

## Letter regarding the human rights situation in Sudan during the 36<sup>th</sup> session of the UN Human Rights Council

To Permanent Representatives of Members and Observer States of the UN Human Rights Council

Geneva, Switzerland

21 September 2017

Re: Current human rights and humanitarian situation in Sudan

Excellencies,

We write to you regarding the 36<sup>th</sup> session of the United Nations Human Rights Council to share serious concerns over the human rights and humanitarian situation in Sudan. Many of these concerns are detailed in the attached annex of violations documented by the African Centre for Justice and Peace Studies (ACJPS).

We would like to draw your attention to the Sudanese government's continuing violations against civilians, including internally displaced persons (IDPs), in South Kordofan, Blue Nile and Darfur. Despite the Government's declaration of a unilateral ceasefire, indiscriminate attacks have continued against civilians in violation of international humanitarian law.

In Darfur, between 28 May and 15 June 2017, a number of attacks were perpetrated against civilians and civilian property by the Rapid Support Forces (RSF) among others, leaving 17 dead, 30 seriously injured and 17 abducted.<sup>1</sup> The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that 8,000 individuals were displaced in Darfur in the first half of 2017.<sup>2</sup> We remain deeply concerned by evidence reported by Amnesty International in September 2016 of the repeated use, by the government of Sudan, of chemical weapons against civilians in the Jebel Marra area of Darfur.<sup>3</sup>

In 2017, aerial bombardment, which has marked much of the conflicts in Southern Kordofan, Blue Nile state and the Darfur region, appears to have been paused, or at least greatly reduced. These attacks killed at least 292 civilians and injured 749 between June 2011 and November 2016 in Southern Kordofan and Blue Nile states.<sup>4</sup> The ongoing aid blockade to rebel held areas in Southern Kordofan and Blue Nile, now in its 6<sup>th</sup> year, has deprived civilians of basic goods necessary for their survival, including access to life-saving medical assistance. There is an urgent need for agreement on modalities for impartial humanitarian aid to be delivered into rebel-held parts of Southern Kordofan and Blue Nile states, both cross-line and cross-border, as well as a full, independent humanitarian needs assessment once access to rebel-held Southern Kordofan and Blue Nile is possible.

Sudan continues to repress civil and political rights, with crackdowns on protesters, human rights defenders, journalists, opposition party members, and religious minorities.<sup>5</sup> Restrictions on freedom of expression and the media continue, and the national security agency continues to arbitrarily detain, ill-treat and torture civilians. A member of a political opposition party was arrested and detained during the

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<sup>1</sup> ACJPS, "[Joint attacks by the Rapid Support Forces and militias on civilian targets in Darfur](#)", 22 June 2017.

<sup>2</sup> Office for the Coordination of Humanitarian Affairs, "[Sudan: 2017 New Displacements and Affected People in Darfur as of 30 June 2017](#)", 30 June 2017.

<sup>3</sup> Amnesty International, "[Sudan: Scorched earth, poisoned air: Sudanese Government forces ravage Jebel Marra, Darfur](#)", September 2016; ACJPS, "[Call for an independent international investigation into the use of chemical weapons and other serious violations of international humanitarian law in Darfur](#)", 23 October 2016.

<sup>4</sup> Human Rights Watch, "['No Control, No Choice': Lack of Access to Reproductive Healthcare in Sudan's Rebel-Held Southern Kordofan](#)", May 2017.

<sup>5</sup> ACJPS, "[17 members of political opposition Sudanese Congress Party \(SCP\) currently detained incommunicado](#)", 1 December 2016; ACJPS, "[Urgent concern for detainees held incommunicado amidst Sudan's growing civil disobedience campaign](#)", 15 December 2016; ACJPS, "[In one week across Sudan, criminal charges levelled against journalist, NGO's registration suspended and newspaper subjected to censorship](#)", 6 July 2017.

