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Enhancing Protection of Civilians and the Right to Life in Darfur

By Martin Uhomoibhi, Head Of UNAMID

Since his appointment as UNAMID Head of Mission in 2015, Martin Uhomoibhi has been investing efforts in facilitating the effective implementation of UNAMID mandate in very challenging circumstances. As the Mission's Joint Chief Mediator, Martin has also been active in the mediation aspects of the Darfur peace process led by the African Union with support of the Government of Qatar. In addition to these roles and activities, he has occasionally participated in events that resonate strongly with the mandate of UNAMID. In what follows, we reproduce an abridged version of a paper Martin presented on protection of civilians and the right to life as part of conference proceedings in Geneva, Switzerland, in May 2016.



Martin Uhomoibhi, head of UNAMID with Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights.

We may all remember, that prior to the tragic events in Rwanda and Srebrenica in the 1990s—that claimed so many lives—UN peacekeeping missions did not have a clear protection of civilians' mandate, or at least the UN Security Council mandates were not explicit on how UN peacekeepers should respond if they were to be called upon to protect civilians who were under imminent danger or threat of attack. It is therefore understandable that when the UN Security Council authorised the first protection of civilians peacekeeping for Sierra Leone in 1999, it was both a response to the tragic events in Rwanda and Srebrenica as well as a realistic recognition that the conflict dynamics and operating environ-

ment had changed with civilians, mainly vulnerable ones such as women and children, increasingly becoming the target. It also goes without saying that since the end of the Cold War, we have seen more conflicts within than between states.

Over the years, the rise of armed groups and militias; proliferation and illicit transfer of small arms; use of landmines and improvised explosive devices; and bandits which characterize the contemporary operating environment, have profoundly compounded the security and safety of civilians. In this environment, sexual and gender-based violence; extrajudicial killings; arbitrary arrests; kidnapping; robbery; unlawful killings; hijacking of civilian/commercial vehicles; killing

of peacekeepers; and inter-communal violence are common. This is usually as much a challenge to the UN peacekeeping mission as it is to a Government, which legally and politically, has the primary responsibility to protect its population. In addition, weak national justice and security institutions add to the woes of civilians in armed conflict environment. According to the Report of the Secretary-General on Protection of Civilians of 2008, between the years 1900 and 2000, it has been estimated that 231 million civilian deaths resulted from armed conflicts. This huge number of deaths gives rise to a sobering reflection of not only the extraordinary affront to human life, but also shows that at all times, the protection of civilians must be a central core of national and international endeavours.

Yet the emergence of the protection of civilians as a doctrine and practice is relatively new to UN peacekeeping operations. This doctrine is anchored on and informed by International Humanitarian, Human Rights Law, refugee law and guiding principles, and relevant UN Security Council resolutions.

The integration of protection of civilians in the training of troops and police contributing countries is undoubtedly critical for the effective protection of civilians who routinely bear the brunt of conflicts. In order to deal with doctrinal and operational issues that impact on mandate implementation, the UN Department of Peacekeeping Operations and Department of Field Support (DPKO/DFS) have provided protection of civilian guidelines to peacekeeping missions with mandate to develop effective strategies to guide their civilian and uniformed personnel as well as the UN country team. In the context of UNAMID, a protection of civilian strategy has been developed and is implemented in close collaboration with the United Nations Country Team. The UNAMID strategy is based on the DPKO/DFS Operational Concept on the Protection of Civilians, which has a three tier approach towards the protection of civilians, namely: (i) protection through political process (ii) protection from physical violence (iii) creation of an enabling environment.

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AFRICAN UNION - UNITED NATIONS
HYBRID MISSION IN DARFUR (UNAMID)



On 9 May 2016, Martin Uhomoibhi, head of UNAMID, attended the 11th meeting of the Implementation Follow-up Commission of the Doha Document for Peace in Darfur held in Khartoum, Sudan. Photo by Hamid Abdulsalam, UNAMID.

As one of the 14 peace keeping operations around the world, UNAMID is mandated by the UN Security Council resolution 1769 (2007), to facilitate delivery of humanitarian assistance to the population affected by conflict and to help in the search for a political settlement of the conflict. While in most cases UN peacekeeping missions are established to implement a peace agreement between belligerents, regrettably in the case of Darfur, there is still no comprehensive peace agreement. The three major armed movements; the Justice and Equality Movement (JEM) of Mr. Khalid Ibrahim, Sudan Liberation Army of Mr. Abdul Wahid, and Sudan Liberation Army of Mr. Mini Minawi are yet to sign a peace agreement with the government. As a result, since January 2016, armed confrontation between the Sudan Armed Forces and Sudan Liberation Army of Mr. Abdul Wahid in the mountainous Jebel Marra enclave, has been ongoing with serious implications on human rights of civilians. In particular, the fighting has resulted in the displacement of over 100,000 civilians since January 2016. A large number of those displaced are seeking protection outside UNAMID bases in Darfur.

The Darfur conflict illustrates the numerous challenges faced by civilians and the complexities in addressing them. With the proliferation of weapons and the elusive absence of a comprehensive peace agreement, protection of civilians has become even more daunting in Darfur. One major challenge in particular, is to ensure that the right to life and physical integrity of civilians is respected even in an ever evolving conflict setting. The relationship between the right to life and protection of civilians is rooted in international human rights law and moral philosophy. This relationship is

also found in international humanitarian law (1949 Geneva Conventions and the 2 Additional Protocols), which prohibits intentional violence to life and person especially killing of civilians as well as combatants who have surrendered.

