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on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

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Held at the Palais Wilson, Geneva,
on Thursday, 12 July 2007, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

CONTENTS

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of the Sudan (continued)

* No summary records were issued for the 2456th and 2457th meetings.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT
(agenda item 6) (continued)

Third periodic report of the Sudan (CCPR/C/SDN/3; CCPR/C/SDN/Q/3) (continued)

1. At the invitation of the Chairperson, the members of the delegation of the Sudan resumed their places at the Committee table.
2. The CHAIRPERSON invited the members of the Committee to resume consideration of the third periodic report of the Sudan, and he invited the Sudanese delegation to reply to the questions posed orally at the previous meeting.
3. Mr. ZAMRAWY (Sudan) noted that the Committee had expressed concern that 40,000 women and children were said to have been abducted in the Sudan, many more than the figure indicated in the periodic report (para. 213). He assured the Committee that the figures communicated in the report fully reflected the reality and that the State authorities had supported the Committee for the Elimination of Abduction of Women and Children just as much as it had other bodies. Budgetary resources were in fact insufficient, especially since some donors had not honoured their commitments. The Sudanese authorities called on the international community to assist them in their efforts to combat abductions of women and children and thereby help the committee mandated to deal with the question to conduct its activities in full. It should also be borne in mind that, outside the Darfur region, the security situation had improved perceptibly, and today there were very few abductions.
4. The Human Rights Committee had expressed concern that the delegation had not replied to question 2 on the list of issues, concerning the Southern Sudan Human Rights Commission. His delegation had explained at the beginning of the consideration of the periodic report that one of its members, Ms. Joy, who chaired the Commission, had been delayed and that the reply to question 2 would be deferred until she arrived. As consideration of the periodic report was drawing to a close and Ms. Joy, who was in the best position to provide all the information requested, had not been able to join the delegation, he would himself furnish a few elements of a response.
5. The Southern Sudan Human Rights Commission had been set up in accordance with the Interim Constitution; it was entrusted with ensuring respect for human rights in the region and reporting on the situation in that regard. It was very similar to the national institutions established under the Paris Principles in terms of its mandate, the conditions for appointing its members and its financing. The delegation would see to it that more complete information concerning the Commission was forwarded to it in writing at a later date.
6. The CHAIRPERSON thanked the Sudanese delegation and invited the members of the Committee to formulate their observations.
7. Ms. WEDGWOOD, referring to the question of the compatibility of the punishment of flogging with the provisions of the Covenant, pointed out that the jurisprudence of the Committee was very clear: regardless of how it was practised, flogging was a cruel, inhuman and degrading punishment which constituted a violation of article 7 of the Covenant.

8. With regard to law enforcement, she noted that the Sudan was not the only State to be under an obligation to try the perpetrators of human rights violations committed in the context of an armed conflict, notwithstanding the assertions of the representatives of the State party. In accordance with the Geneva Conventions, perpetrators of war crimes must be brought to justice so as to prevent serious human rights violations from recurring. Customary law also provided that offences must be punished as quickly as possible. She was aware that it might be difficult to find witnesses and that it was necessary to ensure their protection, but that might actually argue in favour of an “outsourcing” of certain administrative acts of justice for which States normally had competence. In any event, the Sudanese authorities could show the international community the importance they attached to respect for human rights by undertaking to prosecute Ahmad Harun and Ali Kushayb, who were accused of committing particularly serious crimes by the International Criminal Court, which had issued warrants for their arrest.

9. Sir Nigel RODLEY pointed out that, according to a number of non-governmental organizations (NGOs), there were 1.8 million displaced persons and 200,000 refugees in the Sudan, which meant that very large numbers of Sudanese had been forced to leave their homes. Was the State party of the view that the situation was due solely to the activities of insurrectional groups?

10. As to penalties for human rights violations, he had apparently misunderstood how murder was sanctioned, and he had taken due note that the offence was automatically punished by ten years’ imprisonment. However, he would like some clarification with regard to the statistics provided by the delegation concerning police officers tried by civilian jurisdictions in 2004; 18 of the 20 cases cited concerned homicide or murder. There had been a number of acquittals and several convictions, but apparently none of the police officers had been sentenced to imprisonment. He asked the delegation to comment on that point.

11. He also enquired what measures the State party had taken so that women who were unable to prove that they had been raped did not decline to lodge a complaint for fear that they might be found guilty of zina, a term which referred to all sexual relations outside the marriage.

