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Summary record of the 28th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 11 December 2007, at 3 p.m.

Chairperson: Mr. Costea(Romania)

Later: Mr. Artucio (Vice-President) (Uruguay)

Later: Mr. Costea (President)(Romania)

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Human Rights Situations that require the Council's attention (*continued*)

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The meeting was called to order at 3 p.m.

Human Rights Situations that require the Council's attention (agenda item 4) (continued) (A/HRC/6/7, A/HRC/6/14, A/HRC/6/19, A/HRC/6/G/14, A/HRC/6/NGO/49, A/HRC/6/NGO/52, A/HRC/6/NGO/56, A/HRC/6/NGO/57, A/HRC/6/NGO/58, A/HRC/6/NGO/66, A/HRC/6/NGO/67)

Effect given to Council resolution OM/1/3 on Darfur

1. **The President** said that in its decision S-4/101 on "The situation of human rights in Darfur", adopted on 13 December 2006 at its fourth special session, the Council had decided to send a High-Level Mission to Darfur to assess the human rights situation there; subsequently it had requested the group of experts who had taken part in the mission to submit a report to it at its fourth session. Later, in resolution OM/1/3 on the effect given to resolution 4/8, the Council requested the group of experts to continue its work for six months and submit an interim report to it (A/HRC/6/7) at its September 2007 session and a final report at its following session, all of which had been done. The President therefore invited the Special Rapporteur on the situation of human rights in the Sudan, who had presided over the group of experts, to introduce the report.

2. **Ms. Samar** (Special Rapporteur on the situation of human rights in the Sudan), introducing the final report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council in its resolution 4/8 (A/HRC/6/19), said that the group of experts consisted of seven mandate holders under the special procedures and had the task of ensuring follow-up of and fostering implementation of pre-existing resolutions and recommendations on Darfur. It had submitted of its first report (A/HRC/6/7) to the Council on 13 June 2007; then, pursuant to resolution OM/1/3 dated 20 June 2007, it submitted an interim report (A/HRC/6/7), published on 22 September 2007. In that report the group of experts stated that the information provided so far by the Sudanese Government and other sources was insufficient to provide a full assessment of implementation of the recommendations made and that the Government should be given more time to implement the recommendations and provide additional information. The group of experts also needed more time to gather information from reliable sources and be able to determine whether its recommendations had had an impact on the ground.

3. On 9 October 2007, shortly after the first part of the sixth session of the Council, the group of experts had sent a list of questions to the Government of the Sudan to clarify certain matters and open dialogue with it. On 15 November the group had organized a one-day meeting with an inter-ministerial delegation from Khartoum to obtain up-to-date information on the progress made in the status of implementation, and on 27 November it had received the Government's comments on the draft report; they had been taken into account in the final text.

4. The final report of the group of experts was based on the methods of work it had adopted at the start of its work, involving in particular transparent cooperation with the Government and all the relevant partners, identification of obstacles to the implementation of recommendations and the differentiation of short-term from medium-term objectives. The group of experts had reviewed the measures taken by the Sudanese Government to give effect to its recommendations, using for the purpose the indicators developed in its first report (A/HRC/5/6) and information communicated orally and in writing by the Sudanese Government and other sources, including United Nations and African Union agencies and programmes with operational competence in Darfur.

5. The group of experts had concluded that the process of cooperation with the Government had worked well in procedural terms. However, in terms of substance, it had to be recognized that few of the recommendations had been implemented or had had a

tangible impact on the ground. Several recommendations prioritized as short-term had not yet been implemented, and although the Government had taken initial steps to implement a number of them, those initial steps had not yet had a sufficient impact on the ground; no action at all had been taken on a significant number of them. The group of experts was therefore concerned by the fact that the information available to it clearly showed that those efforts, with a few exceptions, had not yet led to an improvement in the human rights situation in Darfur.

6. Consequently, mindful of the consensus in the Council on the seriousness of the ongoing violations of human rights and international humanitarian law in Darfur and the urgent need to concentrate on the implementation of existing recommendations, the group of experts urgently requested the Government to implement the prioritized recommendations fully and without delay. It also recommended that the Council should continue the review process in accordance with the time frames and the indicators for assessment of implementation developed by the group. Lastly, the group should be able, in the event that its mandate was renewed, to envisage the possibility of an assessment mission on the ground and be allowed sufficient time to study the implementation of its medium-term recommendations by the deadline of 30 June 2008 fixed for the completion of their implementation.

7. **Mr. Mohamed** (Observer for the Sudan), speaking for the country directly concerned, said that cooperation between the Sudan and the United Nations mechanisms had not been purely procedural. Considerable progress had been made in implementation of the resolutions of the Human Rights Committee and the Council on the situation in Darfur. The Government had provided the Council and the group of experts with all necessary information. The situation was improving daily, and in 2007 the implementation of the Abuja peace agreement and the efforts made to improve security and facilitate the return of displaced persons had enabled 400,000 persons to return to their homes.

8. The Government urged the Council and the United Nations High Commissioner for Human Rights firmly to condemn the recent attempt by a French non-governmental organization to abduct Sudanese and Chadian children, as the group of experts had not responded to a similar request. In conclusion, the Government undertook to continue to cooperate with the Council's mechanisms and to spare no effort to protect human rights in every region of the country, and particularly the rights of the most vulnerable groups.

General debate

9. **Mr. Esteves** (Observer for Portugal), speaking on behalf of the European Union, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova, Armenia and Azerbaijan, acknowledged the efforts of the Government of the Sudan to cooperate fully with the group of experts, implement some of its recommendations and open a constructive dialogue, particularly by sending a high-level delegation to Geneva to meet the group of experts.

10. However, the report of the group clearly showed that the measures taken to implement its recommendations had had practically no impact on the ground, and that an unacceptably large number of recommendations had not been implemented by the Government at all. Large numbers of people had recently been displaced, violence against women was still widespread, and the perpetrators of violations had still not been brought to justice. The situation clearly showed that the Sudanese Government and the international community had not yet been able adequately to address the sufferings of the countless victims of human rights violations in Darfur.