In the aftermath of the second world war, the devastations brought by the irrationality of war led to the incorporation of the right to life in the Universal Declaration of Human Rights and subsequent treaties such as the International Covenant on Civil and Political Rights; Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the African Charter on Human and People's Rights. All these international instruments have been ratified by Sudan except CEDAW.

At the national level, Sudan has a body of laws that are aimed at the protection of life. The Interim National Constitution of Sudan contains a Bill of Rights which states that all international treaties ratified by Sudan are part of the laws of Sudan and therefore enforceable. Other domestic legal instruments such as the Armed Forces Act of 2007 criminalizes genocide, crimes against humanity and war crimes in reference to conduct of military personnel. Unlawful killings, enforced disappearances as well as deaths arising from inter-communal conflicts continue to impose considerable strains on both the substance and capacity of the national legal framework. Over the years, the Government of Sudan had made attempts at combatting impunity through strengthening police and military infrastructure as well as establishing the Special Criminal Court for Crimes in Darfur with mandate

to prosecute serious crimes, including violations of the right to life. Special mandate to promote and protect human rights, including the right to life, is also vested in the National Commission for Human Rights. While there are undoubtedly gaps in the domestic legal framework, which may hinder the realisation of the right to life, existing legislation and mechanisms, if fully implemented and operational, could provide strong basis for a protective environment even in the current context of the Darfur conflict.

In light of the challenges in Darfur, UNAMID continues to strengthen its protection mandate guided by its benchmarks. While the primary focus of the benchmarks relate to protection in its political and physical dimensions, their realization could greatly impact the enhancement of right to life of civilians in Darfur on three main fronts. First, the political element of UNAMID mandate places emphasis on the facilitation of peaceful settlement of the Darfur conflict. To this end, my predecessors and I have been working to bring the parties to the Darfur conflict to the negotiation table and reminding them that a "military solution to their differences was not viable." So far we have had two major peace agreements i.e. Darfur Peace Agreement (signed on 5 May 2006 in Abuja) and the Doha Document for Peace in Darfur (signed on 14 July 2011 in Doha). While the government had signed both agreements, none of the agreements was signed by all the parties which meant the continuation of the conflict. I am currently working with President Thabo Mbeki, Chairman of the African Union High Level Implementation Panel, Deputy Prime Minister of Qatar and Haile Menkerios, the outgoing Special

Envoy of the Secretary General to Sudan and South Sudan, to persuade the three major armed movements to sign cessation of hostilities with the government and join the peace process on the basis of Doha Document for Peace as mandated by the UN Security Council and African Peace and Security Council.

Second, UNAMID is mandated to deploy its resources to provide physical protection for civilians from violence. An average of 150 night and day patrols within and outside internally displaced person's camps are carried out on daily basis to provide security for Darfurians to carry out their livelihood activities such as firewood collection, fetching water/grass, and ploughing and harvesting. However, we still face incidents of criminality, hostage taking, carjacking, sexual and gender-based violence and intimidation that threaten the security of civilians as well as undermine peace. UNAMID has also been supporting Disarmament, Demobilization and Reintegration (DDR) in Darfur. Through the Ordinance Disposal Office (ODO), UNAMID has so far conducted general hazard assessment in over 2,000 villages covering 24,980 kilometres of routes and 3,871 square kilometres of an area. During the operations, a total of 9,855 items of unexploded ordnance were located and destroyed and 1,971, 210 small arms ammunition were also destroyed. To further improve weapons and ammunition safety, ODO has undertaken and completed the refurbishment of over 15 weapons and ammunition storage facilities for the Government of Sudan police force and continues to provide risk awareness education to the civilian population in Darfur. These programs and activities consolidate other efforts being done to protect limb and life in Darfur in accordance with international human rights law.

Third, protecting civilians also requires establishing a safe and secure environment through security sector reform and strengthening state capacity to implement rule of law and uphold human rights, including the right to life. In this regard, a number of UNAMID sections/components, such as Human Rights, Rule of Law and Police, have been assisting with capacity building of the police and prison personnel, judges, magistrates and lawyers, through relevant training. Within the framework of Quick Impact Projects, the Mission also helped with renovation and building of prison and correctional institutions and courts of law. UNAMID Human Rights Section investigates, verifies, and documents cases of violation of the right to life; follows up on police investigation and arrest of alleged perpetrators; follows up with prosecution, and monitor court trials for compliance with international standards on fair trials. The Mission



On 26 June 2016, Martin Uhomoibhi, head of UNAMID visited Shangil Tobaya in North Darfur as part of his tour of UNAMID bases across Darfur, where he met with community leaders and local authorities. Photo by Hamid Abdulsalam, UNAMID.

also facilitates delivery of humanitarian assistance through the provision of armed escorts to humanitarian agencies. UNAMID has in many instances, in accordance with mandate from the Security Council, mediated inter-communal conflicts and secured reconciliation and peace agreement between communities.

UNAMID operates in a complex environment and has to contend with a number of challenges pertaining to its mandate implementation. Among these challenges is what I may call 'the burden of expectation' from local population and the international community, including the media. More often than not, we are expected to protect civilians everywhere in Darfur with the limited resources at our disposal. We therefore have the task of managing expectations constantly reminding our stakeholders that we can only do what is within our mandate, resources and capability. After all, the primary responsibility for protection of civilians lies with the host government. Against this backdrop, the situation is complicated by the absence of a comprehensive peace agreement in Darfur, and so the conflict continues to rage on with detriment implications on the civilian population.