12. Ms. MAJODINA, observing that the Interim Constitution did not make provision for the establishment of a human rights commission in southern Sudan, said she was pleased that the new Government had thought it necessary to set up such a body, which was essential for the promotion and protection of human rights in the region. She noted, however, that in October 2006, the President of the Sudan had apparently promulgated a decree on the appointment of five members of the Commission. Such an appointment process was not in conformity with the Paris Principles, which enunciated basic criteria for ensuring the independence of national human rights institutions and stressed in particular the need to provide them with adequate funding. Clearly, the appointment of the members of the Southern Sudan Human Rights Commission had taken place rather hastily, which was a source of concern. According to the United Nations Mission in Sudan (UNMIS), the enabling act for the Commission had not yet been promulgated, but the Commission had already adopted a programme of work and had begun to consider cases of human rights violations. She urged the Sudanese authorities to take steps to pass the enabling act, which would define the Commission’s mandate, the conditions for appointing its members, its funding and its terms of reference so that it could be put into place without delay in accordance with the established rules.

13. Mr. O'FLAHERTY thanked the Sudanese delegation for its reply concerning the abduction of women and children. He pointed out, however, that the figures contained in the periodic report only covered documented cases. How many women and children had actually been abducted? For its part, the Committee for the Elimination of Abduction of Women and Children had put forward the figure of 40,000 in 2006. It would be useful if the delegation could explain what the real situation was.

14. He fully endorsed the delegation's observations on the need for international assistance, including financial support, in connection with the work of the Committee for the Elimination of Abduction of Women and Children. However, problems associated with coordinating the assistance provided by that body and the activities conducted by the international humanitarian community to help with the social reintegration of victims might deprive such persons of the benefit of programmes set up in their favour.

15. Mr. KÄLIN said that the mechanism for ensuring security and respect for public order in the Sudan was very complex, because it included not only the armed forces and the police but also various security bodies, border guard corps etc. The Committee would like to have a better idea of how those various institutions were coordinated, what bodies supervised the activities of each, and who they answerable to; that way, it could be certain that the system did not permit wrongful acts. It would also be useful to learn more about the distribution of responsibilities among the various institutions.

16. The CHAIRPERSON invited the Sudanese delegation to reply to the questions posed orally by the members of the Committee.

17. Mr. ZAMRAWY (Sudan) agreed that an armed conflict should not interfere with the prosecution of criminal acts. However, due account should be taken of the circumstances and constraints associated with security, as well as the problem of producing evidence in such a context. The reasons for the difficulties encountered in meeting obligations concerning the administration of justice included the high level of insecurity in a number of areas and the impossibility of rapidly arresting certain perpetrators of human rights violations on account of population movements.

18. With regard to Ali Kushayb, he had been arrested and indicted and would be put on trial. However, he had lodged an appeal with the competent authorities that was currently being examined. As for Minister Ahmad Harun, an investigation was under way, but the evidence was not sufficient for an indictment. The Sudan had asked the Prosecutor of the International Criminal Court to provide it with any additional evidence which would enable it to prosecute Ahmad Harun, but as yet it had not received a reply.

19. In respect of the case of police officers convicted of human rights violations, the statistics forwarded to the Committee only concerned cases tried in the lower courts. In the Sudan, murder was a crime that came under both public law and private law and was punishable by a maximum sentence of ten years' imprisonment. As in any country, the risk of judicial errors existed, but it was always possible to appeal against a court decision.

20. Concerning the question of the punishment of rape, it must be borne in mind that rape and adultery were two distinct crimes in Sudanese law and incurred different penalties. Women who

asserted that they had been raped could on no account be accused of adultery, even if they were unable to prove that a rape had been committed.

21. The questions posed regarding the Southern Sudan Human Rights Commission would be forwarded to that body. However, he assured the Committee that the Paris Principles were respected and that the Sudanese authorities had every intention of ensuring that the Commission acted in full compliance with the law.

22. The figures concerning the abduction of women and children varied depending on the source, but the ones indicated in the periodic report were closer to reality than the 40,000 cited. The situation had improved since 2005, above all because the perpetrators of abductions had been finding it more difficult to find sanctuary, and a number of persons who had been abducted had been freed.

23. The CHAIRPERSON invited the delegation of the Sudan to reply to questions 16 to 28 on the list of issues (CCPR/C/SDN/Q/3).

