the region;

(d) The efforts of the Government of the Sudan to combat the abduction of persons, in particular the work of the Committee on Elimination of Abduction of Women and Children;

2. *Condemns:*

(a) The continued, widespread and systematic violations of human rights and international humanitarian law as reflected in the findings of the International Commission of Inquiry on Darfur;

(b) The violence against civilians and sexual violence against women and girls, destruction of villages, widespread displacement and other violations in Darfur and urges all parties to take necessary steps to prevent further violations;

(c) The prevailing situation in the Darfur region of the Sudan, in particular the humanitarian crisis and the continued reported violations of human rights, including attacks against civilians committed by all parties, particularly the Janjaweed and other armed militias, and reiterates the need to control, disarm and disband these militias and bring to justice all those responsible for human rights violations in Darfur;

(d) Violations of the Ceasefire Agreement concluded in N'Djamena on 8 April 2004 and the Abuja Protocols of 9 November 2004 by all parties to the conflict in Darfur and the impact this has had on humanitarian efforts;

(e) Violations of human rights anywhere in the Sudan;

3. *Calls upon* all parties to the conflict:

- (a) To resume immediately the Abuja talks with a view to arriving at a lasting and durable negotiated settlement;
- (b) To respect fully the N'Djamena Ceasefire Agreement and to ensure that all armed groups under their control comply with it;
- (c) To observe the humanitarian ceasefire and grant immediate, safe and unhindered humanitarian access to Darfur and elsewhere in the Sudan;
- (d) To cease all acts of violence immediately, and protect women and girls from sexual and other forms of violence;
- (e) To respect the rights of refugees and internally displaced persons and their right of voluntary return in safety and dignity;
- (f) To cooperate fully in the implementation of Security Council resolutions 1556 (2004), 1590 (2005), 1591 (2005) and 1593 (2005);
- (g) To cooperate fully with the relevant bodies and mechanisms of the African Union and the United Nations, especially those competent in the field of human rights, and with the humanitarian aid organizations;
- (h) To grant the International Committee of the Red Cross access to those detained in relation to the situation in Darfur;
- (i) To prevent the recruitment of children as soldiers and combatants, consistent with the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- (j) To refrain without delay from the use of landmines;

(k) To respect their obligations under the Abuja Protocols of 9 November 2004 on Improvement of the Humanitarian Situation and Enhancement of the Security Situation;

(l) To stop immediately the abduction and murder of relief workers by the armed groups;

4. *Calls upon* the Government of the Sudan:

(a) To continue its efforts aimed at finding a durable and peaceful solution to the problem in Darfur;

(b) To stop and investigate violations of human rights and to bring the perpetrators to justice and end impunity for crimes committed in Darfur in light of the recommendations contained in the report of the International Commission of Inquiry and the report of the National Commission of Inquiry on Darfur;

(c) To disarm the Janjaweed militias and stop supporting them, in conformity with the relevant Security Council resolutions;

(d) To promote the respect for human rights and international humanitarian law throughout the country, and protect the human rights of all persons, in particular those of internally displaced persons and refugees;

(e) To improve security in and around the internally displaced persons' camps;

(f) To exert maximum efforts for promoting the peaceful social coexistence between different tribes in Darfur;

(g) To strengthen and enhance access to the courts for all victims of human rights violations and to ensure their protection, and grant them reparation and compensation;

(h) To enhance and strengthen the independence and impartiality of the judiciary by training judges, prosecutors, lawyers and police with a view to protecting human rights and ensure rule of law;

(i) To consider creating, through a broad consultative process, a truth and reconciliation commission once peace is established in Darfur as a complementary measure to enhance peaceful social coexistence;

(j) To cooperate fully in the implementation of Security Council resolutions 1556 (2004), 1590 (2005), 1591 (2005) and 1593 (2005);

5. *Calls upon* the international community:

(a) To expand its support for the efforts and activities of the African Union aimed at bringing about peace in the Sudan;

(b) To continue providing relief assistance to the affected population in Darfur, with a view to complementing the efforts of the Government of the Sudan in that regard;

(c) To provide additional logistical and financial support to the African Union mission in Darfur to enable it to carry out its mandated functions effectively;

6. *Requests* the United Nations High Commissioner for Human Rights to increase and speed up the deployment of human rights monitors in Darfur to complement the African Union mission in the Sudan;

7. *Also requests* the High Commissioner for Human Rights to extend technical assistance and advisory services to the Government of the Sudan with a view to enhancing the national capacity in the field of human rights;

8. *Decides* to establish the mandate of a special rapporteur on the situation of human rights in the Sudan for one year and requests the Special Rapporteur to monitor the situation of human rights in the Sudan and to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session;

9. *Calls upon* the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him or her to discharge his or her mandate fully;

10. *Decides* to consider this question at its sixty-second session;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of ... April 2005, approves the Commission’s decision to establish the mandate of a special rapporteur on the situation of human rights in the Sudan for one year to monitor the situation of human rights in the Sudan, and to request him or her to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session.

“The Council also endorses the Commission’s request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him or her to discharge his or her mandate fully.”

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