



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SDN/Q/3
9 May 2007

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Eighty-ninth session
New York, 12-30 March 2007

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF
THE SUDAN (CCPR/C/SDN/3)**

**Right of peoples to self-determination and constitutional and
legal framework within which the Covenant is implemented
(arts. 1 and 2)**

1. Given that the articles of the Covenant have become binding and enforceable constitutional articles (CCPR/S/SDN/3, para. 120), what measures has the State party taken to ensure that its legislation is compatible with the Covenant? Please provide examples of cases in which articles of the Covenant have been invoked before the regular courts and the Constitutional Court, pursuant to article 27 of the Constitution (report, para. 120). What is the procedure for filing a complaint with the Constitutional Court and what is the cost?
2. Please inform the Committee of the legal status of the Southern Sudan Human Rights Commission, the terms of appointment of its members, its mandate and rules of procedure, and the persons to whom its reports will be addressed.
3. Please provide detailed statistics on complaints lodged, proceedings, convictions, and sentences passed on members of the police and security forces (report, paras. 30-31). What legal provisions apply to members of the government security forces or the police accused of criminal behaviour in the course of their duties? In the light of the Committee's concluding observations of 1997, please also provide statistics on the number of compensation claims and the damages actually awarded to victims of human rights violations.

4. Please provide detailed statistics on the number of complaints lodged with the judicial authorities and special bodies created to examine allegations of crimes committed in Darfur (for example, the Special Criminal Court on the Events in Darfur and the judicial investigation committees advocated by the Commission of Inquiry into the allegations of human rights violations in Darfur). Please also provide information on action taken on such complaints and investigations, convictions, and compensation awarded to the victims and their families.
5. Please stipulate which crimes are covered by Presidential Decree No. 114 of 11 June 2006 declaring a general amnesty that grants immunity from domestic criminal prosecution to the movements that supported and signed the Darfur Peace Agreement. What are the procedures for implementing this amnesty? How does the State party envisage cooperation with the International Criminal Court?
6. Please provide information on the implementation of the Comprehensive Peace Agreement as established in article 219 of the Interim Constitution, and indicate the measures taken to put it into effect.

Equality between the sexes and non-discrimination (arts. 2, 3, 12 and 26)

7. Certain laws would appear to breach the Interim National Constitution and the principle of non-discrimination based on sex, as set forth in the Covenant. For instance, is the Nationality Act, whereby only men may pass on Sudanese nationality to children, in contravention of article 7 of the Interim National Constitution, still in force (report, paras. 123-124 and 152)? Why does the law provide for registration of land and other property only in a husband's name (report, para. 142)? Are men and women still treated differently where the crime of adultery is concerned? What is the status of laws requiring approval from a woman's guardian before she may marry (report, paras. 15 and 144) or travel (report, paras. 28 and 237)?
8. Please provide statistics on women's representation in public office and political bodies, including in executive and decision-making positions (report, paras. 137-139).

**Right to life and prohibition of torture and other cruel,
inhuman or degrading treatment (arts. 6 and 7)**

9. Please supply detailed, up-to-date information on the number of convictions involving capital punishment, the nature of the crime, the age and sex of those condemned to death, and the number of executions carried out per year. Exactly which offences carry the death penalty (report, paras. 13, 180-183 and 185-189)? Which forms of execution are provided for by law? Please comment on reports that the Southern Sudan Interim Constitution prohibits the death penalty for children under 18 years of age, while the Interim National Constitution permits the death penalty to be imposed on persons who committed a capital offence while they were under 18 years old, if the sentence is imposed when the person convicted is 18 or older.
10. Please provide more information on the plan to combat violence against women in Darfur launched in November 2005, and on the special unit set up under the supervision of the Ministry of Justice to extend the initiative to the rest of the country (report, paras. 158-159). Please provide detailed, up-to-date statistics on cases of violence against women that have resulted in prosecutions.

11. What measures has the State party taken or does it intend to take to deal with the practice of female genital mutilation and ensure full implementation of the Covenant (report, paras. 14 and 155-157)?

12. Please comment on persistent allegations to the effect that the militia in Darfur continue to perpetuate serious violations of the right to life and to physical and moral integrity with total impunity and with the active and/or tacit complicity of authorities in the State party. Please furnish detailed information on steps taken to bring the perpetrators and other parties responsible to justice, and on their outcome.

13. Please indicate what measures have been taken to put an end to the torture and abuse carried out by members of the national security force during arrests and detention.

Prohibition of slavery and forced labour (art. 8)

14. Please provide detailed information on the measures taken by the State party and on the activities conducted by the Committee for the Eradication of Abduction of Women and Children in order to put an end to abductions and make sure that those responsible for such acts are brought to justice and that their victims are compensated (report, paras. 17-22 and 209-213). Please specify the penalties prescribed in the State party's legislation for those responsible for such practices (report, para. 212).

15. Please indicate the measures taken to comply with the obligation under the Comprehensive Peace Agreement to demobilize all children in the ranks of former warring parties by July 2005 and to report on the situation. What training has been provided to alert military commanders to the issue of child protection?