Partly as a combination of insecurity and government restrictions, UNAMID is not able to access some populations affected by the conflict especially in Jabal Marra. In addition, Sudan's justice system and law enforcement institutions have limited capacity to cover the whole of Darfur leaving remote areas dependent on traditional mechanisms to deal with human rights incidents and acts of criminality. It still common in Darfur for a family of a victim of murder to be compensated with money/cattle/camels, referred to as Diya or blood

money. The inter-communal peace agreements reached after outbreaks of communal violence are usually very fragile, and are in some cases breached by the parties. Moreover, inter-communal violence compounded by the spread of small arms pose a major threat to the security and safety of civilians. The prevalence of militias and para-military groups that often take law into their own hands is also one of the issues that both the Government and UNAMID have to contend with in protecting civilian lives in Darfur.

In conclusion, I would like to reiterate that the right to life is core and the foundation to the existence of all other rights. On a daily basis in Darfur, UNAMID works closely with the UN Country Team, the Government of Sudan and other stakeholders to give this right real and practical meaning. But this is not without challenges-challenges of capacity, operational environment, resources, politics and policy. I am of the view that the only sustainable way to protect life in Darfur is through finding a "peaceful political settlement of the conflict" that would guarantee safety, security as well as social, economic and cultural rights of all the citizens. My sincere hope is that an elaboration of a general comment on the right to life takes into account the experience I have highlighted in relating to the efforts and challenges at protecting life in the situation of contemporary internal conflict. In addition, the Darfur situation would have contributed to defining the scope of such an elaboration. Such an elaboration could inform the development of future peace keeping mandates, deepen the understanding of the responsibility to protect and enhance protection of civilian strategies within the United Nations. HRS

Letter from the Director's Desk



Ms. Isha Dyfan, Director, UNAMID Human Rights Section at work in her office in El Fasher. Photo by mohamad Almahady, UNAMID.

This is the fourth edition of "Human Rights First", the newsletter of UNAMID Human Rights Section. Its objective highlighted in previous editions, is to share views, news, and information on human rights in Darfur. The focus of this edition is to underscore efforts being made by stakeholders to address human rights concerns and daily challenges faced by internally displaced persons and other vulnerable groups in Darfur. The subject of internally displaced persons is an important one considering that they account for well over two and a half million people according to Government and United Nations statistics. It is important that we reflect on this substantial number and assess progress on the huge task ahead in addressing challenges faced by this community.

Since the establishment of UNAMID in 2008, its mandates as defined by the United Nations and the African Union Security Councils, have centered on protection of civilians without prejudice to the

responsibility of the Government of Sudan. This means that UNAMID role critical as it is, can only be a complementary one to the primary responsibility and obligation of the Government. In order to help the Government fulfil its responsibility, the current UNAMID mandate is elaborated in three strategic priorities. The first is UNAMID obligation to facilitate mediation in the Darfur peace process through consultation and internal dialogue with all parties. The second priority relates to the creation of a protective environment, while the third focuses on tackling community conflicts and their root causes. Other partners including the United Nations Country Team and Government of Sudan have responsibilities in the implementation of this mandate.

The design and implementation of activities by UNAMID and its partners, are also guided by Sudan's national policy requirements so far as they reflect support to internally displaced persons and other vulnerable groups. These activities include po-

litical engagement with State authorities about the safety and security of IDPs and other vulnerable groups and ensuring a protective environment for them to pursue livelihood activities; facilitating humanitarian assistance by United Nations Country Team for the provision of adequate food, water and sanitation, and education opportunities; provision of health care and other social services as well as expanding and strengthening rule of law and justice institutions to end impunity.

Over the years, the Doha Document for Peace in Darfur (DDPD) has served as a framework to guide the various activities by UNAMID and its partners with support from the donor community. Under both the DDPD and international law, internally displaced persons and refugees have a right to return voluntarily, and in safety and dignity, to their homes of origin or places of habitual residence or to resettle in another place of their choice. To facilitate this process, the Government

of Sudan and donors such as the Government of Qatar, have taken some positive steps to provide funding for institutional capacity building and development projects such as model villages. While these are commendable initiatives, there is still a lot of work ahead to address critical challenges faced by internally displaced persons and other vulnerable groups.

The United Nations Country Team and their implementing partners—international and national non-government organizations—equally play a major role in providing assistance to internally displaced persons and other vulnerable groups. In particular, the Office for the Coordination of Humanitarian Assistance (OCHA) and the International Organization for Migration (IOM), work closely with Sudan's Humanitarian Aid Commission (HAC) to undertake humanitarian needs assessments, which form the basis of assistance to internally displaced persons. Their data and information briefings help provide the international community with regular updates on the number and plight of internally displaced persons. In addition, through other tools and processes such as the referral pathway, humanitarian agencies help map out available social services and their providers.

Finally, informal and charitable activities by UNAMID staff, also help to mobilize resources and materials as gifts and donations to schools, clinics, local communities and law enforcement institutions. These acts of generosity are driven by a strong feeling of empathy and commitment to the people of Darfur in their quest for peace, justice and development. HRS

NEWS IN BRIEF

British Ambassador Visits South Darfur



On 22 August 2016, UNAMID Head of Office in Nyala, South Darfur, Berhanemeskel Nega (right), met the British Ambassador to Sudan, Michael Aron, and his entourage. Photo by Mubarak Bako, UNAMID.

On 22 August 2016, the British Ambassador to Sudan, Michael Aron, visited South Darfur as part of an assessment tour.

