

Resolution adopted by the NGO Forum on the Situation in Darfur

The Forum on the participation of NGOs in the 36th Ordinary Session of the African Commission on Human and Peoples' Rights:

Considering the provisions of the Constitutive Act of the African Union, the Charter of the United Nations Organisation as well as those of the African Charter on Human and Peoples' Rights and other regional and international human rights instruments to which the Sudan is a state party and noting that Sudan is legally and morally bound to fully and effectively implement the provisions of these instruments and to respect and promote the human rights and fundamental freedoms set therein without discrimination on any ground;

Deeply concerned at the grave violations of human rights and international humanitarian law in the Darfur region of western Sudan, in particular, reports of systematic attacks on civilians, targeting of villages and centres for internally displaced persons and of civilians by the *Janjaweed* militia; the removal by force of, inter alia, Fur, Zaggawa and Massaleet communities from their villages; the forced relocation of IDPs to insecure areas and the lack of adequate protection of and assistance to civilians by the government of Sudan; the widespread recourse to rape and other forms of sexual violence, including against children, as a means of warfare in violation of both human rights law and international humanitarian law and the abduction and forced labour of women and children;

Welcoming the signing of the two Protocols on the Improvement of the Humanitarian Situation in Darfur and on the Enhancement of the Security Situation in Darfur agreed by the government of Sudan and the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM) in Abuja Nigeria, on 9th November 2004 with the mediation efforts of the African Union (AU) and the international facilitators;

Encouraged that the Protocols called for a halt of all hostilities, military actions, and reconnaissance operations including hostile military flights over Darfur as well as for the neutralisation and disarmament of the *Janjaweed* and other militias controlled by the government and acknowledging that the parties also agreed to allow unrestricted access to the region by humanitarian relief organisations and to take steps to prevent all attacks, threats, intimidation and violence against civilians by any party or group, including the *Janjaweed* and other militias and to guarantee the safe return of IDPs and refugees to their areas of origin;

Welcoming the appointment by the UN Secretary General of an International Commission of Inquiry to "investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable";

Fully supporting the establishment of the International Commission of Inquiry as a step towards ending the impunity with which massive and systematic violations of human rights and humanitarian law are being committed in Darfur, and believing that the Commission will play an important role in ending the suffering of the people of Darfur and eventually in restoring peace and security in this troubled region of the world; and

Deeply appreciative of the decision of the African Commission to send a delegation to assess the human rights situation in Darfur earlier this year,

We call upon the African Commission to undertake further appropriate measures within the parameters of its mandate to seek to ensure that the Government of Sudan complies with its obligations under the African Charter on Human and Peoples' Rights and other relevant instruments, and in particular to:

1. **Fully and unconditionally respect** its obligations under the Constitutive Act of the African Union, the Charter of the United Nations Organisation as well as the African Charter on Human and Peoples' Rights and all other regional and international human rights treaties to which the Sudan is a state party.
2. **Halt immediately** all attacks against civilians in Darfur and end the grave violations of human and peoples' rights in particular the forced de-population of entire areas in the region, and to cease all support, including the provision of supplies, to the *Janjaweed* militia, the continued attacks of which are aggravating the most precarious situation of the internally displaced persons in the region.
3. **Provide** the necessary support to all international agencies and humanitarian organisations in order to ensure immediate, full, safe and unhindered access to the affected people in Darfur in order to facilitate delivery of humanitarian assistance to these people.

We call upon the AU and the international community to

4. **strongly support** the work of the International Commission of Enquiry and urge all parties to the conflict in Darfur, in particular the government of Sudan, to cooperate fully and unconditionally with the attainment of the Commission's task of identifying precisely what crimes have been committed in the Darfur region, as well as those responsible, with a view to bringing them to justice and repairing the damage done to the victims
5. **take measures** to ensure that parties to the conflict respect the agreed upon November Protocols in letter and in spirit, to adopt effective punitive measures against the defaulting parties, and to send a clear message as to the strength of the international community's resolve to end this crisis. In order to ensure effective monitoring of the ceasefire agreement by the AU, parties must comply with the requirements of the ceasefire including provision of information on troop movements.
6. **consider** increasing its police and military deployment and the extension of the mission mandate to include a clear and specific obligation to ensure the protection of civilians. Further, if the Government of Sudan continues to be unable or unwilling to disarm and demobilize the Janjaweed militia, as has been demanded by the UN Security Council in Resolution 1564, the AU should be specifically mandated with this task. We call upon the international community to support the AU in its efforts to help end the crisis in Darfur including by providing all equipment, logistical, financial, material, and other resources necessary to support the rapid expansion of the mission.
7. **work towards** creating the conditions of security which will permit civilians to return safely to their homes of origin, when they voluntarily so decide. In this regard, measures ostensibly taken to provide protection and assistance to the displaced including through the creation of "safe designated areas" must not contribute to the prolongation of displacement or be a cover for the permanent resettlement of the displaced outside their areas of origin. Occupation of settlements from which the displaced have been forcibly removed must not be permitted.
8. **call for** the abolition of the specialized criminal courts as they do not conform to the standards and procedures applied by both Sudanese and international law.
9. **call for** the release of all political prisoners and prisoners of conscience and the release of those who have been held without charge and trial for prolonged periods in contravention of Sudanese and international law. The safety of those who have suffered or witnessed human rights violations, and their right of freedom of expression, must be secured.
10. **bring pressure** to bear on all parties to generate the political will to reach a political solution to the crisis, particularly building on the basis of the November agreements.

Done at Dakar, Senegal, on 22nd November 2004