

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

Geneva, Switzerland

4 September 2018

Re: Addressing the serious human rights and humanitarian situation in Sudan

Excellencies,

**We write to you in advance of the 39<sup>th</sup> Session of the United Nations Human Rights Council to share our serious concerns over the human rights and humanitarian situation in Sudan. We call upon your delegation to support the development and adoption of a strong monitoring and reporting mandate on Sudan under the Council's agenda item 4. The resolution should mandate a Special Rapporteur to monitor, verify and report on ongoing human rights violations and abuses as well as violations of international humanitarian law, recommend concrete ways to end them, and urge the Government of Sudan to implement the recommendations made to it by UN human rights bodies and mechanisms, including mechanisms mandated by the Council.**

Our organizations are concerned about the suppression of peaceful protests by government security forces with unlawful use of excessive force, attacks on the media and impermissible restrictions on access to information, targeting of various civil society actors including human rights defenders, activists, journalists, bloggers and other dissenting voices with threats, intimidation, harassment, arbitrary detention and trumped-up criminal prosecutions, other restrictions on independent civil society, use of torture and other ill-treatment by national security officials, and on-going violations in the conflict areas of Darfur, South Kordofan and Blue Nile.

The recent decision to downsize UNAMID amidst continuing fighting and attacks on civilians, including internally displaced persons (IDPs)<sup>1</sup> is deeply troubling. Recent attacks on civilians underscore the need for continued monitoring of the human rights situation in Darfur.<sup>2</sup> For example, from 9 March – 2 April 2018, at least 23 civilians were killed and tens seriously injured when 12 villages were burnt to the ground during attacks in Eastern Jebel Marra between the government forces and the Sudan Liberation Movement led by Abdelwahid al Nur (SLA-AW).<sup>3</sup> Sexual violence continues with impunity.<sup>4</sup> On 19 December 2017, a 16 year old girl and a 19 year old woman were held at gunpoint and raped repeatedly by six armed militiamen as they were out gathering firewood three kilometres from the internally displaced persons (IDPs) camp in Nertiti town, Central Darfur state.<sup>5</sup>

Following declaration of ceasefires by the Government of Sudan and the two factions of the Sudan People's Liberation Movement /Army– North ( SPLM/A-N) led by Abdelaziz Adam El Hilu and Malik Agar, the government has largely refrained from aerial bombardments and ground attacks. Whilst there have been no reports of open hostilities between the armed forces, monitors on the ground have reported incidents of looting of property and abductions by armed militias allied to the Government of Sudan.

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<sup>1</sup> ACJPS, Attacks by Sudanese government forces on civilians in Jebel Marra in South Darfur, 18 April 2018, available at: <http://www.acjps.org/attacks-by-sudanese-government-forces-on-civilians-in-jebel-marra-in-south-darfur/>

<sup>2</sup> Human Rights Watch, Sudan: UN's Planned Cuts to Darfur Mission Risk Rights Protection, 18 June 2018, available at: <https://www.hrw.org/news/2018/06/18/sudan-uns-planned-cuts-darfur-mission-risk-rights-protection>

<sup>3</sup> Ibid

<sup>4</sup> UN Special Representative of the Secretary-General on Sexual Violence in Conflict Ms. Pramila Patten Concludes Visit to Sudan and Calls for End to Culture of Denial for Conflict-Related Sexual Violence, 27 February 2018, available at: <https://www.un.org/sexualviolenceinconflict/press-release/special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-concludes-visit-to-sudan-and-calls-for-end-to-culture-of-denial-for-conflict-related-sexual-violence/>

<sup>5</sup> ACJPS, Government allied militia gang rape a 16-year-old girl and a woman in Nertiti, Central Darfur state, 19 December 2017, available at: <http://www.acjps.org/government-allied-militia-gang-rape-of-16-year-old-girl-and-a-woman-in-nertiti-central-darfur-state/>

These incidents, which may amount to ceasefire violations, have contributed to food insecurity and remain a serious concern for communities in South Kordofan and Blue Nile.<sup>6</sup>

Sudanese authorities have also continued to restrict basic freedoms of assembly and association through violent crackdowns on peaceful protesters and other restrictions on civil society organizations and on independent voices. Authorities have harassed journalists, human rights defenders and opposition party members, including through arbitrary and prolonged detention, sometimes in unknown locations, without charge and access to their families and lawyers.<sup>7</sup> On 29 May 2018, Mr. Hisham Ali Mohamad Ali, a human rights activist, was detained by the NISS upon arrival at the Khartoum International Airport following his deportation from Saudi Arabia. Mr. Hisham is still in detention without charge.<sup>8</sup> Authorities have continued to subject detainees to torture and other ill-treatment in custody,<sup>9</sup> causing the death of two individuals in two instances in March and April 2018.<sup>10</sup>

The Government of Sudan has also imposed restrictions on the movement of activists engaging in advocacy internationally. In August 2018, two members of the Darfur Bar Association were briefly detained and their passports confiscated in the Khartoum airport upon their return to Sudan after they accompanied the Secretary General of the DBA, Abdelrahman Elgasim, to the US to accept an award from the American Lawyers' Association for his work on behalf of human rights in Darfur.

