**Interactive Dialogue with the Independent Expert on the Situation of Human Rights in Sudan Statement by the Delegation of the United States of America**

Delivered by Deputy Assistant Secretary Daniel Baer

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Thank you, Mr. President.

We thank Justice Othman for his dedication and work in monitoring and raising awareness about the human rights situation in Sudan. We note that his report thanks the Government of National Unity, the Government of Southern Sudan, UNMIS and UNAMID and the UN agencies in Sudan for their cooperation and valuable assistance provided. We were pleased that the Independent Expert was able to travel to Sudan and engage with the Government. We believe these ongoing relationships are an opportunity for growth and development within Sudan. They demonstrate the value of this mandate.

Continued Attention Needed

The Independent expert stated in his report, “the general human rights situation in Sudan deteriorated.” We must do all we can to help ensure that human rights are protected. We agree with the Independent Expert’s conclusion that “With the referendum on South Sudan yet to be conducted, it is essential that the government provides a conducive environment for the exercise of political rights with firm guarantees of the fundamental freedoms of expression and assembly…” The United States remains extremely concerned regarding restrictions on political and civil rights in both the north and the south. Civil society, including NGOs and the press, must be able to operate freely.

Although the United States is mindful that the recent elections in Sudan were an essential element of the Comprehensive Peace Agreement (CPA), we cannot ignore the serious irregularities that characterized the process, including restrictions on political freedoms, harassment and intimidation by security forces, and concerns regarding the tabulation process.

We share the Independent Expert’s strong concern regarding intercommunal violence and Lord’s Resistance Army (LRA) attacks in the south, especially the targeting of women and children. Primary responsibility for protecting these civilians lies with the Government of Southern Sudan. It is important that the Government of Southern Sudan and UNMIS take necessary steps to protect civilians and deter violence. The Independent Expert also reported on serious problems with the rule of law environment in the south. We encourage the Government of Southern Sudan to make progress on these issues.

Worsening Situation

We note the Independent Expert’s finding that the conflict in Darfur is characterized by several patterns of violence including armed hostilities, banditry, and intertribal conflict. Civilian deaths, displacement, gender-based violence, and the use of child soldiers in Darfur, in violation of international law, continue. UNAMID reported that May 2010 was the deadliest month since it took over from the African Union in 2007. Further, the African Union expressed its concern at the recent degradation of the security situation in Darfur at its meeting in July 2010. Unfortunately, as discussed by the Independent Expert, there is still a culture of impunity in Darfur, and a lack of accountability and of judicial capacity. The United States is concerned about fighting between government and armed movements in Jebel Marra and Jebel Moon and its impact on civilians as well as the disturbing reports of the Tabarat market attack on September 2 that left a number of civilians dead. We are also particularly concerned by the use of aerial bombardment by the Government of Sudan. Additionally, humanitarian workers and UNAMID personnel continue to be the targets of kidnapping, banditry, and other violence that has gone unpunished.

Recent events in Kalma camp have caused many internally displaced persons to flee the camp and raise human rights concerns. The violence between pro- and anti-peace process elements in the camp led to a number of deaths and opened the door for the Government of Sudan to restrict humanitarian access to Kalma. Only recently have these restrictions been relaxed. The Government of Sudan must ensure humanitarian access across the board remains open and its delivery continues to affected populations even in light of security challenges within the IDP camps. We must continue to hold Sudan accountable to ensure that real progress is made in improving security and resolving the overall conflict in Darfur.

In addition to his reporting on Darfur, we encourage the Independent Expert to expand reporting on human rights conditions in the north, outside of Darfur. Restrictions on civil and political rights have increased since the Independent Expert released his report, including the May arrest, mistreatment in custody, and sentencing of Rai Al Shaab journalists, the June arrest of several individuals in connection with a doctors’ strike, the return of preprint newspaper censorship, reported continued abuses regarding the use of public order laws, and the suspension of BBC Arabic broadcasts. We would welcome additional reporting on issues including due process, press freedom, prison conditions, restrictions on NGOs and human rights defenders, restrictions on religious freedom, and the treatment of minorities.

Mandate Must Continue

My government believes it is imperative that the Council continue to demonstrate its concern for the situation in Sudan by continuing a one year mandate focused on the situation.

The mandate to monitor the situation in all of Sudan is particularly important with respect to the implementation of the human rights and fundamental freedoms provisions of the Comprehensive Peace Agreement. The Independent Expert can also promote respect for fundamental freedoms in accordance with the CPA and Interim National Constitution. As stated by the Independent Expert, it is important to use lessons learned from the April elections to improve the process leading up to the January 2011 referenda. The Independent Expert can play an essential role in highlighting likely obstacles during the referenda process and recommending solutions, paying particular attention to regions where there is a higher likelihood of violence.

The Independent Expert will be helpful in promoting human rights in the post-referenda environment, including, for example, by focusing on the rights of persons from the South residing in the North, helping to ensure that any changes to constitutions or legal frameworks respect human rights, and on highlighting issues pertaining to the rights of persons in key areas along the North-South border and the Three Areas.

The Independent Expert’s role in Sudan is unique, as there is no other UN mechanism mandated to report on human rights throughout the country. Without this broad view, it would be nearly impossible to understand the myriad of individual obstacles on the ground. This wide focus helps the UN and international community as a whole better direct its resources in dealing with the urgent human rights problems in Sudan. The responsible course at this juncture is to continue his mandate.

We welcome the Independent Expert’s thoughts on the following questions:

1) Could you please identify the main human rights challenges associated with the upcoming referendum?

2) Could you please identify the number of outstanding recommendations made by the Group of Experts on Darfur and steps that the Government is undertaking to meet them?

3) Could you identify the areas/regions that would warrant continued attention during a future country visit by you or other special procedures in 2010/2011?

The suffering of the Sudanese people merits the international community’s attention and the focus of the UN Human Rights Council. The international community, and this Council, must remain engaged to ensure significant progress is made in implementing all previous recommendations of the former Special Rapporteur and Group of Experts on Darfur and until there is material improvement in the human rights situation on the ground.

Thank you, Mr. President.