During his tour, Ambassador Aron visited the UNAMID premises in Nyala and

held discussions with Berhanemeskel Nega, the Mission's Head of Office South Darfur.

The Ambassador and his entourage were briefed on UNAMID operations in South Darfur as well as broader efforts in implementing its mandate. **HRS**

US Special Envoy Visits Darfur



Ambassador Donald Booth meets with UNAMID leadership in El Fasher, North Darfur. Photo by UNAMID.

From 26-31 July 2016, the United States special envoy to Sudan and South Sudan, Ambassador Donald Booth, visited Darfur as part of engagement with state authorities as well as assess the security, human rights and humanitarian situations. During his visit, Amba-

sador Booth held discussions with Government authorities in North and Central Darfur states as well as representatives of displaced communities. He also met with UNAMID leadership in El Fasher, who briefed him on the work and challenges of the Mission. **HRS**

Emir of Qatar and Chadian President Visit El Fasher



On 7 September 2016, the Emir of Qatar arrives in El Fasher with President Al-Bashir to officiate the dissolution of the Darfur Regional Authority.

The Emir of Qatar, Sheikh Tamim bin Hamad al-Thani, the Chadian President, Idriss Deby, and Faustin-Archange Touadéra, the president of Central Africa Republic, visited El Fasher, North Darfur, on 7 September 2016 to participate in celebrations marking the

dissolution of the Darfur Regional Authority (DRA) under the framework of the Doha Document for Peace in Darfur. The event was marked by cultural performances. Also in attendance was UNAMID head of mission and senior Government officials. **HRS**

Independent Expert Visits Darfur



On 23 April 2016, Dr Aristide Nononsi addresses the press in El Fasher, North Darfur. Photo by UNAMID.

From 23-25 April, 2016, the Independent Expert for the Situation of Human Rights in Sudan (IE), Dr Aristide Nononsi, visited Darfur as part of an assessment mission pursuant to his mandate as defined by the United Nations Human Rights Council. The IE held interactive meetings with the Deputy Wali of North Darfur, Chairperson of the DRA, members of the Darfur Referendum Commission, the Prosecutor for the Special

Court for Crimes in Darfur as well as IDPs at Zamzam and Thabit in North Darfur. During the meetings, the IE reiterated the mandate and purpose of his visit and briefed the officials on similar engagements held in Khartoum.

Other places visited by the IE included El Daien in East Darfur. Discussions held during his visit formed the basis of his report to the Human Rights Council in September 2016. **HRS**

Human Rights and Protection of Civilians in Armed Conflict



The Independent Expert on the Human Rights Situation in Sudan, Dr Aristide Nononsi, and Mr Dieudonne Munyinga, Desk Officer for Sudan at the Office of the High Commissioner for Human Rights, hold a public meeting with displaced communities in El Daein, East Darfur. Photo by UNAMID.

Transformations in international society have brought emphasis of a particular kind of human rights agenda. Central to it has been the promotion of human rights as an organized culture of reason with the capacity to elevate conflict and post-conflict States, and reposition them to the road of recovery and development. Key to the promises of human rights remain idealized in its conception of life and approaches to the protection of civilians. The notion of the protection of civilians, though not new, has acquired new relevance, in part due to its symbiosis with human rights ideals. Protection as a concept is broadly derived from the sanctity of human life and the moral and legal obligation to protect it. The nature of armed conflict and its capacity to inflict suffering has helped to strengthen the acceptance of the sanctity of human life as a universal idea which is also rooted in religion, culture and civilizations. In recent times, and in the era of the United Nations Charter, human rights has emerged as a neutral point of transaction, which makes protection in all its forms, a core value of international law. International human rights law protects a range of rights, which could be negatively impacted by armed conflict.

When States ratify international treaties, they enter into a legal obligation to be bound by them and must act in accordance with the object and purpose of the treaties they have ratified. Protection of civilians constitutes a core element of

the protection mechanisms of the international human rights regime, which imposes three types of obligations on States parties. The first is the obligation to respect, which imposes responsibilities on States to provide mechanisms to ensure that the rights of all are recognized in law, policy and practice. It also requires States to take proactive measures to prevent undue action that may restrict the enjoyment of rights and entitlements. The second is the obligation to fulfil, which incorporates both an obligation to facilitate and an obligation to provide. Failure to fulfil by the State could pave the way for citizens to resort to the courts for redress. The third is the obligation to protect and requires measures by States to ensure that no individuals are deprived of their right to adequate protection of the law which involves a broader responsibility to ensure that civilians are shielded from harm and want, with parallel freedoms to pursue activities that will optimize their life chances.

States obligations to respect, fulfil and protect are derived from a rich body of international human rights law, humanitarian law and customary international law. Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) states that every human being has the inherent right to life and that this right shall be protected by law. This article also states that no one shall be arbitrarily deprived of his or her life. According to the Human Rights Committee, the right to life is “a supreme

right from which no derogation is permitted.” Article 9 of the ICCPR recognizes and protects both liberty and security of person. The UN Human Rights Committee has stated that “liberty of person concerns freedom from confinement of the body” and “security of person concerns freedom from injury to the body, or bodily integrity.”