October and November 2016 civil disobedience campaign and was held for 50 days before being released without charge. Injuries sustained by beatings were so severe that he required surgery.<sup>6</sup> From 7 – 10 June 2017, security officials detained and tortured an internally displaced person in North Darfur who was working in a displaced persons camp. Following his release, officials dropped him in front of his home unconscious. The man was refused medical treatment in a government hospital because he had not reported the torture to police and obtained a “form 8”.

Sudan has targeted human rights defenders with trumped up criminal charges, arbitrary detention, and “show trials”. Dr. Mudawi Ibrahim Adam, a prominent rights defender, along with nine other defenders, was detained for more than eight months. He was charged with two other Darfuri human rights defenders with 'undermining the constitutional system' and 'waging war against the state', both of which carry either the death penalty or life imprisonment. The charges, finally dropped in August, are believed linked to allegations that the men helped in the production of Amnesty International's 2016 report on the use of chemical weapons in Jebel Marra.<sup>7</sup> At least two of the detained men were severely beaten, and one was forced to confess under torture.<sup>8</sup>

Three human rights defenders, associated with the civil society organization Tracks for Training and Development (TRACKs) spent ten months in detention. On 5 March they were sentenced to one-year in prison and a fine amounting to over 7,000 Euros each.<sup>9</sup> Detained since May 2016, the three men were released the following day from Al-Huda prison in Omdurman after their fines were fully paid. The three men were convicted of “dissemination of false information” and “possession of immoral material” and one was convicted of espionage.<sup>10</sup> The UN Working Group on Arbitrary Detention had declared their detention arbitrary in August 2016 due to the non-observance of international norms related to the right to a fair trial.

The government continues to restrict freedom of religion and belief.<sup>11</sup> In early 2017, officials in Khartoum announced they would demolish at least 27 churches within Khartoum. In May the Sudanese Church of Christ (SCOC) building in Soba Aradi was demolished without notice by security officials. Two church members were also arrested and witnesses were instructed not to photograph or record the demolition. The church was the sole remaining Christian place of worship in the Soda Aradi district. Officials have also prohibited construction of new churches under the rationale that no new churches are needed due to the secession of South Sudan and the presumed exodus of ethnic Southerners, who were predominantly Christian.

Sudanese authorities also routinely repress the basic rights of women, including through public order provisions that criminalize “indecent” dress such as wearing trousers. Citizenship rights, movement, and autonomy are all circumscribed by laws in place which prevent women from obtaining state identification and travelling without the permission of a male guardian. Authorities have used these and other repressive laws to target female activists and human rights defenders for arrest, detention, and various forms of harassment, including sexual violence.<sup>12</sup> In September 2017 journalist Hanadi Alsiddig, editor in chief of *Akhbar Alwatan* newspaper, reported that she was briefly arrested and beaten by national security authorities.

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<sup>6</sup> Human Rights Watch, “Sudan’s New Image Can’t Disguise Harsh Reality”, 14 March 2017.

<sup>7</sup> Amnesty International, [Sudan: Scorched earth, poisoned air: Sudanese Government forces ravage Jebel Marra, Darfur](#), September 2016.

<sup>8</sup> Joint Statement from 26 human rights groups, [Sudan: Human rights defenders detained, face death penalty: Authorities should release all in arbitrary detention, drop charges](#), 7 July 2017.

<sup>9</sup> On 25 August 2016, the detention of Mr. Mukhtar, Mr. Hamdan, and Mr. Adam was found to be arbitrary by the [UN Working Group on Arbitrary Detention \(WGAD\)](#), due to the non-observance of international norms related to the right to a fair trial.

<sup>10</sup> FIDH-OMCT-ACJPS joint press release, [“TRACKs-affiliated rights defenders sentenced, fined and finally released after ten months of arbitrary detention”](#), 3 March 2017.

<sup>11</sup> ACJPS, [“Update: Freedom of religion and belief continues to come under fire in Sudan”](#), 31 March 2017.

<sup>12</sup> Human Rights Watch, [“Good Girls Don’t Protest”: Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan](#)”, March 2016.