11. On the basis of the report, the European Union asked the Council to urge the Government fully to assume its human rights obligations and to intensify its efforts to implement without delay the recommendations of the group of experts, call on all parties to refrain from acts of violence against civilians, with special focus on vulnerable groups, and urge the Government to address urgently the problem of impunity, particularly by cooperating with the International Criminal Court. In that regard it was totally unacceptable that a person indicted by the International Criminal Court not only had still not been brought to justice but in addition held a governmental position linked to humanitarian affairs and had recently been appointed to conduct investigations regarding human rights violations.

12. The European Union also considered that the mandate of the group of experts should be extended at least until June 2008 – the deadline for implementation of its medium-term recommendations – to enable it to assess their implementation. At the same time the international community should continue its efforts to improve the human rights situation in Darfur, in particular by contributing with troops to the African Union mission to the Sudan and the future African Union/United Nations hybrid force. Regarding financial support, in 2007 the European Union and its member States had donated 330 million euros in humanitarian support to the Sudan, and especially to human rights promotion programmes preparing the ground for the implementation of the recommendations of the group of experts. The European Union and its members had also contributed 460 million euros to the African Union mission to the Sudan since that mission had started and intended to provide financial support to the future African Union/United Nations force. Finally, recalling that the primary responsibility for protecting human rights in Darfur rested with the Sudanese Government, the European Union urged the Government to continue to cooperate with the group of experts with the aim of improving the situation in Darfur.

13. **Mr. Artucio** (Uruguay), Vice-President, took the Chair.

14. **Ms. Janjua** (Observer for Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), remarked that in its final report the group of experts had itself recognized that implementation of some of the recommendations might be complex and require some time. Consequently, in view of the scale of the efforts required of the Sudanese Government, immediate results could not be expected. The Organization of the Islamic Conference supported the Government in its efforts to improve the humanitarian situation in Darfur and to combat impunity. It shared the view of the Group of African States that there could not be two mechanisms simultaneously concerned with the same problem and hoped that the matter of the extension of the two mandates would be resolved as a result of the dialogue between the Group of African States, the European Union and other parties concerned.

15. **Mr. Hassan** (Observer for Egypt), speaking on behalf of the Group of African States, said that it welcomed the final report of the group of experts. In particular, he noted that a constructive dialogue had developed between the group of experts and the Sudanese Government and that the latter had taken specific steps to implement the recommendations of the group of experts. The Group of African States had observed with satisfaction the statements in the report that draft Acts and orders had been issued concerning the police and the armed forces, that a declaration of the Sudanese Armed Forces concerning the regulations and rules of armed forces personnel in conflict zones had been adopted and that a draft Sudanese Armed Forces Bill of 2007, containing a chapter on international humanitarian law, had been prepared..

16. However, the Group of African States recognized that many challenges still remained to be faced, particularly with regard to the combat against impunity. He therefore urged the international community to make every effort to ensure that the parties to the conflict signed the Darfur Peace Agreement. He also urged all the members of

humanitarian missions present in Darfur scrupulously to respect the principles of humanitarian law. In that connection he firmly condemned the recent attempt by a non-governmental organization to abduct Sudanese and Chadian children and regretted that the group of experts had not expressed a view on the subject. He requested the competent Council mechanisms to give appropriate attention to the matter.

17. In view of the improvement of the situation in Darfur the Group of African States considered that the group of experts had completed its work and that the Council should rationalize its special human rights monitoring mechanisms currently operating in Sudan.

18. Lastly, the Group of African States regretted that no in-depth evaluation of needs in the Sudan had yet been undertaken to enable that country to implement its national strategy for restoration of peace and national reconstruction and that the international community had not provided the aid which would enable the Sudanese Government better to handle the situation in Darfur.

19. **Mr. Singh** (India) said that India had consistently advocated a peaceful and negotiated solution to the conflict in Darfur and encouraged all the parties to sign and implement the Abuja Peace Agreement. India also hoped that the obstacles to the deployment of the African Union/United Nations hybrid force would soon be overcome and that that operation would receive the requisite financial and material support from the international community. India was currently providing the largest contingent of troops in the United Nations Mission in the Sudan (UNMIS). India was convinced that promotion and protection of human rights was best pursued through dialogue and cooperation and hoped that future discussions on the Darfur question in the Council would continue to be conducted in a spirit of consensus.

20. **Mr. Grinius** (Observer for Canada) said that Canada welcomed the final report of the group of experts. In view of the continuing violations of human rights and international humanitarian law being committed by all sides in the conflict, the mandate of the group should be renewed. Welcoming the agreement on the African Union/United Nations hybrid peacekeeping force for Darfur and the resumption of peace talks in Sirte (Libyan Arab Jamahiriya) on 27 October 2007, he encouraged the parties to the conflict to take the necessary steps to guarantee free and completely safe access to Darfur for humanitarian aid organizations pending a long-term political solution to the crisis.

21. While welcoming the will to cooperate with the group of experts shown by the Sudanese Government, Canada was deeply disturbed to learn that the Government had recently decided to appoint a person accused by the International Criminal Court of war crimes and crimes against humanity to the post of co-President of the national commission of inquiry into violations of human rights in the Sudan. That appointment cast doubt on the reality of the Government's intentions to improve the situation in the country. Canada urged the Sudanese Government to cooperate with the International Criminal Court and implement the recommendations of the group of experts as soon as possible.

22. **Ms. Sinjela** (Observer for Zambia) expressed her condolences to the Algerian Government and the Office of the United Nations High Commissioner for Human Rights following the attack which had taken place that morning in Algiers, causing scores of deaths among Algerian citizens and the personnel of several United Nations bodies.

23. The Zambian delegation associated itself with the statement made by Egypt on behalf of the Group of African States and supported the recommendations made by the group of experts in its final report. It encouraged the Government to give effect to those recommendations in order to improve the human rights situation and to apply the measures and the legislation enacted to all the parties concerned without exception.

24. The Zambian delegation was particularly concerned that attacks on civilian refugee camps were continuing; they led to displacements of populations and acts of violence against women and children. Lastly, it supported the suggestion of the group of experts that, in the event that its mandate was not renewed, follow-up on the implementation of its recommendations should become the responsibility of the Council.