24. Mr. MAHDI (Sudan) said that he had already replied to a large extent to question 16 concerning the punishment of abuses committed by national security agents. The national security forces were under the supervision of the prosecuting authorities. A consultant in the Ministry of Justice, who had the status of judge of the highest jurisdiction, was mandated to consider complaints of human rights violations and was empowered to institute proceedings. A judge appointed by the Constitutional Court could also receive complaints by individuals concerning the conditions of their arrest and detention and could take action.

25. There were no clandestine prisons or detention centres in the Sudan. The 1996 regulations regarding the treatment of persons detained by the domestic security services clearly established the conditions for arrest and placement in detention. No one could be detained for more than three days without a trial, and everyone must be informed of the reasons for their arrest. Persons placed in detention must not be subjected to physical or psychological abuse. They had the right to see their family, to request the assistance of a lawyer and to receive physical and psychological health care. Article 5 of the regulations provided that the prosecuting authorities must monitor detention conditions. Article 40 stipulated that anyone who violated the rights of detainees was liable to prosecution. Abuse of authority by the prison staff was also punishable.

26. Pursuant to article 47 of the National Security Act, members of the security forces were liable to up to ten years' imprisonment if they committed an abuse of authority or power. Article 90 of the 1991 Criminal Code provided for a sentence of up to three years' imprisonment for any abuse of authority committed by a police officer empowered to arrest citizens or to detain them following their arrest, and Articles 164 and 165 for up to three years' imprisonment for illegal or incommunicado arrest (see paras. 198 and 223 of the report).

27. As in all countries, the security bodies in the Sudan enjoyed immunity in the performance of their duties, but immunity was never absolute, because all citizens must obey the law. There had been a number of cases in which members of the security services had been convicted and punished in accordance with the law. The Interim Constitution of 2005 ensured that all citizens had the right to appeal to the judicial authorities and had the necessary means of recourse, so that everyone could exercise their rights. There were no statistics on the subject, because only cases based on duly substantiated complaints were considered. The Immunity Act had not been

amended: a proposed amendment had been submitted to the National Council but had been rejected.

28. There were no clandestine detention centres in the Sudan (question 17). The measures taken to combat arbitrary detention required supervision by the judicial system: the Constitutional Court was empowered to order that a detainee appear in court to examine the legality of the arrest. It considered cases and could take concrete measures. The prosecuting authorities must ensure that a representative of the public prosecutor was present around the clock in every police station and detention centre. The representative heard complaints saw to it that police officers who committed an abuse of authority were punished, and collaborated with the Ministry of Justice, which gave legal advice and represented State bodies and institutions in court. In a sense, the Ministry of Justice thus ensured “preventive justice” by assigning a sufficient number of consultants to the judicial and police services. The Public Grievances Chamber (paras. 98 and 99 of the report) was responsible for the granting of compensation. Another body, the Advisory Council for Human Rights, inspected detention centres and investigated illegal arrests and disappearances. UNMIS, together with the African Union Mission, had visited those centres, whose personnel took training to ensure that they obeyed the law. As indicated earlier, all legislation could be amended, in conformity with Act No. 226.

29. With regard to question 18, a body had been put into place that was responsible for improving conditions of detention and visits by families and children and for providing medical care. In September 2006, a training course had been held for personnel in conjunction with the International Committee of the Red Cross (ICRC).

30. Mr. OSMAN (Sudan), replying to question 19, said that there were no restrictions on freedom of movement in the Sudan. The inhabitants of both the north and the south could move freely throughout the entire country. In 2004, the Sudan had signed an agreement with the United Nations to adopt an emergency policy to facilitate humanitarian relief for Darfur. In that connection, visas had been granted within 24 hours, NGOs registered within seven days, and travel permits replaced by simple travel notifications. Some 70 NGOs had been registered, more than 1,000 vehicles had been exempted from customs duties, and large numbers of visas and work permits had been issued, as had more than 3,000 travel notifications. In 2006, that policy had been reviewed in order to facilitate the situation of humanitarian workers in Darfur. As a result, 6,808 travel permits had been issued, 22,528 flights had arrived in Darfur from Khartoum and other cities, and exemptions from customs duties on merchandise had increased to 151 million dollars. The 200 foreign NGOs active in Darfur had deployed more than 3,000 persons in the field, notably social workers. The policy had helped stabilize the situation in 2006, including in the region near the Red Sea, with the support of the international community, donors, United Nations bodies and NGOs.

