

**Security Council**

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Letter dated 31 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (see annex), which covers the Committee's activities during the period 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Marcello Spatafora
Chairman

Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan



Annex

Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 1 January to 31 December 2007.

2. For 2007, the bureau consisted of Marcello Spatafora (Italy) as Chairman, with the delegations of Panama and Slovakia providing the Vice-Chairmen. During the reporting period, the Committee held 12 informal consultations. The web page of the Committee is available at: www.un.org/sc/committees/1591/index.shtml.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 (2004) of 30 July 2004, the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of Northern Darfur, Southern Darfur and Western Darfur in the Sudan.

4. By its resolution 1591 (2005) of 29 March 2005, the Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution, the Council established a committee to monitor the implementation of the arms embargo and the two additional measures imposed by the resolution, namely a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into force on 29 April 2005.

5. By its resolution 1591 (2005), the Security Council also established, for a period of six months, a four-member Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities as appropriate with ongoing operations of the African Union Mission in the Sudan (AMIS). Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. The mandate of the Panel of Experts has since been extended four times, by Security Council resolutions 1651 (2005) of 21 December 2005, 1665 (2006) of 29 March 2006, 1713 (2006) of 29 September 2006 and 1779 (2007) of 28 September 2007. The current extension expires on 15 October 2008. Resolution 1713 (2006) also authorized the addition of a fifth expert to enable the Panel to better carry out its mission. Resolution 1779 (2007) also requested the Panel to coordinate its activities as appropriate with, in addition to AMIS, the African Union-United Nations Hybrid Operation in Darfur (UNAMID), which would succeed AMIS, and

with international efforts to promote the political process in Darfur. Following each extension of mandate, the Secretary-General appointed individuals to serve on the Panel (see S/2005/428, S/2006/23, S/2006/99, S/2006/301, S/2006/926 and S/2007/706). For the current mandate, at the date of issuance of this report, a fifth expert was yet to be appointed.

7. In the course of its mandate, in accordance with the relevant Security Council resolutions, the Panel of Experts submitted and/or presented three interim reports, dated 7 October 2005, 16 March 2007 and 2 July 2007, respectively, and provided one midterm briefing on 25 July 2006. The Panel of Experts also submitted and presented, towards the end of each mandate, four final reports (S/2006/65, S/2006/250, S/2006/795 and S/2007/584) to the Committee, which were subsequently transmitted by the Chairman of the Committee to the President of the Security Council.

8. By its resolution 1672 (2006) of 25 April 2006, the Security Council designated four individuals as subject to the travel ban and assets freeze imposed by resolution 1591 (2005).

9. By its resolution 1679 (2006) of 16 May 2006, the Security Council expressed its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as a travel ban and assets freeze, against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement.

10. By a presidential statement dated 24 October 2007 (S/PRST/2007/41), the Security Council called on all parties to attend and to engage fully and constructively in the talks in Sirte, Libyan Arab Jamahiriya, and, as a first step, to urgently agree and implement a cessation of hostilities to be overseen by the United Nations and the African Union. The Council underlined its willingness to take action against any party that sought to undermine the peace process, including by failing to respect such a cessation of hostilities or by impeding the talks, peacekeeping or humanitarian aid.

B. Summary of the activities of the Committee

11. During the period under review, the Committee received no additional replies to its communications to 11 States in the region of the Sudan and to all States, dispatched on 17 and 27 May 2005, respectively, which recalled the relevant provisions of resolutions 1556 (2004) and 1591 (2005) and requested information on the steps that States had taken to implement the arms embargo, the travel ban and the assets freeze. Thus, the total number of replies received remains 13.

12. On 12 February 2007, the Committee received a progress report from the Panel of Experts on the latter's activities for the month of January 2007. On 20 February, the Committee received a case report from the Panel of Experts, concerning the deployment of two military aircraft to Darfur. Subsequently, in a letter dated 6 March 2007, the Chairman of the Committee sought clarification from the Permanent Representative of the Sudan to the United Nations in connection with the information contained in that report. In informal consultations on 8 March, the members of the Committee discussed the case report together with supplementary information provided by the Panel.

13. On 12 March 2007, the Committee received an additional case report from the Panel of Experts, relating to the presence of one white Antonov 26 aircraft on the military aprons of airports in Darfur, with the symbol "UN" painted on its left wing, which the Panel viewed as an attempt to disguise the aircraft as one operated by the United Nations. Subsequently, in a letter dated 27 March, the Chairman of the Committee again sought clarification from the Permanent Representative of the Sudan to the United Nations on the information contained in that report. The Committee received a response to both of its letters (dated 6 and 27 March, respectively) in a reply dated 12 April 2007, which was also forwarded to the Panel of Experts.

14. On 23 March 2007, the Chairman of the Committee delivered his first 90-day report to the Security Council, in accordance with paragraph 3 (a) (iv) of resolution 1591 (2005), describing the Committee's activities since the beginning of the year.

15. In informal consultations on 10 April 2007, the Committee received an oral and visual presentation from the Panel of Experts concerning its interim report, submitted pursuant to paragraph 2 of resolution 1713 (2006), and members of the Committee discussed with the panellists the findings and recommendations contained therein. That discussion continued among the members in informal consultations on 20 April, 9 May, 15 May and 19 June 2007, in the earlier part of which they agreed to implement two of the Panel's recommendations, concerning the monitoring of aircraft cargo to Darfur and the early implementation of resolution 1672 (2006).