25. **Mr. Bo Gian** (China) said that he welcomed the efforts being made by all the parties in the Sudan, and particularly the Government, which had permitted improvements in the Darfur situation and ongoing respect for the Comprehensive Peace Agreement. Some of the recommendations by the group of experts had been implemented to some extent with tangible results. However, when assessing those results an additional obstacle had to be borne in mind, namely the fact that for a number of years the Sudan had been suffering from poverty and wars. Consequently the situation could not be stabilized and human rights improved overnight; achievement of those aims was a long-term enterprise requiring efforts by the Sudanese Government and support by the international community. The provision of humanitarian aid would help to stabilize the political situation in the Sudan. China would continue, side by side with the United Nations, to assist in the promotion of peace, stability and development in the Darfur region.

26. **Mr. Sieben** (Netherlands), associating himself with the statement made by Portugal on behalf of the European Union, said that the group of experts offered an excellent example of how the Human Rights Council could respond in a concrete manner to the ongoing violations of human rights in a region. By compiling the recommendations of different United Nations bodies and setting a time frame and indicators for their implementation in consultation with the Sudanese Government the group of experts had established a basis for real improvements in the lives of the peoples in the province. However, those improvements could not materialize within the time frame set unless the group was able to ensure that all the recommendations had been implemented. So far only four of them had been implemented. Violations of human rights continued and a climate of impunity still prevailed, attacks on civilians by government forces, militias and rebel groups were continuing, the numbers of displaced persons were constantly increasing; women were still victims of acts of violence which they were often afraid to report to the police. No progress had been made in the essential areas of accountability and justice. It was disquieting to learn of the refusal of the Government to hand over two persons suspected of murder, torture, persecution and deliberate attacks on civilians to the International Criminal Court; it was unacceptable that one of those persons should hold the office of a Minister of State. The Netherlands urged the Government to cooperate with the Court in its important role of contributing to justice and protecting the peoples of Darfur. While congratulating the Government on the spirit of cooperation it was evincing, the Netherlands requested the Council urgently to press the Government to implement the recommendations addressed to it fully and without delay and allow the Council to continue its review of the situation.

27. **Mr. Vellano** (Italy), supporting the statement made by Portugal on behalf of the European Union, said that he welcomed the cooperation of the Government with the group of experts while at the same time observing that much still remained to be done. Implementation of the recommendations should be followed up during the coming months through an appropriate mechanism. Italy would continue to contribute to the shaping of a broad consensus on the situation in Darfur within the Council. It also remained committed to providing material assistance to improve that situation in areas ranging from security to humanitarian aid; it had in fact made development grants totalling 2 million euros in 2007. It also intended to participate in the deployment of an African Union-United Nations hybrid force, not only in the form of financial support but also by providing air transport for the military and police components of the hybrid African Union/United Nations Operation in Darfur (UNAMID).

28. **Mr. Sung-Joo Lee** (Republic of Korea) appreciated the cooperative spirit shown by the Sudanese Government but deplored the lack of improvement in living conditions in Darfur and the further worsening of the already disquieting situation regarding human rights and humanitarian law there. The people worst affected were the civilian population, and particularly vulnerable groups such as internally displaced persons, women, children and activists. The Sudanese Government must take urgent measures to facilitate access to victims and prevent attacks on humanitarian workers, protect the civilian population, address the consequences of violations of human rights and humanitarian law already committed and put an end to impunity. The Republic of Korea supported the continuation of the review process being conducted by the Council, including the dispatch of an assessment mission to the Sudan and the renewal of the mandate of the group of experts for at least six months to enable it to monitor implementation of the medium-term recommendations.

29. **Mr. Minami** (Japan) said that he appreciated the spirit of cooperation shown by the Sudanese Government, at the same time expressing concern at the situation regarding human rights and humanitarian law still prevailing in Darfur. That situation had been a matter of concern for the international community for several years, and currently a number of countries were keeping a close watch on the actions of the Council in that area. He urgently called on the Government to implement the recommendations in the final report of the group of experts and hoped that the Council would reach a consensus on follow-up on those recommendations.

30. **Mr. Puja** (Indonesia), associating himself with the statement made by Pakistan on behalf of the Organization of the Islamic Conference, said that he was pleased to learn that the Government had taken some steps, directed primarily to alleviating the sufferings of the victims by offering them administrative, social and judicial remedies. He noted with interest that the group of experts praised the efforts of the Government to give effect to its recommendations and the constructive dialogue in which it was engaging. He encouraged the Government to continue in that direction, took note of the efforts being made to improve the human rights situation in Darfur and hoped that the international community would continue to support the country in that task. He would like to know if the group of experts considered the strategies and policies put in place were sufficient to enable the Sudan to overcome the difficulties which would arise in the coming years.

31. **Mr. Moktar** (Malaysia), associating his country with the statement made by Pakistan on behalf of the OIC, said that he welcomed the positive commitment of the Sudanese Government, at the same time recalling the many challenges that Government would have to meet, especially given the security situation in the region. The Government must be given the time, resources and technical assistance needed to consolidate the achievements so far and implement the new recommendations of the group of experts, which the group itself had acknowledged were more complex. That support, together with constructive commitment on the part of the Sudanese authorities, was the key to improvements in the fundamental rights and humanitarian conditions of the peoples of Darfur. It was therefore imperative that the Council should adopt a consensual approach, in full consultation with the Government, on those issues, particularly with regard to follow-up on the recommendations of the group of experts. Malaysia deplored the activities of the Arche de Zoé association, which had tarnished the image of the humanitarian organizations which were doing much for the region, and hoped that the international community would react appropriately and that responsibilities would be duly established.

32. **Mr. Godet** (Switzerland), while highlighting the will to cooperate being shown by the Sudanese Government, observed that several recommendations which could have been implemented speedily had not yet been acted on, acts of violence against the civilian population were continuing on a large scale and the situation, far from improving, had

actually deteriorated somewhat. The excellent work done by the group of experts must therefore be continued. Switzerland favoured the renewal of the group's mandate, which would enable it to assess implementation of its medium-term recommendations in June 2008. As the group of experts had pointed out, it was essential to prioritize capacity-building mechanisms and technical assistance. Switzerland would support the Government in those areas and had earmarked US\$ 640,000 for a project prepared by the Office of the High Commissioner in cooperation and consultation with the Government and the other actors involved; it invited other donors to join it in providing that support.