31. A survey conducted in 2006 by the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF), the Food and Agriculture Organization (FAO) and the United Nations Development Programme (UNDP) together with the Ministry of Health to assess the situation in Darfur had shown that the malnutrition rate had gone from 11 per cent in 2005 to 1.4 per cent in 2006, that the mortality rate had declined to 1 per cent and that there had not been any epidemics in the refugee camps. The Sudan was implementing a policy of exclusively voluntary return; there had not been any cases of forced return. It had signed an agreement with the International Organization for Migration (IOM) to monitor the various stages of return of

displaced persons, of whom 690,000 had already gone back to 95 villages in Darfur. In a joint communiqué signed in March 2007, representatives of the United Nations and senior Sudan officials had recognized that considerable progress had been made in ameliorating the humanitarian situation. The mortality, morbidity and malnutrition rates of the vulnerable populations, evaluated in accordance with international humanitarian indicators, had improved perceptibly, thanks to the efforts of the Government, which had put into place accelerated procedures for customs and for visa applications, and thanks also to the generous assistance of the international community. The indicators were currently at acceptable levels, but both parties had agreed that a better coordination of efforts to facilitate humanitarian activities and address procedural problems would help further improve the situation.

32. The refugees from Chad had begun to arrive at the camps for displaced persons in the Sudan, which had posed problems, because the rebels continued to attack humanitarian convoys. Some 620,000 displaced persons were in the process of returning home in the south, and an agreement had been signed with OIM to facilitate the return of 200,000 displaced persons in Khartoum. Those efforts had been hindered by the militia forces still present in the south, but the Government was working to dismantle the militia and to assist the refugees and displaced persons in resettling. However, it had not yet succeeded in persuading many refugees in neighbouring countries that they would be better off if they returned to the Sudan. The displaced persons in Khartoum, in particular in the Dar-al-Salam camp, which was located on a hill of the city and was actually an enormous shantytown, were mainly workers in the industrial sector. The Government had been implementing a policy of urban planning for years and had decided to move the shantytown to another urban area. Private land had been made available to the squatters, and the authorities were working closely with shantytown representatives, who had formed a committee. The new region was more salubrious and safer and provided services, including in the area of education.

33. Mr. ZAMRAWY (Sudan), referring to the right to a fair trial (question 20), said that, pursuant to article 34 of the Constitution, everyone was presumed innocent until proven guilty, and every accused person had the right to have a lawyer and to call witnesses. In other words, the Sudan complied with all internationally recognized principles, the courts were democratic and open to the public, and anyone could attend the proceedings, except when they were held in camera. All means of appeal and defence were authorized, and a fair trial was thus guaranteed; reports to the contrary were erroneous. With regard to confessions obtained under torture, the Sudan was convinced that it could not enforce the law if it did not obey it itself, and allegations that such confessions were admissible were false and probably stemmed from a confusion between article 20 of the Act of 1993, which clearly stated that confessions extorted under torture were not admissible, and article 10 of the 1994 Act on Evidence, according to which confessions and evidence obtained through an illegal procedure were in principle inadmissible, except where a police officer entered premises without a search warrant and found evidence of a crime, in which case such evidence was admissible despite the irregularity of the procedure.

34. The right to a fair trial was embodied in article 34 of the Constitution and in the Testimony Act. All procedural details to be followed for obtaining admissible evidence were clearly set out. No one could be punished for a crime that was not clearly defined by law. Arrest must be in accordance with the established procedure, the indictment must be specific, and the accused must be informed of the exact nature of his rights. Accused persons who appeared in court were entitled to receive detailed information enabling them to exercise their right of defence unhindered. The judicial authorities reported to the President of the Sudan. In accordance with

article 110 of the Constitution, the judicial system was independent, no judge could be removed without a decision of the highest judicial authorities, and no one could influence them directly or indirectly. The head of the judicial system discharged his duties in complete independence, including with regard to the head of State, who could not intervene to change a decision. Judges did not have to tolerate any outside interference in the performance of their duties. Separation of powers was complete. In practice, the budget of the judicial system was considered separately.