Under international humanitarian law, Geneva Convention IV and Additional Protocols I and II contain provisions which place emphasis on protection of civilians in situations of armed conflict. While there is no international treaty specifically addressing internally displaced persons, the United Nations Guiding Principles on Internal Displacement impose obligations on States to protect displaced persons and their property. Principle 6 of the Guiding Principles provide that “every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.” Principle 5 stipulates that all States “shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.” According to Principle 3, “national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”

Provisions on protection of civilians under international human rights and humanitarian law are reflected to some degree in Sudan’s national law. According to Article 27(3) of the Interim National Constitution, all international human rights treaties ratified by the Government of the Sudan form an “integral” part of the Bill of Rights of the Constitution. In addition, the Doha Document for Peace in Darfur (DDPD), which was signed by the Government of Sudan and some armed opposition groups, incorporates strong provisions on human rights and international humanitarian law. The Government of Sudan has obligations with regard to the action of its forces, under the ICCPR, which means that any threat to life or related insecurity, which puts people at risk, necessitates action by the Government to prevent any such violation. The obligations include provision of humanitarian access and ensuring accountability for violations of international human rights and humanitarian law.

Protection of Women through Policy and Legislative Reform



Ms. Saleh delivers her speech, photo by Muntasir Sharafadin, UNAMID.

The protection of women human rights is an integral part of national, regional and international human rights frameworks. While the frameworks provide mechanisms for the promotion and protection of human rights in Darfur, gaps do exist which hinder the full realization of women's rights. As part of efforts to address such concerns, UNAMID Human Rights Section in collaboration with the State Ministry of Education in Darfur, organized a day-long workshop on women protection policies and legislations on 3 July 2016, in El Geneina, West Darfur. The workshop was jointly opened by UNAMID Acting Head of Office in West Darfur, Mr. Oumar Kane and Ms. Ferdous Hussein Saleh, State Minister of Education.

In his opening address, Mr. Kane praised the collaboration of UNAMID Human Rights Section and the State Ministry of Education, and expressed his hope that the workshop will make valuable recommendations on the need for robust protection mechanism for women at both policy and legislative fronts. For her part, Ms. Saleh underscored that the history of women's rights in all religions, and called for concerted efforts from all sections of society to strengthen partnerships in the interest of promoting protection for women in Darfur. She highlighted the importance of supporting girls' education, and noted President El Bashir's declaration of 2016 as the year of girls' education in Darfur. She commended UNAMID Hu-

man Rights Section for advancing women rights through mainstreaming and collaboration with state institutions.

During the workshop several topics including the conflict negative effects on women, the women protection under international and national laws and legislations, women economic social issues with focus on education, public health and reproductive health were presented and facilitated by Ms. Safaa El-Agib, Gender and Peace expert, Mulana Abdulgadir Adam, Senior Prosecutor who is also the Legal Advisor of State Legislative Council, Ms. Suheer Adam, the State Legislative Council Head of women and child committee

and Ms. Intesar Mohammed Public Health Officer. The workshop concluded with recommendations on various issue including the importance of existing mechanisms to follow up polices, legislations and laws pertaining to women protection, engaging women in all peace mechanisms and traditional conflict resolution, as well as supporting girls' education.

In attendance were the State Minister of Education, the Chief Justice and a number of security, legal, legislation and political leaders. Participants included 38 woman and 12 men drawn from different state institutions and civil society organizations. HRS



Mr. Kane along with GoS representatives and participants during the opening session, photo by Muntasir Sharafadin, UNAMID.

Mainstreaming Human Rights Approaches to Protection in Darfur



The participants during the opening session, photo by Muntasir Sharafadin. UNAMID

UNAMID Human Rights Section, in collaboration with the 15th Infantry Division of the Sudan Armed Forces (SAF), concluded a two-day human rights training workshop on 21 September 2016, for 32 SAF personnel in El Geneina, West Darfur. The workshop is part of series of human rights mainstreaming activities which focus on embedding human rights approaches to protection of civilians in the daily functions of state authorities, community leaders, and law enforcement institutions such as the police and military.

Addressing the opening session on behalf of UNAMID Head of Office for West Darfur, Mr. Paul Bugunya, Child Protection Officer, praised the good established working relationship with law enforcement officials which resulted in the organization of several human rights capacity building activities for SAF personnel and other partners in West Darfur. Mr. Bugunya added that this workshop is part of increasing human rights awareness among human rights counterparts including law enforcement officials.

Mr. Bugunya underscored the importance of human rights education in strengthening protection, respect and fulfilment of human rights. "Enhancing the human rights awareness among the SAF officers would play both a preven-

tive and protective role. Hence, the training was de-signed in such a way that the participants would be fully aware of the national and inter-national human rights and humanitarian law standards relating to prevention of torture, arbitrary arrest and detention. Furthermore key international, regional and national human rights framework for the child rights was also a core part of the training" Mr. Bugunya concluded.

Speaking on behalf of SAF, Brigadier-General Shamseldin Said Ahmed thanked UNAMID Human Rights Section for conducting such valuable trainings for SAF officers, which he said would enrich their knowledge and understanding of human rights principles

especially in relation to protection of civilians. He called on the participants to utilize whatever they learned and share the information with their colleagues. For his part, the 15th Infantry Division Training Officer, Colonel Saeed Younis, stressed the importance of the training and highlighted the aspects of the workshop dealing with international laws and conventions as valuable. He added that human rights are part of Islamic traditions and therefore must be applied and respected not only by SAF, but by all people. He called for continued joint cooperation and coordination between SAF and UNAMID to mainstream human rights approaches to protection in the work of law enforcement institutions. HRS



UNAMID staff and SAF officers in a group photograph, photo by Muntasir Sharafadin UNAMID.