33. **Mr. Mattei** (France), associating himself with the statement made by Portugal on behalf of the European Union, said that he had noted from the report of the group of experts that the situation on the ground had not improved since the submission of its interim report and that the measures adopted by the Sudanese Government had not yet had a significant impact. The process had begun, but in each of the fields identified by the group of experts the task was far from having been completed. The Council should therefore continue to work in a consensual manner to encourage the Government to continue its efforts. The group of experts should be enabled to continue its work on the assessment of implementation of its recommendations, in close cooperation with the national authorities, until June 2008, provided – as was to be desired – that it was authorized to travel to the Sudan, and particularly to Darfur.

34. **Mr. Thorne** (United Kingdom), associating himself with the statement made by Portugal on behalf of the European Union, said that the work of the group of experts was contributing to the improvement of the human rights situation in Darfur and the Sudan as a whole, but pointed out that its impact clearly depended on the will of the Sudanese Government to cooperate. The depth of the crisis within the country should not be underestimated; there were currently 2.2 million displaced persons, 270,000 of whom had been displaced since January 2007, and acts of violence were continuing on a large scale. The United Kingdom was particularly concerned at the fact that the Government was clearly not ending the impunity enjoyed by the authors of violations of human rights and international humanitarian law in Darfur and was not cooperating with the International Criminal Court. One should therefore have no illusions about the possibility of obtaining justice for the victims of violence in the country, notwithstanding the obligation imposed on the Government by Security Council resolution 1593(2005). Even so, the spirit of cooperation shown by the Government towards the group of experts motivated the United Kingdom to favour an extension of the group's mandate.

35. **Mr. Heines** (Observer for Norway) said that the spirit of cooperation and the constructive approach adopted by the Sudanese Government should now be materialized in effective implementation and concrete improvements on the ground. Norway was particularly concerned at the lack of security among the civilian population and those engaged in protecting and helping them. Clashes between signatories and non-signatories to the Darfur Peace Agreement, banditry and general lawlessness were continuing, resulting in new displacements of civilian populations; that situation was alarming. Fighting must stop, and all the parties must ensure unimpeded access to all persons in need in Darfur. The Government must intensify its efforts to protect their lives and facilitate the humanitarian operation, particularly by fully implementing the provisions of the joint communiqué on facilitation of humanitarian assistance in Darfur and renewing the fast-track procedures. Return or resettlement of internally displaced persons must be voluntary and take place in safety and dignity. Norway fully supported the renewal of the mandate of the group of experts and hoped that the decision could be taken by consensus.

36. **Ms. Mosley** (Observer for New Zealand) said that in its report the group of experts stated that the Government had condemned violence against women and reaffirmed a zero-tolerance policy towards crimes in that category, and that 40 women police officers had

been trained and deployed to Darfur to assist victims of gender-related violence. But according to the United Nations agencies violence against women was still rife in Darfur and the United Nations had not received any information that women police officers had been deployed in camps for displaced persons or police stations in Darfur. New Zealand would like to know whether those deployments were still being pursued. On the subject of children in armed conflict it was disturbing to read that, although the Government had reported that there were several laws protecting children, it had not reported any rigorous and systematic prosecution of perpetrators of violence against children. Gender equality and children's units had been set up within the police services in North and West Darfur; it would be of interest to know whether a unit of that kind would be established in South Darfur and what impact that measure would have on the ground. New Zealand was deeply concerned at the failure to respect the rights and security of humanitarian workers. It was to be deplored that the Government had implemented but a few of the recommendations made and that there had been little improvement in the human rights situation in Darfur. New Zealand was in favour of renewal of the mandate of the group of experts.

37. **Mr. Árnason** (Observer for Iceland) expressed regret that, although the Government had made some progress in implementing some of the recommendations of the group of experts, the measures taken had not led to an improvement in the human rights situation in Darfur. Iceland remained concerned about the persistence of violations of human rights and international humanitarian law, violence against women and lack of security for humanitarian workers in Darfur. The Government had primary responsibility for protecting the population; but the international community also had its share of responsibility and consequently must make every effort to stop those violations, assist victims and bring the perpetrators to justice. Iceland called on the Government and all the other parties involved in the conflict to put an end to all acts of violence against civilians. The Council must remain seized of the situation in the Sudan; consequently the mandate of the group of experts must be renewed.

38. **Mr. Costa** (Romania) resumed the Chair.

39. **Mr. Jazaïry** (Observer for Algeria), associating himself with the statements made on behalf of the Group of African States and the Organization of the Islamic Conference, said that, since the group of experts had submitted its final report in accordance with Council resolution OM/1/3, the Council should now bring the group's work to an end, especially as the Special Rapporteur on the situation of human rights in the Sudan had a much broader mandate, which was likely to run until September 2008, and could thus monitor the implementation of the group's recommendations in close cooperation with the Sudanese Government. Algeria had noted that the Government had shown a spirit of cooperation in the implementation of a number of recommendations and had fulfilled its obligations without the promised external aid. It had also noted that, although numerous advisers and experts had been sent into the field, the donors had not been sufficiently mobilized to provide the technical assistance and financial support necessary for implementation of the Council's decision. The swarm of United Nations human rights experts had been paralleled by the presence of non-governmental organizations in unprecedented numbers. One of them, the Arche de Zoé, had behaved scandalously; the final report of the experts contained no mention of the incident, even though it was an exceptionally serious example of wrongful humanitarian interference. Fortunately the High Commissioner had commented, making up for the omission. The solution to the human rights situation in Darfur resided, not in placing the Sudan under international tutelage, as had been recommended by some; it could only be achieved in the wake of a cease-fire and a return to a minimum level of security which the hybrid force was to ensure. However, as the United Nations Secretary-General had pointed out, in a statement on 7 December 2007, that force was lacking in heavy materiel, particularly the helicopters which were essential

for the discharge of its mission. In that area too the donors had a vital contribution to make in order to facilitate implementation of the recommendations of the group of experts.

