

Hon. Commissioner Faith Pansy Tlakula
Chairperson
African Commission on Human and Peoples' Rights
59th Ordinary Session
Banjul, The Gambia

Banjul, 21 October 2016

Dear Commissioner Tlakula,

Re: Call for an independent international investigation into the use of chemical weapons and other serious violations of international humanitarian law in Darfur

The undersigned organisations wish to kindly draw your attention to the allegations of the use, by the government of Sudan, of chemical weapons against civilians in the Jebel Marra area of Darfur, Sudan. Noting the restrictions on access to the Jebel Marra area and much of Darfur imposed by the Sudanese government, we urge you to call for the Government of Sudan to grant immediate access to the African Union-United Nations Mission in Darfur (UNAMID), human rights and humanitarian organisations and journalists to verify these allegations and deliver humanitarian assistance.

The African Commission on Human and Peoples' Rights (the Commission) has assessed the situation in Darfur and Sudan in 2004, 2009 and 2015 and has seen first-hand evidence of massive violations of human and peoples' rights committed in the region and throughout the country. The Commission's concerns on the dire human and peoples' rights situation in the country have been expressed in numerous recommendations and resolutions adopted since its 35th Ordinary Session held in Banjul in May–June 2004. We are very concerned that there has not been a significant improvement in the situation since then.

In late September 2016, Amnesty International reported evidence of the repeated use, by the government of Sudan, of chemical weapons against civilians in Jebel Marra area of Darfur¹. The report, supported by satellite imagery, more than 200 interviews with survivors and expert analysis of dozens of images, indicated that at least 30 likely attacks by chemical weapons have been carried out in Jebel Marra since January 2016. The most recent attack was reported on 9 September 2016.

Sudan's Ministry of Foreign Affairs has denied using chemical weapons in Darfur,² and access to the Jebel Marra area remains restricted. The African Union and United Nations Mission in Darfur (UNAMID) has been systematically prevented by the government of Sudan from visiting the sites of military attacks to verify information on the ground. Earlier this month, UN Under Secretary General for Peace Keeping Operations, Mr. Hervé Ladsous affirmed before the UN Security Council that UNAMID has been consistently denied access to conflict zones in Jebel Marra.³

The Organization for the Prohibition of Chemical Weapons (OPCW)⁴ examined the report of Amnesty International as well as the statement by the Government of Sudan on the use of chemical weapons in Darfur and concluded that without further information and evidence, it is not possible to draw a conclusion at this stage. At the same time, local people and health practitioners in the Nuba Mountains have expressed credible concerns about the possible use of chemical weapons in that war-torn area of Sudan as early as April 2012, which strongly corroborates Amnesty International's findings.⁵

Dear Commissioner Tlakula,

We call upon you to persuade members of this 59th Ordinary Session of the African Commission on Human and Peoples' Rights to express, once again, their concern about the situation in Darfur, South Kordofan and Blue Nile states, and the suffering of civilians in the country's conflict zones. We further urge the Commission to call for an independent international investigation into the use of chemical weapons in Darfur and the Nuba Mountains and that the findings of such investigation be made public.

Please accept, Dear Commissioner Tlakula, the assurance of our highest respect and consideration.

Signed:

Organisations:

1. Act for Sudan
2. African Centre for Justice and Peace Studies

3. Arab Coalition for Sudan
4. Carl Wilkens Fellowship
5. Darfur Bar Association
6. Darfur Peoples Association of New York
7. Darfur Relief and Documentation Centre
8. Face Past for Future Foundation
9. Genocide No More, Save Darfur
10. International Justice Project
11. Investors Against Genocide
12. Jews Against Genocide
13. Massachusetts Coalition for Darfur
14. National Human Rights Monitors Organization
15. Never Again Coalition
16. NY Coalition for Sudan
17. The Institute on Religion and Democracy
18. Skills for Nuba Mountains
19. Stop Genocide Now
20. Sudan Democracy First Group
21. The MagkaSama Project
22. Waging Peace

Individuals:

1. Hala Elkarib, Sudan-based human rights activist
2. Ahmed Hussein Adam, Researcher and civil society activist

Endnotes

1 Sudan: Credible evidence of the use of chemical weapons to kill and maim hundreds of civilians including children in Darfur revealed, Amnesty International, 29 September 2016,

<https://www.amnesty.org/en/latest/news/2016/09/sudan-credible-evidence-chemical-weapons-darfur-revealed/>

² 2 Allegations on the use of chemical weapons in Darfur, Sudan Embassy in UK, 29 September 2016,

<http://www.sudan-embassy.co.uk/index.php/news-events/embassy-press/832-allegations-on-the-use-of-chemical-weapons-in-darfur>

³ UN peacekeeping chief urges follow-up action to consolidate peace in Darfur, UN News, 4 October 2016

<https://www.un.org/apps/news/printnews.asp?nid=55205>

4 OPCW's Initial Assessment of NGO Report on Allegations of Chemical Weapons Use in Sudan, 29 September

2016, <https://www.opcw.org/news/article/opcws-initial-assessment-of-ngo-report-on-allegations-of-chemical-weapons-use-in-sudan/>

5 African Defense, Use of Chemical Weapons by Sudan May be More Widespread, Defense News, 18 October 2016,