The UN Human Rights Council needs to take stronger action in response to the dire human rights situation in Sudan. It should adopt, at its 36th session, a resolution under agenda item 4 to:

- Strengthen the special procedure mandate on Sudan by extending it as a Special Rapporteur on the situation of human rights in the Sudan under item 4, with a mandate to monitor and publicly and periodically report on violations of human rights and international humanitarian law in all parts of Sudan;
- Publically urge the Government of Sudan to implement the recommendations made to Sudan by the UN Human Rights Council during its 2016 Universal Periodic Review<sup>13</sup> and to provide an update to the Council on concrete measures taken to implement the recommendations made to it during its UPR that enjoy its support, and the recommendations made by the Independent Expert following his visit in April 2016;
- Request the Office of the High Commissioner for Human Rights to urgently dispatch investigation teams, with expertise in sexual and gender-based violence, to investigate crimes under international law and serious violations and abuses of human rights in Darfur, South Kordofan and Blue Nile, identify those suspected of criminal responsibility, provide recommendations for accountability, and to report to the Council on its findings at the 38th session;
- Six years into the conflicts in South Kordofan and Blue Nile, condemn in the strongest terms the grave violations of human rights and international humanitarian law in South Kordofan and Blue Nile, including the continued indiscriminate aerial bombing of civilian populated areas the use of cluster bombs, and other indiscriminate attacks on civilians by Government forces and allied militia, as well as the continued blockade of humanitarian aid;
- Condemn attacks targeting the civilian population and civilian objects in Darfur, in particular looting, destruction of civilian facilities, killings and sexual violence committed by paramilitary forces and other Sudanese government forces, which has led to forced displacement of civilian populations;
- Urge the government of Sudan to allow unfettered access by UNAMID, humanitarian agencies and NGOs to all parts of Darfur and humanitarian agencies, and NGOs to all parts of Darfur, South Kordofan and Blue Nile;
- Urge the Government to ensure accountability for the killings of more than 170 protestors in Khartoum in September and October 2013<sup>14</sup>, as well as more recent killings such as the student protestors killed in April 2016;
- Condemn the continued restrictions on the media, on human rights defenders and political opponents, freedoms of association and of peaceful assembly, and the use of arbitrary detention and torture, as detailed;
- Condemn the ongoing violations of freedom of religion and repression of individuals based on their faith;
- Urgently call for the release of individuals arbitrarily detained by the NISS and urge the Government of Sudan to repeal the repressive National Security Act of 2010, and all other legislation which grants immunities to Government of Sudan agents.

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<sup>13</sup> UN Human Rights Council Working Group on the UPR, "[Draft report of the Working Group on the Sudan Universal Periodic Review](#)", May 2016.

<sup>14</sup> See Amnesty International/ACJPS, "[Excessive and deadly: The use of force, detention and torture against protesters in Sudan](#)", 3 September 2014, and Human Rights Watch, "[We Stood, They Opened Fire](#)": Killings and Arrests by Sudan's Security Forces During the September Protests", 2014.

We thank you for your attention to these pressing issues.

Sincerely,

***Organisations:***

1. Act for Sudan
2. Africa Initiative for Media and Journalists' Safety
3. African Centre for Justice and Peace Studies
4. Christian Solidarity Worldwide
5. Darfur Relief and Documentation Centre
6. DefendDefenders
7. Human Rights Watch
8. International Federation for Human Rights
9. International Justice Project
10. Investors Against Genocide
11. Journalists for Human Rights – Sudan
12. Massachusetts Coalition to Save Darfur
13. National Human Rights Monitoring Organisation
14. PAX
15. REDRESS Trust
16. Sudan Democracy First Group
17. Sudan Unlimited
18. Sudanese Human Rights Initiative
19. Sudanese Rights Group (Huqooq)
20. The Al Khatim Adlan Centre for Enlightenment and Human Development (KACE)
21. The Horn of Africa Civil Society Forum
22. Waging Peace