40. **Ms. Millar** (Observer for Australia) said that the Council's most important task was to act quickly and decisively when confronted with evidence of urgent human rights situations. No one could doubt that such a situation existed in Darfur, where systematic and flagrant violations of human rights were still continuing. The group of experts considered that the human rights situation in Darfur had not improved, and its report showed that while the Sudanese Government had taken some steps to address some of the group's recommendations, a significant number had not been addressed at all. Australia therefore called on the Sudanese Government to implement the recommendations in the report in full and without delay. Australia also considered that the work of the group of experts was critical for the inhabitants of Darfur and therefore supported the renewal of its mandate, which should allow for an assessment mission to the Sudan, including Darfur. The international community was scrutinizing closely how the Council reacted to emergencies such as the one facing it in Darfur.

41. **Mr. Tichenor** (Observer for the United States) said that his Government remained deeply concerned by the condition of the people of Darfur and the violence and insecurity prevailing there. He called on the Sudanese Government to implement the recommendations of the independent experts fully and without further delay and begin cooperation with the Council in a spirit of openness and transparency. Any improvement in the human rights and humanitarian situation in Darfur was directly dependent on the development of a political process from which nobody was excluded and the rapid start-up of an energetic peacekeeping operation conducted by an African Union/United Nations hybrid force. The Government must therefore honour its commitment to admit a peacekeeping force of that kind and grant it all the powers it needed for the conduct of its mission. All the parties, including the Government and the rebel groups, must cease hostilities. Peace was essential for the introduction of democracy in the Sudan in accordance with the Comprehensive Peace Agreement, which provided for nationwide elections in 2009. In view of the instability of the situation on the ground, the United States was fully convinced of the need to allow the group of experts to continue monitoring the situation in the Sudan. The reports of the group provided essential guidance for those endeavouring to end the prevailing impunity and ease the sufferings of the Sudanese people.

42. **Mr. Van Meeuwen** (Observer for Belgium) said that his delegation endorsed the statement made by Portugal on behalf of the European Union. The report of the group of experts emphasized the spirit of cooperation shown by the Sudanese Government, particularly by accepting dialogue at ministerial level. That was a first and encouraging step. However, Belgium regretted that implementation of most of the recommendations of the group of experts had been inadequate and had had little or no impact on the ground. Some problems, and particularly those of violence against women and children and of impunity, still remained. The Government had primary responsibility for the promotion and protection of human rights in Darfur and must therefore enable the courts to arrest and punish the perpetrators of crimes committed in Darfur. That presupposed cooperation with the International Criminal Court and a guarantee of effective functioning of an independent national judiciary. In that context the refusal of the Government to give effect to the arrest warrants of the International Criminal Court, and particularly the decision to appoint a subject of such a warrant to the Government, were unacceptable. Lastly, as most of the short-term recommendations made by the group of experts had not yet been implemented and a number of others had to be implemented by June 2008, the Belgian Government considered the renewal of the group's mandate necessary.

43. **Mr. Berg** (Observer for Sweden) said that his delegation supported the statement made by Portugal on behalf of the European Union. Sweden recognized that the Sudanese Government had endeavoured to cooperate with the group of experts, but considered that the human rights situation in Darfur was still deeply worrying and seemed to be worsening. The international community must be ready to make efforts to build up capacities in the human rights sphere in Darfur; nevertheless, primary responsibility for ensuring respect for human rights there rested with the Government. The report showed that the Government was far from having completed implementation of the recommendations of the group of experts and in a number of cases had not really begun to address them. The international community must have a mechanism enabling it to continue to press the Government to implement those recommendations. A decision by the Council not to press for implementation of those recommendations would constitute disavowal of the work of the group of experts and seem to suggest that the Council was no longer concerned by the violations which had been so clearly exposed.

44. **Mr. Littman** (Association for World Education), speaking on behalf of four other non-governmental organizations, said that Kofi Annan, when Secretary-General of the United Nations, had stated (in April 2004) that the members of the international community must never forget that their inability to protect the 800,000 persons killed during the Rwandan genocide constituted a collective failure. Four years later the genocide taking place in Darfur was creating a new test for the emerging doctrine of responsibility to protect. He reiterated his serious concern for the future of the Council, whose role would to some extent be judged by its reaction to the Darfur conflict, and called on all the members and NGOs present to make every effort to end the genocide. The international community must not abandon Darfur. The success of the African Union-United Nations hybrid operation in Darfur – which presupposed the exercise of pressure on Khartoum – or the inexorable slide of Darfur into chaos: that was the painful alternative facing the international community at that decisive moment.

45. **Mr. Suleiman** (International Human Rights Federation), speaking also on behalf of the Sudanese Organization against Torture, said that he welcomed the cooperation established between the group of experts and the Sudanese Government and the fact that some of the recommendations of the group of experts - particularly the recommendation that women victims of sexual violence should be given access to medical treatment without having to produce a police certificate - had been implemented. However, he was deeply concerned over the gravity of the human rights situation in Darfur, where violations were continuing with complete impunity. The questions relating to the deployment of the hybrid African Union/United Nations force and the future of the peace process were also extremely disquieting. The group of experts had noted in its report that no effect had been given to some of its most important recommendations, particularly that concerning the preparation by the Government of a plan for the disarmament of the militia and the control and downsizing of the security forces and that concerning the adoption of the measures necessary to prevent attacks on civilians. No progress had been made regarding the situation of human rights defenders, who were still being subjected to arbitrary detention and intimidation. The International Human Rights Federation called on the Council to renew the mandate of the group of experts - which would, incidentally, enable the Government to make use of the specialized competences of its members - to ensure genuine implementation of the recommendations of the group of experts as set out in report A/HRC/5/6 and that the group received all the resources it needed to carry out its mandate. It also called on the Sudanese Government to continue to cooperate with the group of experts, implement the recommendations addressed to it and invite the group of experts to undertake an assessment mission in the Sudan, including Darfur.

46. **Mr. Hamid** (UN Watch) explained that, contrary to the beliefs of many, and as he could confirm from personal experience, the drama unfolding in Darfur had begun, not in

2003, but years before. He had been born in the village of Taradona in West Darfur. In 1989, early one morning, armed men had attacked the village, killing 50 members of his family. That had been the beginning of a nightmare which had already lasted for 18 years. Even today nobody knew who had committed those atrocities or why. The victims of Darfur had had high hopes of the Council; they hoped that it would make their voices heard and help to change their lives. But the genocide was continuing, and it seemed that all the Council could do was ask for more and more reports. The victims of Darfur wished to tell the Council that time was running short. Their situation was extremely serious and worsening daily. They desperately needed protection from the massacres and rapes committed by the Janjaweed. They needed real assistance, and they needed it now.