35. The sharia, which was one of the main sources of law in the northern states of the country, was applied to crimes punished under the hudud, such as rape, apostasy or adultery. In the view of his Government, those punishments were in conformity with the Covenant. Although occasionally it was thought by some that the punishments were inhumane, he was firmly convinced that they were entirely compatible with human dignity and that there was nothing cruel about them. All law passed before 2005 could be amended to bring them into line with new legislation in force. Thus, if the articles of the 1991 Criminal Code were contrary to the new Constitution, they would be amended or repealed. As for religious extremism, the Government defined it as a form of intolerance characterized by the rejection of persons of other convictions or beliefs, by means of any attempt to exterminate, remove, marginalize, attack or humiliate them, deprive them of their basic rights or impose another belief on them by threat, force or propaganda.

36. Mr. OSMAN (Sudan) said that the Government had decided to put into place a commission responsible for the rights of non-Muslims in the province of Khartoum, because although the capital was in the north of the country, where the sharia was applied, not all its inhabitants were Muslims. Moreover, the capital was the symbol of national unity and reflected cultural and religious diversity. A second objective was to ensure that the rights of non-Muslims were not violated on the pretext of applying the sharia. The Government was also working to promote a spirit of tolerance in order to apply the Machakos Agreement. The Sudan was not an Islamic State; its Constitution stipulated that it was a multi-ethnic and multi-denominational country and that discrimination against citizens for religious reasons was prohibited. Thus, there was no State religion, and the spirit of coexistence prevailed. To cite one example, the Minister of Worship had appointed Father Ambroise, one of the founders of the Advisory Council for Human Rights, to head the Department of Churches in the north of the country.

37. The agreement which had brought autonomy to southern Sudan specified that the head of the Government of Southern Sudan was also the Vice-President of the country and that the members of the Government of Southern Sudan were also members of the Government of National Unity; they also headed important ministries, including the Ministry of Foreign Affairs. Of the Parliament's 430 members, 145 were Christians. Christians also had the right to establish a national council of churches, and Christianity was part of the curriculum in Christian schools. Those schools had their own textbooks, and the Government paid the salaries of teachers of religion and covered the costs of examinations. Whereas classes in Arabic were mandatory, classes in Islam were not.

38. Ms. ABDULAZIZ (Sudan), commenting on allegations according to which journalists who criticized the Government or State security agencies continued to be summoned by the authorities, which might lead to suspension of their newspapers (question 23), said that the Press Act of 2004, which had abrogated the 1999 Act, guaranteed freedom of expression for journalists, and that included the formulation of criticism vis-à-vis organs of power. The

Government could not order the suspension of the publication of a newspaper; that required a judicial decision. It could only lodge a complaint with the National Press Council, which had been set up under the 2004 Press Act and was responsible for considering complaints of prejudice caused by articles in the press. In addition, a fatwa had been issued invalidating recourse to article 130 of the Code of Criminal Procedure (on the protection of the confidentiality of an investigation) to suspend a newspaper for the duration of judicial proceedings. The issuance of licences to the press came under the mandate of the National Press Council, and the 2004 Press Act provided for means of recourse for unjustified denial of a licence. As to the other media, both state-run and private television and radio stations enjoyed the same guarantees of freedom of expression as the press.

39. Mr. MAHDI (Sudan), replying to the reports that demonstrations had been violently dispersed (question 24), pointed out that article 40 of the Constitution guaranteed the right of peaceful assembly, provided that it was exercised in accordance with the law. To be legal, a demonstration must first be authorized by the competent administrative authorities and must not constitute a threat to the public order. A demonstration was deemed to be illegal, thus warranting action by the police, if it was held without prior authorization or if it degenerated to the point of constituting a threat to the public order. In that case, the use of force was authorized by law, as long as it was reasonable and proportional to the risk which the demonstrators represented, but the police and security forces on the ground, although they had some discretionary power, must comply with the limits set by law and the directives emanating from the public prosecutor's office.

40. Mr. ZAMRAWY (Sudan) said that investigations were under way in connection with two demonstrations at which participants had died, in order to ascertain whether their deaths had been the result of an excessive use of police force. With regard to the Act on Political Parties and Organizations of 2001 and the measures taken to ensure its compatibility with the Covenant (question 25), he said that that legislation was no longer in force and that a new act had been promulgated in 2007. The post of Registrar under the old legislation had been eliminated, and a Council of Political Parties now monitored compliance with the democratic principles set out in the Constitution. In the event of a violation of those principles, for example if a political party resorted to violence, the Council petitioned the Constitutional Court, which could decide to suspend the party if there was sufficient evidence to substantiate the allegation of violence.