Strengthening Witness and Victims' Protection in Darfur



Participants at the witness protection workshop organized in El Fasher, North Darfur. Photo by UNAMID

In a conflict setting such as Darfur, the promotion of human rights has a close relationship with protection of victims and witnesses, whose testimonies are critical in combating impunity. Successful witness protection is at the core of any efficient investigation and prosecution of perpetrators of gross violations of human rights. The failure to provide protection to witnesses, victims and others, can severely affect their fundamental rights, such as the right to justice and the right to the truth, as well as the right to effective remedy. The protection of the right to life, physical and psychological integrity, and privacy and reputation of those who agree to testify before courts is more generally required under relevant ICCPR provisions (the right to life, prohibiting torture and inhuman or degrading treatment, etc.). Implementing effective measures to provide security and physical and psychological well-being to victims and witnesses before, during, and after judicial, administrative, or other proceedings, is inseparable from the fight against impunity.

The need for an effective witness and victims' protection program in Darfur led to a collaboration between UNAMID Human Rights Section and the UNDP with the support of the Office of the High Commissioner for Human Rights in Geneva. The first phase of the collaboration began with a technical assessment exercise, which was conducted from 6 August to 17 September and undertaken by a consultant funded by the UNDP. The assessment focused on three key areas.

- the current Sudanese legal provisions and practices in respect of protection of witnesses, victims, intermediaries and other concerned, including those cooperating with both judicial and non-judicial proceedings, and identified gaps within the national legal framework;
- explore the views of these entities regarding the development of a comprehensive legal, operational and financial frameworks on witness protection; and to promote understanding of the human rights based programming thereof;
- A report with recommendations

on a comprehensive witness protection programme in Darfur, with a special focus on the protection of witnesses and victims involved in transitional justice and accountability processes

The assessment included information on policies and procedures adopted in reference to victims and witnesses in four targeted areas of Darfur, namely, El Fasher, Nyala, Zalingei and El Geneina. All these locations were visited by the consultant. In addition, interviews were conducted with key actors including judges, general prosecutors, police officers, lawyers, human rights activists, Omdas and Sheikhs, paralegals, victims, doctors, UNAMID staff as well as employees of international non-governmental organizations.

A workshop was held on 26 November, 2015, to discuss the initial findings of the technical assessment, which recommended for the formulation of a witness and victim protection program in Darfur. Upon finalization of the report by the national consultant, further discussions with international experts are expected to continue.

Human Rights Section Strategic Planning Retreat



The DJSR, Chief Human Rights Section and all participants in group photograph. Photo by Muntasir Sharafadin. UNAMID.

From 30 August to 1st September 2016, the Human Rights Section held its annual retreat in El Geneina, West Darfur. Addressing the opening of the three-day Human Rights Strategic Planning Retreat, at the UNAMID SW conference hall yesterday, Mr Kingsley Mamabolo, deputy head of UNAMID underscored that working together with other stakeholders is very crucial for fostering better understanding of the Human Rights Section's mandate, maximizing the prospects for supporting its activities and optimizing the impact of its work. He praised the Human Rights Section's creative approaches of dealing with the prevailing human resources constraints which is very crucial for the effective discharge of the Mission's human rights mandate, "At this juncture, I would like to reiterate that the role of the Human Rights Section cannot be stressed enough.

"Your work in terms of human rights monitoring, documenting, reporting, advocacy, institution and capacity building work is integral to fulfilling UNAMID's overall substantive work, whether it is in the peace process, protection of civilians, humanitarian responses or in our recovery and reconstruction initiatives". Mr. Mamabolo said.

Mr. Mamabolo called on the participants to take the Mission's strategic priorities into consideration in the deliberations, especially in terms of "what you can realistically do as a Section to contribute to the Mission's realization of these priorities".

In her opening remarks UNAMID Chief Human Rights Section Ms. Isha Dyfan, indicated that the retreat was aimed at reviewing the section's old work plan in the light of the new United Nations Security Council's mandate. "Through this retreat, we want to look at and see

if our mission or vision which we created is still relevant in terms of changing circumstances that have taken place. It is a planning process, it is a team building process, and we hope to work with our partners within and outside the mission, so that we will be able to convey our objectives and the outcomes that we wish for the people of Darfur", Ms. Dyfan concluded.

The retreat concluded with a live video address by Zeid Ra'ad Al Hussein, the UN High Commissioner for human rights. HRS

At the high table in the middle Mr. Mamabolo addressing the opening of the HRS retreat, photo by Muntasir Sharafadin, UNAMID.



Serving Humanity: Humanitarian Action and Its Challenges

The United Nations Resident and Humanitarian Coordinator in Sudan, Marta Ruedas, has highlighted the importance of aid workers in a statement an address to mark World Humanitarian Day 2016. In a statement to mark the occasion, Ms Ruedas underscored the dangers experienced by aid workers in providing protection and humanitarian assistance to the needy and vulnerable.

By Marta Ruedas

United Nations Resident and Humanitarian Coordinator in Sudan,

“World Humanitarian Day, which takes place every year on the 19th of August, pays tribute to the aid workers who risk their lives in humanitarian service, and mobilises people to advocate for humanitarian action. This World Humanitarian Day, the UN and its partners are calling for global solidarity with the more than 130 million people around the world who need humanitarian assistance to survive. Under the theme of ‘One Humanity’, we – as a global community – are highlighting how the world came together in May at the World Humanitarian Summit, which I had the honour of attending. At the summit – the first of its kind – we made strong and enduring commitments to support people affected by crisis and ensure that aid workers can safely and more effectively deliver to those in need. In collaboration with national partners, last year 3.3 million people across Sudan received humanitarian assistance, including food, shelter, clean water, healthcare and education. This assistance was delivered by over 8,000 aid workers, over 98 percent of whom are Sudanese.