47. **Ms. Scannella** (Amnesty International) said that, as the report pointed out, the Sudanese Government had not, with very few exceptions, implemented the recommendations addressed to it. Widespread and systematic violations of human rights and humanitarian law were still being committed in Darfur by all the parties to the conflict in complete impunity. The Government had not taken the necessary measures to disarm the Janjaweed and other militias operating in Darfur and protect the population in the Government-controlled regions. Human rights defenders were still subject to arbitrary arrest and acts of violence. According to information received by Amnesty International, persons who complained of human rights violations were arrested rather than the perpetrators, and rape victims in Darfur were turned away by the police without a hearing. Notwithstanding measures taken by the Government to end the practice of torture, the group of experts had been informed that detainees were being systematically beaten up and tortured. The mandate of the Special Rapporteur on the situation of human rights in the Sudan and that of the group of experts were distinct and complementary; both were necessary for follow-up by the Council on the situation in Darfur. It was extremely important that the group of experts should continue to monitor implementation of its recommendations and that the Council should continue to ensure follow-up of the group's work.

48. **Mr. Machon** (International Commission of Jurists) said that the Sudanese Government had been given sufficient time to improve the human rights situation in Darfur. However, the report of the group of experts stated that most of the short- and medium-term recommendations had not been implemented and that, although cooperation between the Government and the group had worked well, the situation on the ground had not improved. The ongoing gross violations of human rights and international humanitarian law, and particularly violence and sexual assaults against civilians, had been exacerbated by the impunity enjoyed by the perpetrators of those crimes, which continued to destabilize Darfur. The International commission of Jurists called upon all the parties to the Darfur Peace Agreement to implement it fully and on all non-signatories to adhere to it. It also called on all the parties to respect the ceasefire. The failure of the Government to cooperate with the International Criminal Court was a matter of particular concern. The Commission also called on the Council to renew the mandate of the group of experts until June 2008 and that of the Special Rapporteur on the situation of human rights in the Sudan by one year. The Council must urge the Sudanese Government to comply fully with the recommendations of the group of experts and the Special Rapporteur, and the international community must take the necessary steps to ensure the rapid deployment of the hybrid African Union/United Nations force in accordance with Security Council resolution 1769 (2007).

49. **Mr. Gillios** (Human Rights Watch) said that the situation in Darfur was still dire. Between June and November 2007 clashes in the region had caused over 170 civilian deaths, and some 280,000 persons had been displaced in 2007 alone. With the fragmentation of armed groups, banditry and violence against humanitarian aid workers had increased considerably. The group of experts had observed that progress had been achieved

in some areas, such as access to medical treatment for victims of sexual violence; it had also welcomed the issue of instructions to members of the armed forces on respect for humanitarian principles. On the other hand, it had found that for the vast majority of the recommendations only preliminary action had been taken and had had little or no tangible impact, while some measures had not been implemented at all. There were three matters of key concern to Human Rights Watch. First, the Government had not prevented attacks on civilians or intervened to protect them in the areas under its control. Moreover, Government armed forces and allied militias had taken part in indiscriminate attacks on civilians between June and November 2007. Second, the Government had condemned crimes of sexual violence committed in Darfur but had not taken the necessary measures to arrest and prosecute those responsible. That form of violence was still widespread in Darfur. Third, the Government had not implemented the recommendations on accountability and was refusing to cooperate with the International Criminal Court. Human Rights Watch therefore called on the Council to urge the Sudanese Government genuinely to implement all the recommendations in the report of the group of experts, to insist that the Government cooperate with the International Criminal Court and hand over to it the two persons subject to arrest warrants and, lastly, to extend the mandate of the group of experts, requesting it to report to its March 2008 session on progress with implementation of the recommendations addressed to the Sudanese Government.

50. **Ms. Emaniem** (Hawa Society for Women) said that the hopes awakened by the end of the Cold War – disappearance of armed conflicts, consolidation of human rights – had been dashed. Globalization had not produced the desired results, and the Third World countries, including Sudan, realized that they were being subjected, in the name of the combat against terrorism, to a new form of neo-colonialism bringing with it extremely serious consequences, especially for women suffering from the insecurity engendered by armed conflicts. One should beware of being misled by incorrect information, which could give rise to human rights catastrophes. In Darfur, as in other regions of the world, economic, social and cultural rights were being violated. Organizations should conduct in-depth investigations to permit prosecution of the perpetrators of the crimes committed there. In that connection she hoped that the Council would devote particular scrutiny to the flagrant violations of the rights of the child being committed in the Sudan, such as the case of the French non-governmental organization which had abducted children for adoption in France, deceiving their parents, in breach of all international agreements. In conclusion, she called on the United Nations, the Council and civil society organizations to build bridges between the parties to the conflict and establish a lasting peace which would enable Third-World countries to live in security instead of giving the floor to organizations which had never set foot in Darfur and based their work on misleading statements.

51. **Mr. Smith** (Cairo Institute for Human Rights Studies) said that in its final report the group of experts had duly noted and welcomed the smooth functioning of cooperation with the Sudanese Government on the procedural plane. However, out of the 46 recommendations whose implementation was being monitored by the group, only four had been substantially implemented, and a significant number of recommendations had not been addressed by the Government at all. The Government was continuing to obstruct deployment of the joint African Union/United Nations peacekeeping force in Darfur despite the increasing insecurity in the region, which was largely due to the lawlessness and impunity encouraged by Sudanese government policies such as the affording of total impunity to war criminals indicted by the International Criminal Court. In view of the deteriorating situation in Darfur the Council and the international community must do more to protect the millions of innocent civilians who continued to be raped, murdered and abducted. Those considerations should suffice to convince the Council that the mandate of the group of experts on Darfur must be preserved as an independent mandate; to subsume it under the Sudan country mandate would only detract from the ability of the holders of both

mandates to operate effectively. To end or in any way reduce the scope of the mandate of the group of experts might be interpreted as implying that States that committed large-scale war crimes or atrocities had only to comply with the Council's procedural rules to obtain the approval of the international community; that would be highly damaging to the credibility of the Council. In the minds of the citizens of the world the Council's response to the Darfur crisis was still the litmus test by which United Nations commitment to human rights would be judged.

