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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

**Albania\*, Andorra\*, Australia, Austria\*, Belgium\*, Bulgaria\*, Canada,  
Croatia\*, Cyprus\*, Czech Republic\*, Denmark\*, Estonia\*, Finland,  
France, Germany, Greece\*, Hungary, Iceland\*, Ireland, Italy, Latvia\*,  
Liechtenstein\*, Lithuania\*, Luxembourg\*, Malta\*, Netherlands,  
New Zealand\*, Nicaragua\*, Norway\*, Peru, Poland\*, Portugal\*,  
Romania, Serbia and Montenegro\*, Slovakia\*, Slovenia\*, Spain\*,  
Sweden\*, Switzerland\*, The former Yugoslav Republic of Macedonia,  
United Kingdom of Great Britain and Northern Ireland, and  
United States of America: revised draft resolution**

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

*The Commission on Human Rights,*

*Aware that the Sudan is a party to various international and regional instruments of human rights and humanitarian law, and reaffirming the Sudan's obligations under these instruments,*

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

*Welcoming* the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Darfur region of the Sudan (E/CN.4/2005/3), and the report of the International Commission of Inquiry on Darfur, to the Secretary-General pursuant to Security Council resolution 1564 (2004) of 18 September 2004 (S/2005/60),

*Recalling* its decision 2004/128 of 23 April 2004 on the situation of human rights in the Sudan and welcoming the reports of the independent expert on the situation of human rights in the Sudan (E/CN.4/2005/11), of the former Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to the Sudan (E/CN.4/2005/7/Add.2) and of 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),

*Bearing in mind* Security Council resolutions on the Sudan, the most recent of which are resolutions 1590 (2005) of 24 March 2005, 1591 (2005) of 29 March 2005, and 1593 (2005) of 31 March 2005, as well as resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004 and 1564 (2004) of 18 September 2004, the reports of the Secretary-General to the Security Council on the issue and the recommendations of the Special Representative of the Secretary-General for the Sudan,

*Taking note* of the commitments made by the parties to the N'Djamena Ceasefire Agreement of 8 April 2004 and the Abuja Humanitarian and Security Protocols of 9 November 2004, and the commitments made in the Joint Communiqué of 3 July 2004 between the Government of the Sudan and Secretary-General,

1. *Welcomes:*

(a) The signing of the Comprehensive Peace Agreement on 9 January 2005 between the Government of the Sudan and the Sudan People's Liberation Movement/Army;

(b) The process of the Cairo Agreement between the Government of the Sudan and the National Democratic Alliance;

(c) The leadership and the engagement of the African Union in addressing the situation in Darfur and its continued efforts to reinvigorate the peace talks between the Government of the Sudan and the Sudan Liberation Army/Movement and the Justice and Equality Movement;

(d) The role of the African Union Mission in the Sudan;

(e) The mission to the Sudan of the International Commission of Inquiry and the conclusions and recommendations found in its report;

(f) The deployment of human rights monitors of the Office of the High Commissioner for Human Rights in the Sudan, as requested by the Security Council;

(g) The work of United Nations agencies and other national and international organizations in the Sudan and Chad and their efforts to meet the protection and assistance needs of the crisis-affected populations;

2. *Condemns:*

(a) Indiscriminate attacks against civilians, including killings, torture, enforced disappearances, destruction of villages, violence including widespread rape and sexual violence against women and children, pillaging and forced displacement conducted on a widespread and systematic basis, as well as arbitrary detentions and illegal incommunicado detentions, as documented by the International Commission of Inquiry;

(b) The fact that most attacks have been deliberately and indiscriminately directed against civilians, many of them under the direct responsibility of, or tolerated by, the Government of the Sudan;

(c) The climate of impunity concerning violations of human rights and breaches of international humanitarian law committed in Darfur;

(d) The continuing violations of the N'Djamena Ceasefire Agreement and the Abuja Protocols by all parties;

(e) Support to Janjaweed militias by the Government of the Sudan and its failure to disarm them;

3. *Expresses grave concerns at:*

(a) Continuing, widespread and systematic violations of human rights and breaches of international humanitarian law in Darfur that may amount to war crimes and crimes against humanity;

(b) The fact that all parties to the conflict have been responsible for acts of violence and atrocities;