16. Accordingly, the Chairman of the Committee dispatched two letters, one addressed to the Permanent Representative of the Sudan and the other addressed to the Permanent Representative of Chad to the United Nations, on 30 April 2007, which sought confirmation of assistance to the Panel in monitoring aircraft cargo to Darfur (Sudan) and answers on the implementation of resolution 1672 (2006) (Sudan and Chad). To date, no reply has been received from Chad. The Committee received a reply dated 5 June 2007 from the Sudan, which was discussed in informal consultations on 19 June, and to which the Chairman responded in a letter dated 1 August 2007.

17. On 18 April 2007, the Committee received a letter from the Permanent Representative of the Sudan regarding confidentiality issues associated with the Panel's reports. The Chairman of the Committee responded via reply dated 30 April.

18. On 12 June 2007, the Chairman of the Committee delivered his second 90-day report to the Security Council, describing the Committee's activities since his last briefing.

19. In informal consultations on 31 July 2007, the members of the Committee discussed a second interim report submitted by the Panel of Experts pursuant to paragraph 2 of resolution 1713 (2006). Of the recommendations contained in that report, the Committee had already acted upon one, relating to the implementation of resolution 1672 (2006) (see para. 16 above); it addressed a number of other recommendations through the letter of the Chairman dated 1 August. The Committee also, in responding to a further recommendation, agreed to include additional identifiers for two individuals on the Committee's consolidated list (see SC/9093). The identifiers and a photograph of one of those individuals were also disseminated to all Member States through a note verbale.

20. On 10 September 2007, the Chairman of the Committee delivered his third 90-day report to the Security Council, describing the Committee's activities since his last briefing.

21. The Committee received a letter dated 20 September 2007 from the Permanent Representative of the Sudan to the United Nations, concerning the activities of the Panel of Experts. On 14 November, the Chairman of the Committee forwarded to the Permanent Representative of the Sudan a letter dated 29 September from the Panel responding to the points raised in the letter of the Permanent Representative.

22. In informal consultations on 27 September 2007, the Committee heard an oral and visual presentation from the Panel of Experts concerning its final report under resolution 1713 (2006) (S/2007/584), and members of the Committee discussed with the panellists the findings and recommendations contained therein. Committee members were also provided with copies of an unpublished annex to that report. Committee members further discussed each of the recommendations in greater detail in subsequent informal consultations, held on 9 October, 16 October, 30 October and 7 November 2007. They agreed to move forward towards implementing some of the recommendations of the Panel, relating to the work of the Panel and the Committee.

23. On 7 December 2007, the Chairman of the Committee delivered his fourth 90-day report to the Security Council, describing the Committee's activities since his last briefing.

24. In conducting its work, the Committee continued to apply its guidelines adopted on 23 March 2006. On 27 December 2007, the Committee amended its guidelines, incorporating the delisting procedure outlined in resolution 1730 (2006). Among other purposes, the guidelines serve to facilitate the implementation of the travel ban and assets freeze imposed by subparagraphs (d) and (e) of paragraph 3 of resolution 1591 (2005), in accordance with subparagraph 3 (a) (iii) of the same resolution. In this connection, however, no requests were received by the Committee either to remove the names of individuals on the consolidated travel ban and assets freeze list or for exemptions to the targeted sanctions.

III. Violations and alleged violations of the sanctions regime as reported by the Panel of Experts

25. In its interim reports and final report under resolution 1713 (2006) covering the period from September 2006 through September 2007, the Panel of Experts drew attention to continued violations of the arms embargo by both the Government of the Sudan and non-State armed groups. The Panel also reported that the Government of the Sudan had conducted "offensive military overflights" in Darfur, including aerial bombardments, although such incidents had declined since April 2007. The Panel made recommendations aimed at improving the implementation of the embargo. The Committee took action on some of those recommendations — that is, in the form of the above-mentioned letters addressed to the Sudan.

26. The Panel of Experts also made recommendations aimed at enhancing the implementation of the travel ban and assets freeze imposed by resolution 1591 (2005) with respect to the individuals subsequently designated by resolution 1672 (2006). The Committee took action on two of those recommendations through the

dispatch of the above-mentioned letters dated 30 April 2007 to Chad and the Sudan, respectively, and through the inclusion of additional identifiers in its consolidated list.

27. The Panel of Experts found in its final report that hostilities by parties to the conflict, particularly the Government of the Sudan, the National Redemption Front (NRF), the Sudan Liberation Army/Minni Minawi faction (SLA/MM) and Arab militia groups, as well as the actions of Abdul Wahid Mohammed al-Nur, were impeding the peace process. The Panel also found that the Government of the Sudan had failed to disarm militia groups in Darfur and that some rebel factions had targeted AMIS personnel. The Panel also established that widespread violations of international humanitarian law and human rights law continued with impunity in Darfur. In its final report and in the unpublished annex to that report, the Panel provided information regarding individuals who could be considered for designation by the Committee as subject to the targeted sanctions. By the end of the reporting period, the Committee had not designated any additional individuals.