This year even more people have been targeted for humanitarian assistance. This includes internally displaced people and also 700,000 refugees, asylum seekers and other people of concern who are being generously hosted by Sudan, in addition to 70,000 new refugees from South Sudan this year alone. Others targeted for humanitarian assistance this year have lost their livelihoods – and became food insecure – as a result of El Niño, and floods have affected over 120,000 people since early June and destroyed thousands of homes. To meet humanitarian need in Sudan, the United Nations and aid organizations have contributed almost 11 billion US dollars since 2003, including more than



United Nations Resident and Humanitarian Coordinator in Sudan, Marta Ruedas.

600 million US dollars last year and 250 million US dollars to date this year.

On this World Humanitarian Day, I would like to remind everyone that every day, thousands of humanitarian workers provide aid to people in need – regardless of race, religion and politics – inspired by a common sense of humanity. On this World Humanitarian Day, I would like to remind everyone that every day, thousands of humanitarian workers provide aid to people in need – regardless of race, religion and politics – inspired by a common sense of humanity.

These aid workers take huge risks and make great sacrifices to help others. And let us not forget that humanitarian work is not only carried out by those who work for national or international aid organizations. It is the ordinary Sudanese people themselves and the local communities who often provide shelter, food and protection to thousands of their fellow men and women who are forced to flee their homes.

World Humanitarian Day is a day on which we express our determination not just to empathise with those in need but to engage. Today I should like to reaffirm the commitment of the United Nations and partners to unite our strength

“World Humanitarian Day is an annual reminder of the need to act to alleviate the suffering. It is also an occasion to honour the humanitarian workers and volunteers toiling on the frontlines of crises.”

**Ban Ki-moon
UN Secretary-General**

to fulfil our shared humanitarian and moral obligation. Let us work to make Sudan a better place for all. I thank all our humanitarian partners, including the Government of Sudan, UN agencies, NGOs, donors and member states for your commitment, engagement and support. I should particularly like to extend my thanks to the people of Sudan, for their innate humanity which manifests itself on a daily basis towards their countrymen and to their neighbours in need.”

HRS

Statement of the UN Independent Expert on the Situation of Human Rights in the Sudan, Mr. Aristide Nononsi



Mr Nononsi meets with community leaders during his visit to Darfur, from 23 to 25 April, 2016 photo by UNAMID.

As I conclude my second visit as Independent Expert on the situation of human rights in the Sudan, I would like to first thank all of you for attending this press briefing. I would also like to express my appreciation to the Government of Sudan for its invitation and cooperation, the United Nations Resident and Humanitarian Coordinator in Khartoum and UNAMID for their kind support to facilitate my visit from 14 to 28 April 2016.

During my visit in Khartoum, I met with a wide variety of stakeholders, including the Vice-President of the Republic of Sudan, the State Minister of Foreign Affairs, the State Minister of Justice, the State Minister of Defence, the State Minister of Finance, the Chief Justice and representatives of the judiciary, the Director of the National Intelligence and Security Services, the Advisory Council for Human Rights, the National Commission for Human Rights, Parliamentarians, the Director of the Humanitarian Aid Commission, the National Commission for Human Rights, various specialized units of different ministries, the Director in charge of training and capacity building of the National Intelligence and Security Service, the Khartoum Bar Association, members of political parties, academia, civil society, and the diplomatic community. I also had the

opportunity to travel to Southern Kordofan where I met with the regional authorities. In addition, I travelled to two Darfur States, including visits to Zamzam IDP camp and to model village of Thabit in North Darfur, as well as to Khor Omer camp in East Darfur. I also met with the Walis of North and East Darfur States, respective state officials, UN country team, UNAMID and civil society actors.

I note some positive developments, and welcome the signing by the Government of Sudan of an Action Plan with the United Nations to prevent the recruitment and use of children by the Sudan Government security forces. I also commend the Government's commitment to appoint a High-level focal point to coordinate the implementation of this Action Plan with the United Nations and to monitor its implementation. I also note some efforts in the field of rule of law, including the appointment and deployment of police officers, prosecutors and judges to some remote areas, in particular in Darfur. In this regard, I recommend that the newly established police stations and courts be provided with adequate resources in order to carry out their duties in an efficient manner. I also visited the model village in Thabit, a project funded by the Qatar

Government and aimed at providing basic services, including health, education and drinking water to the local population.

Despite these positive developments, I remain concerned about a number of human rights issues in the country. I continue to hear about cases of arbitrary arrests, detention, as well as allegations of ill-treatment and travel ban on human rights defenders and political activists by security forces, including the National Intelligence Security Service. In this regard, I remain deeply concerned about the National Security Forces Act which provides powers of arrest and detention to NISS, and procedural immunity for acts that should be subjected to criminal liability.

I welcome the decision of Sudanese authorities to return their passports to civil society activists who were prevented from attending the pre-briefing session of the Universal Periodic Review in Geneva. Nonetheless, I remain concerned about specific cases of arbitrary arrest and detention of the arrest and detention without charges of four pastors in Khartoum since mid-December 2015 as well as those of students from the University of Khartoum since 13 April 2016. I have raised these concerns with the relevant authorities, and I was informed that the first case was transferred to judicial authorities who have charged the four pastors with criminal offenses. I was also informed that the case of students should be shortly handed over to relevant judicial authorities for prosecutions. I call on Sudanese authorities to ensure that their rights to a fair trial and due process are guaranteed to those individuals.