41. Mr. OSMAN (Sudan) said that the new Act regulating Humanitarian and Voluntary Action (question 26) had been examined in several readings in the Parliament before being passed. It established simplified procedures for the creation and registration of voluntary organizations and associations. It stipulated that foreign organizations wishing to conduct activities in the Sudan must be registered in their country of origin and must specify the nature and objectives of their work. An organization whose registration application had been rejected had two weeks to lodge an administrative appeal.

42. In an appeal, NGOs had contested the constitutionality of the new law, on the grounds that some of its provisions constituted a violation of their freedom of action. In particular, they criticized the fact that, in order to be registered, organizations financed by foreign funds must obtain prior authorization from the Government after accounting for the origin of their funding and providing detailed information concerning the reasons for their presence in the Sudan. However, by ensuring that activities conducted on the national territory did not jeopardize

domestic security and were in conformity with the law, and in particular legislation to combat money laundering and terrorism, the Government was simply discharging its duties.

43. With regard to the implementation of articles 26 and 27 of the Covenant, on non-discrimination and the protection of minorities (question 27), he stressed that cultural, linguistic, racial, ethnic and religious diversity constituted one of the founding principles of the Interim Constitution. Article 6 guaranteed freedom of worship and religion, and article 8 granted all languages spoken in the country the status of national language. Arabic and English were the official languages of the public administrations, but other languages could be used at local level. Legislation to promote the protection of dialects had recently been adopted by the Council of Ministers. Persons belonging to minorities had the right to use their own language and to raise their children in accordance with their cultural values.

44. Mr. ZAMRAWY (Sudan), replying to the question on the dissemination of the Covenant, said that, thanks to training conducted by the Advisory Council for Human Rights, educational, judicial, police and security forces personnel generally had a good knowledge of the Covenant. Workshops and seminars were held regularly.

45. Mr. KHEIR (Sudan) said that the question of respect for human rights, and in particular civil and political rights, was inseparable from that of peace and development, areas in which the Sudan faced major difficulties that it could not overcome without the assistance of the international community. Unfortunately, the international community had yet to fulfil a number of its commitments vis-à-vis the Sudan. Only an infinitesimal part of the financial assistance promised had been made available, although such financing was essential to strengthen the capacities of the country and to embark upon the reforms needed to implement the Covenant. Moreover, although the armed militia continued their ruthless acts in Darfur, the international community had not responded to the appeal by the United Nations Security Council that every effort be made to have the militia sign the Peace Agreement. The spread of weapons was another factor of instability in the region and also required the intervention of the international community, because the viability of the peace process was at stake. The Sudan hoped to be able to count on the technical assistance of the international community to extend the human rights training initiatives to the entire population so that the Sudanese could in turn contribute to promoting and protecting those rights. The outstanding work of the International Committee of the Red Cross in that area was an example to follow.

46. The CHAIRPERSON thanked the delegation for its replies and gave the floor to the members of the Committee.

47. Mr. KHALIL, returning to the question of judicial oversight mechanisms to help in lodging complaints regarding abuses committed by the security forces during arrest and detention, welcomed the very instructive written information provided by the delegation and enumerating cases in which police officers or members of the security forces had been prosecuted and convicted. However, he would like to obtain further details on the application of the concept of immunity for those civil servants, which in some cases, as he understood it, enabled them to avoid being held responsible for their acts.

48. He took note of the passage of a new Political Parties Act to replace the 2001 Act and asked whether the allegations according to which some political parties had formulated reservations about the bill during its consideration in the Parliament were true and, if so, whether

account had been taken of those reservations in the final version. He would also like to learn more about the exact powers of the Council of Political Parties established pursuant to the new act and about measures taken to guarantee its impartiality.

49. With regard to the fatwa as it related to the application of article 130 of the Criminal Code of Procedure, to which the delegation had referred, he asked whether the provisions of the article had been amended to prevent it from being used abusively. The Committee had information that many reporters had been and continued to be put under pressure by the authorities. He cited the case in which the police had burst into the premises of a Khartoum newspaper to prevent the publication of an article denouncing violence committed in camps for displaced persons from Darfur. The publication of the newspaper had been suspended, and its director had been sentenced to pay a fine. It would be useful for the delegation to comment on the case. He also noted that, in a 2006 report, i.e. after the entry into force of the new Press Act, the Special Rapporteur on the situation of human rights in the Sudan had recommended that the State party should amend its legislation to bring it into line with the principle of freedom of expression. He asked the delegation for its comments in that regard.