52. **Mr. El Tayeb El Nour** (African-American Society for Humanitarian Aid and Development) said that human rights violations were taking place in other regions of the world besides Sudan. He asked how it could be that despite the presence of over 70 observers no progress had been observed. A number of agencies were concerned with the Sudan; that further complicated the situation and hampered the efforts being made to attain the fundamental objective of the international community, namely the protection and promotion of human rights. He therefore called on the Council to assess the situation and establish mechanisms which would truly serve the cause of human rights. He was disturbed by the fact that children in the Sudan and Chad were being abducted and feared a major resumption of the practice of slavery. The abduction of African children from their families should be condemned by the international community; so too should the silence of a number of organizations on the subject. Moreover, the perpetrators of that crime should be punished. He also urged the international community to induce the parties to the conflict to conclude an agreement. Development being a fundamental right, the international community should combat poverty and especially support development efforts in the Sudan, and more especially in the conflict-torn zones.

53. **Mr. Meisal** (Consultative Council of Jewish Organizations) said that he wished once again to draw the attention of the Council to the massacres, summary executions, rapes, sexual violence and torture, abductions and pillage which were still taking place in Darfur. Innocent people were being killed in that region every day, and to end that situation the Sudanese Government had taken only token measures which were having a negligible effect on the ground.

54. Tragically, the situations in Rwanda and Darfur seemed to be replicating the genocide committed by the Nazis during the Second World War. The Council was responsible for promoting respect for human rights and preventing crimes against humanity such as those currently being committed in Darfur; it was time that the international community took immediate and decisive measures to bring that situation to an end. The Council must ensure that the group of experts mandated by it to follow up on the human rights situation in Darfur should also be enabled to work in the countries bordering on the Sudan which were now caught up in the conflict. The group of experts must continue to monitor the situation and bring pressure to bear in order to secure a peaceful solution to the conflict. The Consultative Committee of Jewish Organizations urged all parties to work for the immediate implementation of the recommendations of the group of experts and the rapid deployment of a United Nations peacekeeping force in Darfur.

Comments of the members of the group of experts

55. **Mr. Nowak** (Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment) informed the delegations of Egypt and Algeria that the group of experts did not have competence to study the question of the French non-governmental organization "Arche de Zoé"; its mandate was restricted to ensuring follow-up and implementation of the resolution and recommendations on human rights relating to Darfur. In reply to the question of the representative of Indonesia on whether in the view of the group of experts the strategies and policies adopted by the Sudanese Government were sufficient and appropriate, he stated that cooperation between the Sudan

and the United Nations experts was a recent development and should be strengthened in future.

56. **Ms. Jilani** (Special Representative of the Secretary-General on the situation of human rights defenders) said that the situation of human rights activists was still precarious. Some measures to ensure their protection had been taken at State level, but they had had practically no significant effect on the ground. Generally speaking, the situation of human rights defenders was deteriorating throughout the world, for they were increasingly becoming the subject of persecution. She was concerned at the impossibility of stopping the violations of which they were victims, ensuring their protection and protecting their rights.

57. **Mr. Alston** (Special Rapporteur on extrajudicial, summary or arbitrary executions) considered that the Council should welcome the cooperation developed with the Sudanese Government, at the same time recognizing the serious nature of the outstanding problems. Referring to the case of the French non-governmental organization "L'Arche de Zoé", the group of experts deplored the incident but was pleased that the matter had been efficiently dealt with by the authorities of the State concerned. On the subject of acts of violence against children and humanitarian workers in the Sudan, according to information recently supplied to the United Nations Security Council, in September 2007, 40 cases of children under 5 years of age with sexually transmissible diseases had been encountered. In addition, it had been reported that 118 members of were being held hostage in the Sudan, 59 had suffered sexual assaults and 12 had died.

58. **Ms. Samar** (Special Rapporteur on the situation of human rights in the Sudan) recognized the cooperative spirit shown by the Sudanese Government, but pointed out that the Government had a duty to protect human rights and all its citizens. It went without saying that the international community should help the Sudanese people, particularly in Darfur, to bring to an end the violations of human rights being committed there; but the solution could not be a military one. Every country should work to promote a political solution to the conflict so as to bring lasting peace to the country.

Effect given to Council resolution S-5/1 on Myanmar

59. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar) said that, pursuant to the request in Council resolution S-5/1, he had visited Myanmar on 11-15 November 2007. He had been authorized by the Government to interview five detainees in Insein prison, but regretted not having been able to meet Daw Aung San Suu Kyi, although the Minister of the Interior had informed him that a meeting might be envisaged at a later date during a forthcoming follow-up mission.

60. In his view the mission could not be considered entirely as a fact-finding one, since that would have required the ability to proceed in complete independence to any place of his choosing, and meet anyone he wished to meet, in order to verify the information compiled. That visit had marked the beginning of a process, and he was ready to undertake a follow-up mission as soon as possible with the support of the Office of the United Nations High Commissioner for Human Rights; the national authorities had stated their willingness to receive him again.

61. Despite a number of appeals from the international community requesting the police to show restraint towards participants in the demonstrations of September 2007, the security forces, the members of the Union Solidarity and Development Association and the Swan Ah Shin militias had used excessive force against civilians, sometimes using deadly weapons which were neither necessary nor proportionate. Those demonstrations had been suppressed, not by the police, but by the army, and it was difficult to identify the chain of command which had given rise to those tragic events. He regretted that the State and its officials had not sought to open a dialogue with the demonstrators or to identify and resolve

the factors underlying the demonstrations, which were peaceful, before using force to disperse the demonstrators. Every day between 18 September and 20 October (the day the curfew was lifted) there had been arrests; large-scale arrests had taken place on 26 and 29 September, most of them during nocturnal raids carried out during the curfew by the security forces and the unofficial repression units. According to some estimates, between 3,000 and 4,000 persons had been arrested in September and October 2007 and between 500 and 1,000 of them were probably still in detention. Furthermore, 1,150 political prisoners detained before the demonstrations took place had not been released.