I would also like to express concern about ongoing censorship of newspapers, and increased restrictions on journalists from freely expressing their opinion. In view of the ongoing political dialogue, it is imperative that restrictions on the rights to freedom of expression and association be removed in order to create a conducive environment for a free and inclusive national dialogue. In this context, the suspension by NISS of the Al-Tayar newspaper since mid-December 2015

is of concern. I have raised this case with the authorities, and I strongly recommend that the appeal of Al-Tayar newspaper is ensured an independent judicial review, and the decision of its suspension is lifted, along with provision of adequate compensation.

As a follow up to my last visit and report, I also raised the case of victims and family of victims the oil-subsidy demonstrations of September 2013 with the authorities. While I welcome the ongoing compensation process of some of the victims and families of victims by the Government, I would encourage the authorities to consider follow-up action, including impartial investigation and prosecution of those responsible. Impunity for human rights violations would send the wrong message to victims, perpetrators, and the wider public, and undermine the rule of law.

In Darfur, the security situation remains fluid and unpredictable. This has a direct impact on the human rights and humanitarian situation. I am concerned by the conflict in Jebel Marra which has resulted on new displacements especially in Sortoni, Tawilla, and Kabkabiya. I am also concerned by the detrimental effects of the conflict on civilians in light of allegations of human rights violations and serious violations of international humanitarian law including indiscriminate killings, destruction and burning of villages, abductions and sexual violence against women. I call on the authorities of Sudan, who bear the primary responsibility for the protection of human rights in Darfur, and all other parties to the conflict, to respect the rights of the civilian population. I also call on the Government to allow humanitarian agencies and UNAMID unfettered access for delivery of humanitarian assistance to civilians in need.

I commend efforts being made by UNAMID, the African Union, the Government of Qatar and other partners to promote political dialogue between the Government of Sudan and armed opposition movements under the framework of the Doha Document for Peace in Darfur (DDPD). I welcome the signature by the Government, during a strategic meeting facilitated by the African Union High Implementation Panel on Sudan and South Sudan (AUHIP) in Addis Ababa, of the road map aimed at ending the conflicts in Darfur and the

Two Areas of Southern Kordofan and Blue Nile. I urge the armed movements to put the people of Sudan's interest first, and to sign the road map of Addis Ababa in order to bring peace and stability in the country.

During my visit to Zamzam IDP camp in North Darfur, people expressed concern over the shortages of food and limitation of opportunities to acquire skills to help improve life chances including income generating activities for women. In particular, the security situation out of the camp remains a matter of concern. The IDPs live in a state of insecurity due to the presence of various armed elements and criminality that occur within the region. In recent weeks, 9 incidents of rape of women from the camp were reported. According to information received, these incidents happened during livelihood activities of the survivors out of the camp. I call upon the Government and UNAMID to fulfil their obligation in creating a safe and secure environment for these displaced communities and ensure that once created these secure environments are kept as such.

The humanitarian and human rights situation in East Darfur remains a matter of concern with killings, and displacement of civilians caused by inter-tribal clashes. The size and scale of inter-tribal clashes over cattle rustling and control of natural resources in East Darfur has been unprecedented with the use of sophisticated firearms by combatants. I am of the view that a sustainable solution to this problem will involve proactive remedial measures to address impunity in the region and a well-designed and peaceful civilian disarmament campaign. I call on the Government to take pertinent measures to strengthen accountability for human rights violations and abuses as well as violations of international humanitarian law in East Darfur State and in other parts of Darfur.

I welcome the decision by Sudanese authorities to receive South Sudanese refugees in the country. Nonetheless, I remain concerned about their precarious living conditions. During my visit to Khor Omer camp in El-Daein, I noted the lack of appropriate shelters for the refugees, and was briefed on other challenges, including shortage of water, food and medicine. I call on the Government of Sudan

and the international community to increase their humanitarian assistance to these refugees.

I have also noted the need for technical assistance expressed by the local authorities in South Kordofan, and I would encourage the Government and the international community to provide adequate means and resources to these institutions in order to strengthen their capacity in the field of human rights.

It is a fact that my mandate relates to assessing and reporting on the situation of human rights with a view to making recommendations for technical assistance and capacity building to the Government and civil society organizations. There is, to a large extent, consensus amongst all relevant stakeholders of the need for capacity building in the form of relevant human rights training for members of the judiciary, the National Commission for Human Rights, the police and security forces and non-governmental human rights organisations, amongst others.

I am aware of the fact that some funding to key Government bodies have been released by some donor States, and that technical assistance and capacity building activities provided by various UN agencies and UNAMID will continue. I strongly believe that a spirit of cooperation is essential between the Government, donor States, and the UN to improve the human rights situation in the country. I therefore encourage the Government to facilitate the unrestricted operation and mobility of UNAMID and UN agencies in Sudan including timely provision of visas to their staff and release of their shipments from the port. I believe that the presence and effective operation of these agencies would stand to make a meaningful difference in Sudan.

I conclude this visit to the Sudan with a sense of hope for the future in spite of the many human rights challenges that the Government and its people continue to face. I strongly urge the Government to build on its positive efforts, and for these efforts to be directed towards concrete change on the ground, including through implementation of a number of recommendations in my previous report and those of my predecessors. The UN system and donor States stand ready to provide support to improve the human rights situation in the country.