Security of person and the right not to be subject to arbitrary arrest (art. 9)

16. Please mention the judicial oversight mechanisms for obtaining redress against abuses committed by national security agents during arrests and in detention (report, paras. 17 and 220-223). Please provide recent statistics on trials of national security agents charged with arbitrary arrests and/or detention (report, paras. 197 and 225). How can the immunity that they enjoy and the fact that no charges may be brought against them without the authorization of their superiors (report, para. 31) be justified?

17. Please comment on reports suggesting the existence of clandestine detention centres and, more generally, of detention incommunicado (report, para. 29). Please specify the measures the State party has taken or intends to take in order to put an end to all arbitrary detention.

Treatment of persons deprived of their liberty (art. 10)

18. Please specify the measures taken to remedy poor conditions of detention (report, paras. 128, 193-195 and 226-228). Are there any independent mechanisms which monitor detention conditions and have access to all detention centres in the Sudan, including those run by the National Security Service?

Right to liberty of movement (art. 12)

19. Are there currently any restrictions on freedom of movement among the various regions of the Sudan, in particular between the North and the South and between Darfur and the rest of the country, either for specific individuals or as a general rule (report, paras. 234 and 238)? Please provide details on the extent and causes of, and trends in, forced displacement in Darfur, on the steps taken to ensure the protection of people displaced within the country, and on humanitarian access to displaced persons. Please also provide information on reports of the forced closure of facilities and camps for displaced persons in Khartoum and Gezira. What steps have been taken to protect and furnish assistance to displaced persons and refugees returning to southern Sudan?

Right to a fair trial (art. 14)

20. Please comment on reports that: (a) fair trial guarantees are not respected, especially with regard to public order offences; and (b) confessions extracted as a result of torture or other forms of ill-treatment are admissible, contrary to the State party's assertion in its report (para. 198). How does the State party ensure respect for fair trial guarantees? Please indicate the number of appeals for review of convictions resulting from an unfair trial (report, paras. 97-98 and 128). How can the judicial authority's accountability "to the President of the Republic" (report, para. 92) be justified? Please provide information on how the judicial system in southern Sudan operates.

Freedom of conscience and religion (art. 18)

21. Please specify the scope of application of sharia law and *hudud* penalties and indicate whether, and to what extent, *hudud* penalties are compatible with the Covenant (report, paras. 13, 113 and 282). Is there any intention to bring the Criminal Act of 1991 into line with the Interim National Constitution? Are there any plans to decriminalize apostasy, defined as a crime in the Criminal Act? How does the State party define the notion of religious extremism referred to in paragraph 25 of the report?

22. Please indicate whether an advisory council for Christians has been established (report, para. 100). What follow-up has been given to the State party's 2002 commitment to appoint Christians to senior executive positions within the Ministry for Religious Affairs and to promote inter-religious dialogue?

Freedom of expression, assembly and association (arts. 19, 21 and 22)

23. Please comment on reports that some journalists continue to be summoned by the authorities when they publish articles that are critical of government authorities or State security agencies, which may lead to suspension from their newspapers. Please specify whether the Press Act 1999 is still in force. Are its provisions in conformity with the new Interim National Constitution? What are the powers of the National Press Council? What system is used for licensing the press and other media (report, paras. 32, 289-290)? What judicial machinery exists for monitoring licensing (State party's report, para. 291)?

24. Please comment on reports that certain demonstrations were violently dispersed and demonstrators arrested and detained, and that certain human rights defenders and lawyers were harassed, arrested and charged with endangering national security. What restrictions are there on assembly (report, paras. 302-303)? What judicial machinery is there for guaranteeing freedom of expression and assembly?

25. Please indicate whether and to what extent the powers concerning the establishment, control and dissolution of political parties attributed by the Law on Political Organizations and Parties of 2001 to the Registrar are compatible with the Covenant. Please report on requests for registration of political parties and the authorities' follow-up to such requests in the past five years (paras. 309-318).

26. Please indicate what legal system applies to the registration of associations, and the mechanism for judicial oversight unrelated to registration decisions (report, para. 32). Please indicate any follow-up given to the petition filed on 27 May 2006 by five NGOs to the Constitutional Court, contesting the constitutionality of the new 16 March 2006 Act regulating Humanitarian and Voluntary Action (report, paras. 307-308 and annex 25).

Principle of non-discrimination and protection of minorities (arts. 26 and 27)

27. It is not possible to tell the demographic composition of Sudan precisely from the report, or to ascertain whether all Sudanese enjoy the rights guaranteed under the Covenant without distinction as to race, colour, national or ethnic origin, or whether minorities are entitled to use their own languages, practice their own religions and enjoy a communal cultural life. The State party is invited to clarify these points (arts. 26 and 27 of the Covenant).

Dissemination of the Covenant (art. 2)

29. Please supply information about the training on the Covenant given to State agents, especially teachers, judges, lawyers, police and national security personnel. Please also describe other measures taken to disseminate information on the Covenant, on the submission of reports and their consideration by the Human Rights Committee and, in particular, on the Committee's concluding observations.