50. Concerning the question of freedom of assembly, he took note of the details provided on the violent suppression of student demonstrations at Khartoum University and asked whether the delegation had other information on allegations that pressure had been brought to bear on human rights defenders. With regard to non-discrimination and the protection of minorities, it was unfortunate that the State party had not made available detailed statistics concerning the minorities present in the Sudan (numbers, percentage of the population etc.), and he hoped that that lacuna would be addressed in the next periodic report.

51. Ms. WEDGWOOD, turning to the question of the treatment of persons deprived of their liberty, pointed out that the mechanisms for monitoring prison conditions were a very effective way of protecting detainees from violence. Those mechanisms, such as the ICRC, NGOs or independent observers, must be independent and must be empowered to make unannounced regular inspections. Such monitoring was particularly important in that there were many parallel security forces, each with its detention centres. The hierarchy was not very clear, and it became virtually impossible, even for the Government, to know who was answerable to whom.

52. With regard to the dissemination of the Covenant, it was essential to train the personnel of the judiciary and security forces, but the population as well, because international instruments were not always easy to read for the public at large. Schools, in particular secondary schools, were the ideal place for such training. The Office of the United Nations High Commissioner for Human Rights and the ICRC provided excellent teaching materials for that purpose. The press was also a useful means of dissemination. Combined with an appropriate education, freedom of the press was an invaluable tool which Governments would be wrong not to exploit. Far from being their enemies, journalists, if well trained, could be their allies and could help them not only to detect violations but also to promote rights.

53. Mr. KÄLIN took note of the information provided by the delegation with regard to the protection of displaced person and was pleased that the flow of humanitarian aid to the Sudan had improved considerably since 2004. Nevertheless, more than two million persons had been displaced within the country or to Chad. According to John Holmes, United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, an additional 160,000 displaced persons had been displaced since the beginning of the year. The security of

humanitarian personnel, which had greatly deteriorated, was also a problem. Although attacks against convoys and humanitarian workers were the work of militiamen and not of State agents, the Sudan could not ignore the situation.

54. The Committee would like to know what the Government had planned for the return of displaced persons. Could they return to their villages of origin once the security situation so permitted, or would they be sent elsewhere? How long would they be allowed to stay? It would be useful to learn to what extent the situation of displaced persons was taken into consideration in urban development plans, in particular in the state of Khartoum. Major efforts had been made to set up resettlement camps, but although some were well organized, some displaced persons had been relocated to remote areas, which deprived them of the possibility of working, and they still did not have such basic services as water and electricity.

55. Problems had also arisen with regard to refugees, although in that connection he praised the efforts which the Sudan had been making for decades to take in such persons. Under the 1974 Act on the Right of Asylum, refugees could submit an application for asylum, but according to some information, only refugees who were in the eastern part of the country – and who were Eritreans for the most part – could avail themselves of the procedure, whereas refugees in the other regions – mainly Somalis and Ethiopians – could not, which meant that they were expelled as clandestine aliens, in violation of the principle of non-refoulement. Even refugees who were able to submit an application for asylum were said to have great difficulty obtaining identity documents, although they were legally entitled to them. It would be useful if the delegation could provide information on those various points.

56. Ms. MAJODINA said that, according to some reports, the members of the security forces who had been prosecuted after their immunity had been lifted had been tried in camera, which was in violation of article 14. Other information received indicated that the rights of the defence in political trials were restricted or indeed non-existent. In 2006, at least 65 persons had been reported to have been executed after being sentenced in a trial in which the rights of the defence had not been respected. It would be interesting to learn how many appeals had been lodged to challenge a decision handed down in an unfair trial.

57. The delegation should also explain how the fact that judges were accountable to the President (para. 93 of the report) was compatible with the principle of the independence of the judiciary as embodied in the Constitution.

58. Mr. AMOR recalled that freedom of religion included the right to change one's religion and that consequently, the provisions of Sudanese legislation which punished apostasy were in violation of the Covenant. The Koran itself prohibited the imposing of a religion. Although the Government was working to combat religious extremism, he noted that five of the 32 political parties were religious parties whose rhetoric – which advocated religious discrimination – was incompatible with article 18 of the Covenant. Explanations concerning the above-mentioned points would be welcome.