62. According to the Minister of the Interior, 2,927 persons had been arrested for purposes of investigation since the start of the repression in September 2007 and 2,836 of them had been released. According to the authorities, most of the 91 persons still in prison had been charged with terrorism under the terms of the Penal Code. He had endeavoured to include the comments of the Government in his report and had contacted the authorities to obtain information on the situation of 653 persons detained, 74 disappeared persons and 16 persons killed following the suppression of the demonstrations in September and October 2007. A week after his visit and his appeal for the release of all political prisoners the Government announced that 58 prisoners had been released on humanitarian grounds. He welcomed the amnesty granted by the Government on 3 December 2007 to 8,552 detainees, but regretted that political activists were still being arrested. He therefore urged the Government urgently and unconditionally to release all the persons detained or imprisoned for having merely peacefully exercised their right to freedom of expression, assembly and association, including conscientious objectors detained recently or a long time ago, and to refrain from making more arrests. The authorities had stated that, up to 5 October 2007, 533 monks had been detained and 398 of them had since been released. However, according to reliable sources of information, the number of monks arrested or disappeared was much larger.

63. He had not been able to detect any convincing signs that the Government of Myanmar was complying with paragraphs 2, 3 and 4 of Council resolution S-5/1, which, *inter alia*, called on the Government to conduct investigations and prosecutions of persons responsible for violations of human rights, release without delay persons arrested and detained during the recent suppression of peaceful demonstrations and lift all restrictions imposed on peaceful political activities by anyone. The persecution of representatives of opposition political parties and human rights defenders was evidence that the seven-point road map to reconciliation and a democratic transition was not being fully respected. Moreover, the incidents reported testified to the fragility of the economic and social foundations of society and showed that the rights of freedom of expression and peaceful assembly were still not guaranteed.

64. He had endeavoured to maintain an open and constructive dialogue with the Government and had recommended a number of immediate and transitional measures. Publication of allegations of human rights violations committed in Myanmar did not preclude a continuing and constructive dialogue with the Government, while the challenge was one of not assigning blame but instead of talking and cooperating with the authorities with a view to securing respect for international standards.

65. **U.Lwin** (Myanmar), speaking as observer for the country concerned, said that as a Member State of the United Nations Myanmar had cooperated with the Human Rights Council in a spirit of goodwill and sincerity; proof of that spirit of cooperation was to be found in the invitation to visit the country extended to the Special Rapporteur. However, Myanmar was deeply disappointed by the report of the Special Rapporteur (A/HRC/6/14), which did not reflect the true situation in the country and was lacking in objectivity.

66. Myanmar was convinced that a constructive dialogue and genuine cooperation constituted the essential basis for an improvement of the promotion and protection of

human rights. In recent months Myanmar had been faced with unprecedented challenges, but had been able to restore peace and stability in the country. The national convention which formed the subject of the first step on the road map had been convened on 3 September 2007, and the commission for the elaboration of a new Constitution had held its first meeting on 3 December 2007.

67. Practically all the persons detained in connection with the events of September 2007 had been released; currently only 80 of them were still in prison for offences against the laws in force. Moreover, Ambassador Gambari, the Special Adviser to the Secretary-General, had visited Myanmar twice, on 29 September-2 October and 3-8 November 2007, and had been able to have three meetings with Daw Aung San Suu Kyi during those visits. During his presentation to the Security Council on 13 November 2007 Mr. Gambari had described the positive initial measures taken by the Government since his earlier visit in October 2007.

68. The Government had received the Special Rapporteur on the situation of human rights in Myanmar on 11-15 November 2007. His work programme had been respected, and the authorities had endeavoured to permit him to meet the persons he wished to speak with and go to most of the places he wished to go to. The Special Rapporteur had met several ministers and high-level government officials and representatives of several organizations.

69. The Special Rapporteur had received the full cooperation of the Government during his visit. However, his report reproduced unfounded allegations and tendentious information supplied by anti-government sources which the Government totally rejected.

70. Myanmar strongly condemned the statement by the Special Rapporteur (in paragraph 51 of the report) that the Prime Minister had given a commitment to Mr. Gambari at the beginning of November 2007 that no more arrests would be carried out. The Government also denied that persons had been arrested because they had taken part in the events of September 2007 and affirmed that the persons detained had offended against the laws in force in Myanmar. The Government of Myanmar considered those allegations to be violations of national sovereignty and slurs on the image and honour of the Head of Government. The Government also considered paragraphs 37, 38, 63, 64, 65 and 68 of the report unacceptable. For that reason the comments of the Government of Myanmar on the report had been distributed as an official document of the current session of the Council.

71. The report of the Special Rapporteur was an interference in the internal affairs of his country, since it criticized the efforts made by the Government to restore law and order and and re-establish peace and security throughout the country. Every sovereign State had the right to take the measures it judged necessary to ensure the rule of law and maintain order in its territory. The exercise by a State of its sovereign right to bring a situation of violence under control should not be considered as a violation of human rights.

72. The Special Rapporteur had also recommended 17 immediate and transitional measures to the Government in his report. In the document distributed the Government had replied to each of those recommendations and explained the measures it had taken to give effect to them. On 31 October 2007 the Government had established an investigating body, with the Minister of the Interior as Chairman, to throw light on violations of fundamental human rights committed during the events of September 2007. There was therefore no need to request an international commission or agency to undertake additional inquiries, as recommended by the Special Rapporteur.

73. The exercise of pressure to politicize the situation in Myanmar would be counterproductive. The promotion and protection of human rights should be based on the principles of genuine cooperation and dialogue, and their aim should be the strengthening of the capacity of Member States to respect their obligations in the field of human rights.

74. **Mr. Mohamed** (Sudan), exercising his right of reply, said to the United Kingdom representative that the statement that 270,000 additional persons had been displaced since January 2007 was inaccurate. He explained that 400,000 Sudanese had returned to their villages in Darfur in addition to the 25,000 refugees from Chad who had arrived in the Sudan in 2007. The process of return of displaced persons had begun in 2006 but had increased in scale in 2007.

75. He also asked the Special Rapporteur on the situation of human rights in Sudan, who presided over the group of experts, to state how many of its members had attended the meeting of the high-level government group held in July 2007 at the request of the group. He also wished to know why, since the Government had transmitted the report requested by the Special Rapporteur in good time, that report had been neither published nor distributed.

The meeting rose at 6 p.m.