(c) The situation of the estimated 1.86 million internally displaced persons who continue to be victims of grave violations of human rights and breaches of international humanitarian law, and the situation of 230,000 refugees in neighbouring Chad;

(d) Acts of intimidation, harassment and violent attacks targeting humanitarian and relief workers;

(e) The fact that violations of human rights and breaches of international humanitarian law also continue to be perpetrated throughout the Sudan, in particular summary executions and the use of the death penalty, contrary to the obligations of the Government of the Sudan under international law, violations of the rights of women and girls, including through sexual violence; restrictions on freedom of thought, conscience, religion and belief; restrictions on freedom of association, assembly, opinion and expression and political freedom; occurrences of arbitrary arrest and detention and the occurrence of torture and abductions, and the recruitment and use of children and child soldiers in armed conflict, contrary to international law;

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

(a) To take all necessary measures to ensure that all acts of violence and atrocities, including sexual violence against women and girls, are stopped with immediate effect;

(b) To comply with all the demands of the Security Council, in particular by disarming the Janjaweed militia and by cooperating fully in the implementation of resolution 1593 (2005);

(c) To end the impunity for all violations of human rights and international humanitarian law, by identifying and bringing to justice all those responsible;

(d) To guarantee access to the courts for the victims of human rights violations, to ensure the protection of all the victims and witnesses of such crimes, and to ensure that victims are granted reparations;

(e) To bring Sudanese law into conformity with fundamental principles of human rights, and to strengthen the independence and the impartiality of the judiciary and to enhance its capacity, in particular by training judges, prosecutors and lawyers, by proscribing adequately war crimes and crimes against humanity in Sudanese criminal law;

(f) To ensure the full enjoyment of all human rights and to respect international humanitarian law, in particular by ensuring the safety, security and freedom of movement of all civilian and especially of human rights defenders;

(g) To guarantee the full and unimpeded access by the International Committee of the Red Cross and United Nations human rights monitors to all those detained in relation to the situation in Darfur;

(h) To create a secure environment that would facilitate the voluntary return of displaced persons in safety and dignity and to respect fully the Guiding Principles on Internal Displacement in this regard;

(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 criminal prosecution;

5. *Calls upon* all parties to the conflict in Darfur:

(a) To cease all acts of violence immediately, and to respect the N'Djamena Ceasefire Agreement and the Abuja Protocols;

(b) To cooperate fully with the African Union Mission in Darfur, the United Nations Mission in the Sudan, as well as all other relevant bodies and mechanisms of the United Nations and international organizations that are competent in the field of human rights and humanitarian aid, including the Special Rapporteur;

(c) To cooperate fully in the implementation of Security Council resolution 1593 (2005);

(d) To protect women and girls from sexual and all other forms of violence, and to end the recruitment and use of children and child soldiers in armed conflict, which is contrary to international law;

(e) To ensure the safe and sustainable voluntary return of internally displaced persons and refugees, and to ensure full, safe and unhindered access to Darfur by international agencies and humanitarian organizations aimed at delivering humanitarian assistance to all civilians in need, and to cooperate fully with the United Nations Office for the Coordination of Humanitarian Affairs in this regard;

6. *Calls upon* the international community and the United Nations system:

(a) To support the implementation of the Comprehensive Peace Agreement, to support the African Union Mission in the Sudan and United Nations Mission in the Sudan;

(b) To support and strengthen the work of the Office of the High Commissioner for Human Rights in monitoring the promotion and protection of human rights in the Sudan, especially the deployment of human rights monitors in Darfur;

7. *Decides:*

(a) To appoint a special rapporteur on the situation of human rights in the Sudan, in particular in the Darfur region, for a period of one year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission on Human Rights at its sixty-second session on the situation of human rights in the Sudan;

(b) To request the High Commissioner for Human Rights to continue to monitor the human rights situation in Darfur, in cooperation with the Special Rapporteur, and invites her periodically to bring her findings to the attention of the international community;

(c) To request the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to discharge his/her mandate fully, and to the Office of the High Commissioner for Human Rights for its periodic reporting;

(d) To consider the question at its sixty-second session;

8. *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 decision of the Commission to appoint a special rapporteur to consider the situation of human rights in the Sudan, in particular in the Darfur region, for a period of one year, and also approves the Commission’s request to the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session.”

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