59. Mr. O'FLAHERTY noted that the registration of births was compulsory in the State party, but that according to some information, 70 per cent of the population had not been registered. He asked what had been done to address the problem, in particular with regard to persons who had not been registered at birth. In the absence of registration, it was difficult to determine a person's age, which could have consequences for the recruitment of child soldiers or for the right to vote,

to cite two examples. Moreover, children born following a rape could not be registered if the mother could not identify the father. Given that rape was a weapon of war in the Sudan, the State party should address that administrative obstacle.

60. It emerged from information received that the law authorized the detention of a child in a correctional school as from the age of seven. If that was the age of criminal responsibility, the State party should consider raising it to at least 12 years, which was the generally accepted minimum age at international level. According to other reports, to obtain a high-school leaving certificate, pupils must prove that they had served in the Popular Defence Forces. Without the certificate, they could not continue their studies. Apparently, some aspects of the training which youths enlisted in the Popular Defence Forces must take might be contrary to their religion. The delegation was asked to comment on all those allegations.

61. Sir Nigel RODLEY was pleased to learn that no woman who had been raped could be legally accused of zina (adultery), but it emerged from the reports of the Secretary-General to the Security Council of 4 March and 12 April 2005 that women pregnant as the result of a rape had been arrested. Likewise, he was reluctant to give credence to the assurances of the delegation concerning incommunicado detention, since many non-governmental sources had denounced its use and the State party itself had recognized the existence of torture, a practice which incommunicado detention encouraged. Just recently, on 13 June, it had been reported that 13 persons had been arrested following a demonstration against the Kajbar Dam, that four of them had been released after being held incommunicado for a week, but that the others were still detained and that two of them had even “disappeared”: the professor Mohamed Jalal Ahmed Hashim and the reporter Raafat Hassan Abbas.

62. He expected the delegation to make available, as agreed, information on legislation concerning aliens that, according to the delegation, contained provisions similar to article 33 of the National Security Act, which granted immunity to the members of the security forces. He was not aware of the existence of any such analogous provision, apart from the notorious Indemnity Act, which had been in force in South Africa during the apartheid regime.

63. The CHAIRPERSON invited the delegation to reply to the questions of the members of the Committee and reminded it that, if time was lacking, it could also reply in writing by the following Tuesday.

64. Mr. ZAMRAWY (Sudan) said that the fatwa relating to article 130 of the Code of Criminal Procedure resulted from an interpretation of that provision which made it possible to suspend a newspaper until the end of a judicial procedure. Some prosecutors considered such interim protective measures to be necessary, while others disapproved of them. In any event, there was no press censorship in the Sudan.

65. Voluntary organizations whose registration had been denied or annulled could appeal against the decision before the Administrative Court, which was also the sole body empowered to order the disbanding of a party. The Council of Political Parties did not have that power; it could merely recommend the disbanding of a party whose rhetoric was said to be anti-democratic or which advocated violence.

66. With regard to displaced persons, the Government preferred them to return to their villages of origin, if they so wished and it was working to create conditions conducive to a return in

complete security. It also ensured that their property had not been occupied by others. The Sudan was doing everything in its power to make life easier for displaced persons relocated in camps. It provided them with water and electricity, and it had taken steps to build roads.

67. The trial of members of the security forces was always public unless questions of national security were involved.

68. As to apostasy, the punishment of which was alleged to be incompatible with article 18, it should be borne in mind that there were several Islamic schools and that in the Sudan itself the interpretation of the Koran had evolved over time. In any event, laws passed subsequent to the 2005 Constitution could be reviewed and amended.

69. No distinction was made between religious and other parties. All parties were permitted, provided they were open to all citizens and their methods were democratic and peaceful.

70. In closing, he said that, for lack of time, the delegation would reply to the other questions in writing. He thanked the Committee for what had been a constructive dialogue which would certainly help Sudanese society in reaching a consensus on the Covenant and in becoming a model in its implementation.

71. The CHAIRPERSON thanked the delegation for the fruitful exchange, which testified to the Government's determination to pursue its efforts in favour of protecting human rights. He also welcomed its frankness with regard to areas in which problems persisted, an attitude that was all the more praiseworthy since the Sudan was currently at the centre of the international community's attention. He noted, however, that the questions asked concerned recurring issues. The Committee therefore hoped that it would be able to conclude that progress had been made when it considered the next periodic report. It would do its best, within the limits of its mandate, to help the State party improve its implementation of the Covenant.

The meeting rose at 6.08 p.m.
