

COUNCIL MONITOR

International Service for Human Rights



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COUNCIL ALERT SPECIAL SESSION ON DARFUR, 12 DECEMBER 2006

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Special session on Darfur

The Human Rights Council (the Council) is holding a special session on 12 December 2006 to discuss the human rights situation in Darfur, Sudan.¹ The special session will be an important opportunity for the Council to discuss and address human rights violations occurring in Darfur, something that it has only done to a limited extent before. This special session will also be an important opportunity for non-governmental organisations (NGOs) and other interested agencies who have been monitoring the human rights situation in Darfur to submit information about the current situation, their views on the role and responsibilities of the Government and non-state actors and recommendations for action by the Council and the international community. Other NGOs can also offer support by lobbying member States of the Council through their national ministries or permanent missions in Geneva to respond effectively to the situation, including through the special session itself.

The request for the special session was submitted by Finland on 30 November 2006 and was co-sponsored by 29 other States.² Argentina, Cuba, India and the Russian Federation have also since signed on to the request.

Background to the special session

The Commission on Human Rights had established a Special Rapporteur on Sudan in 1993, and re-established the mandate in 2005 in view of the continued, widespread and systematic violations of human rights and international humanitarian law. The Special Rapporteur monitors the situation of human rights in

¹ All general information and documentation relating to the special session is on the website of the Office of the High Commissioner for Human Rights, available at <http://www.ohchr.org/english/bodies/hrcouncil/specialsession/4/index.htm>.

² Algeria, Brazil, Canada, Cuba, Czech Republic, Ecuador, Finland, France, Gabon, Germany, Ghana, Guatemala, Japan, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, South Africa, Switzerland, Tunisia, Ukraine, United Kingdom, Uruguay and Zambia.

the Sudan, notably by establishing direct contact with the Government and with the people of the Sudan and seeking and receiving credible and reliable information from Governments, NGOs and any relevant other parties. Following her last visit to Sudan from 11 to 17 August 2006, the Special Rapporteur called upon the government of Sudan "to fulfill its obligations and immediately take action to protect and prevent attacks against civilians, urgently disarm the Arab militia and strengthen the criminal justice system in Darfur and provide the resources it requires to investigate and prosecute those responsible for human rights violations." She also called upon the Government and all armed movements in Darfur to respect international law and in particular the distinction between military and civilians, and that the international community should fulfil its pledges to the African Union so that they have the necessary resources to provide some protection to the people in Darfur.³

The Council adopted a Decision tabled by Algeria, on behalf of the African Group on Darfur on 29 November 2006.⁴ This Decision:

- Noted with concern the seriousness of the human rights and humanitarian situation in Darfur and called for an immediate end to the continuing violations of human rights and international humanitarian law;
- Called for the parties to ensure full and unrestricted access by monitors of the Office of the High Commissioner for Human Rights (OHCHR) deployed in Sudan and to ensure full safe and unhindered delivery of humanitarian assistance to those in need in Darfur.

The decision did not however set up any kind of operational mechanism to follow-up on the situation.

Finland, on behalf of the European Union (EU), tabled amendments to the African Group Resolution in which they:

- Requested the UN High Commissioner for Human Rights to report to the Council at its 4th session on the progress made in implementation of recommendations;
- Highlighted the primary responsibility of the Government of Sudan in protecting its citizens and in ensuring the return of displaced people;
- Regarding accountability and impunity, called on all parties to assist in bringing to justice those responsible for grave crimes under international law.
- Clearly specified the need for OHCHR monitors to have unrestricted access to detention centres.

Particular mention was also made of the need to protect individuals from sexual and gender-based violence.

The EU amendment was defeated by 20 votes in favour of the amendment, 22 votes against⁵, and four abstentions (Brazil, Mauritius, Philippines, and Zambia).⁶ Cameroon was absent at the time of vote.

The Council's failure to provide for the minimum level of monitoring that is required in this situation, a report by the High Commissioner, put into serious question its willingness and commitment to perform its mandate under General Assembly *Resolution 60/251*. It also signalled its failure to overcome the problems of selectivity and double standards that plagued its predecessor, which were occasioned not just by targeting some countries over others but more by its unwillingness to act on situations that deserved its full attention. This special session is a positive initiative in this context and presents the Council with an opportunity to discuss and address the situation in Darfur comprehensively.

³ United Nations Press Release, 'UN Human Rights Expert on the Situation of Human Rights in the Sudan concludes Visit, 17 August 2006', at www.unhcr.ch/hurricane/hurricane.nsf/view01/D72CAC087479863BC12571D200279C7A?opendocument.

⁴ See ISHR's Council Monitor Daily Update, 29 November 2007 for a comparison of the two draft decisions and discussion of the voting process, available at http://www.ishr.ch/hrm/council/updates/29_November_06.pdf.

⁵ Algeria, Azerbaijan, Bahrain, Bangladesh, China, Cuba, Djibouti, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Nigeria, Pakistan, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka and Tunisia voted against the amendment.

⁶ The full voting record is available at the OHCHR extranet, which can be accessed at www.ohchr.org/english/bodies/hrcouncil/form.htm (fill out the form on the page to receive the user name and password).

What could be the outcome of the special session?

A draft Resolution, S-4/L.1, has been tabled and States will discuss this draft. If they are unable to reach consensus, States will vote on it in the special session. The Resolution asks for an urgent Assessment Mission to Darfur headed by the Special Rapporteur on the situation of human rights in Sudan.

Text of the draft resolution

S-4/L.1 The Human Rights Situation in Darfur

The Human Rights Council,

Recalling that GA Resolution 60/251 decides that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon,

Recognising the need of the Council to continue to be provided with clear, accurate and substantiated information on the human rights situation in Darfur,

1. *Expresses* its grave concern regarding the seriousness of the human rights and humanitarian situation in Darfur and calls for an immediate end to the ongoing violations of human rights and international humanitarian law and for all parties to ensure that there is no impunity;
2. *Welcomes* the cooperation established by the Government of Sudan with the Special Rapporteur on the situation of human rights in Sudan and calls upon the Government to continue and intensify its cooperation with the Human Rights Council, its mechanisms, and the Office of the High Commissioner for Human Rights;
3. *Decides* to dispatch an urgent Assessment Mission to Darfur headed by the Special Rapporteur on the situation of human rights in Sudan and requests the Mission to report to the Council at its fourth session.

What you can do to take action

NGOs with ECOSOC accreditation can submit written statements to the Council or make oral statements during the special session. NGO written statements should be submitted, preferably by Thursday 7 December 2006, to hrcngo@ohchr.org.

NGOs that do not have ECOSOC accreditation can still associate themselves with joint statements submitted by accredited NGOs and lobby member States of the Council through their national ministries or permanent missions in Geneva to respond effectively to the situation. They can also monitor and publicise the Council's actions.

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ABOUT THE PUBLICATION

The *Council Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council

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