

Appendix 7 International Humanitarian and Human Rights Law Issues

The attached legal analysis in chart form sets out the principal international humanitarian and human rights issues raised by the factual information gathered in the field. It was provided to the Assessment Mission by the team members with legal qualifications, and to the extent that it accords with the body of the Report it represents the finding of the Assessment Mission.

This chart sets out the principal international humanitarian and human rights issues raised by the factual information gathered by the mission under its mandate. The analysis of these issues proceeds as follows: Part I examines the issues related to abduction, forced labour and slavery. Part II contains two sections. Section A describes the international humanitarian and human rights issues related to the forced displacement of civilians. Section B deals with those humanitarian and human rights issues that result from forced displacement. This chart identifies potential violations of international human rights and humanitarian law committed by the Government of Sudan, or by militia aligned to, or supported by, the Government of Sudan. It does not purport to deal with potential human rights or humanitarian law violations committed by rebel forces. The chart recognizes that the armed conflict in Sudan is an internal or non-international conflict.

The chart reflects the findings of the mission that certain northern tribes armed and employed by the Government of Sudan systematically carry out abductions and enslavement of women and children from the Northern Bahr el Ghazal region. In addition, the material in the chart expands on the mission's finding that oil extraction has exacerbated the armed conflict in Sudan and contributed to human rights abuses and violations of international humanitarian law. Humanitarian law violations and human rights abuses related to forcible displacement of persons from oil producing areas by the Government of Sudan include rape and abduction of women and children for slavery-like purposes and forced labour, indiscriminate and intentional attacks against civilians and the civilian population, indiscriminate and frequent use of weapons, such as Antonov bombs, summary executions, forced displacement of civilians, unlawful confinement of civilians, obstruction of humanitarian assistance.

This chart deals only with international conventions ratified by Sudan and customary international law, including those parts of Protocols I and II Additional to the Geneva Conventions of 12 August 1949 which are generally accepted to be customary international law. However, reference is made in the chart to the Statute of the International Criminal Court. Although, the Statute is not yet in force, it represents the most important revision of international humanitarian law since the Additional Protocols of 1977. The Statute also reflects the most recent, relevant and widely-accepted opinion of states on the content of international humanitarian law.

The chart does not purport to constitute legal advice to any particular party nor is it a legal opinion.