Restrictions on the media continue, especially during protests.<sup>11</sup> The national security agency has continued to apply post-print censorship to daily newspapers and prohibit chief editors from publishing on issues deemed controversial or critical of the ruling party.<sup>12</sup>

Sudanese authorities also routinely repress the human rights of women, including through public order provisions that criminalize "indecent" dress such as wearing trousers. Ms. Winnie Omer, a women's rights activists based in Khartoum was first targeted on 10 December 2017, when the public order police in Khartoum arrested and charged her with "indecent dress" a few hours after she attended a hearing of 24 women charged with indecency for wearing pants during a private women-only party.<sup>13</sup>

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<sup>6</sup> NHRMO, Human Rights Update: September 2017 – February 2018, available at:

[http://www.sudanconsortium.org/member\\_publications/2018/HRUpdate092017to022018.pdf](http://www.sudanconsortium.org/member_publications/2018/HRUpdate092017to022018.pdf)

<sup>7</sup> HRW, Don't Be Taken in By Sudan Prisoner Release, 10 April 2018, available at: <https://www.hrw.org/news/2018/04/10/dont-be-taken-sudan-prisoner-release>; ACJPS, Sudan should charge or release remaining 248 individuals in prolonged detention, 16 April 2018, available at: <http://www.acjps.org/sudan-should-charge-or-release-remaining-248-individuals-in-prolonged-detention/>

<sup>8</sup> Amnesty International, Sudan: Human rights activist arbitrarily detained and at risk of torture must be immediately released, 31 May 2018, available at: <https://www.amnesty.org/en/latest/news/2018/05/sudan-human-rights-activist-arbitrarily-detained-and-at-risk-of-torture-must-be-immediately-released/>

<sup>9</sup> ACJPS, Two students reportedly tortured in West Kordofan state, 6 December 2017, available at: <http://www.acjps.org/two-students-reportedly-tortured-in-west-kordofan-state/>

<sup>10</sup> ACJPS, Urgent call for investigation into the custodial death of civilian whilst under SAF/RSF detention in East Jebel Marra, South Darfur, 24 April 2018, available at: <http://www.acjps.org/urgent-call-for-investigation-into-the-custodial-death-of-civilian-whilst-under-saf-rsf-detention-in-east-jebel-marra-south-darfur-2/>; ACJPS, Individual dies after reportedly tortured while in NISS custody in West Kordofan, 9 March 2018, available at: <http://www.acjps.org/individual-dies-after-reportedly-tortured-while-in-niss-custody-in-west-kordofan/>

<sup>11</sup> ACJPS, 6 newspapers prevented from distribution and a media house faces a two-day suspension, available at: 30 November 2016, <http://www.acjps.org/6-newspapers-prevented-from-distribution-and-a-media-house-faces-a-two-day-suspension/>; ACJPS, UPDATE: 4 newspapers continue to face post-print censorship as Sudanese authorities repeatedly prevent the distribution of their daily print runs, 3 December 2017, available at: <http://www.acjps.org/update-4-newspapers-continue-to-face-post-print-censorship-as-sudanese-authorities-repeatedly-prevent-the-distribution-of-their-daily-print-runs/>; CPJ, Sudan arrests journalists, confiscates papers for reporting on inflation protests, 18 January 2018, available at: <https://cpj.org/2018/01/sudan-arrests-journalists-confiscates-papers-for-r.php>

<sup>12</sup> In May 2018, the NISS ordered chief editors of Sudanese publications not to publish any content relating to the prevailing fuel crisis within the region. ACJPS, Violations against free press and freedom of expression in Sudan, May/June 2018, 3 July 2018, available at: <http://www.acjps.org/violations-against-free-press-and-freedom-of-expression-in-sudan-mayjune-2018/>

<sup>13</sup> Human Rights Watch, Activist faces trumped-up charges in Sudan, 27 July 2018, <https://www.hrw.org/news/2018/07/27/activist-faces-trumped-charges-sudan>; Radio Dabanga, Trial of activist in 'indecent clothing' case adjourned, 19 December 2017, <https://www.dabangasudan.org/en/all-news/article/trial-of-activist-in-indecent-clothing-case-adjourned>

Authorities have also relied on other repressive laws and various forms of harassment, including sexual harassment, to target activists. On 20 February 2018, Ms. Omer and three friends were arrested and detained for five days before being released on bail. The group was accused of, amongst other charges, prostitution, and Ms Omer and another female human rights defender were threatened with “virginity testing”.

On 24 July 2018, eight additional charges including crimes against the state were added to their case files. There has been no explanation as to the basis for the charges; however the trumped-up charges appear to be motivated by Omer’s activism.<sup>14</sup>

Authorities charged and sentenced to death 19 year old Noura Hussien for the murder of her husband in self-defense after he attempted to rape her for the second time alongside three other men.<sup>15</sup> The case raised serious concerns about Sudan’s imposition of the death penalty and its gender discriminatory laws that allow forced and early marriage, marital rape and weak victim protection measures, placing victims at risk of prosecution.<sup>16</sup> The death sentence was later reversed and Ms. Hussein re-sentenced to five years imprisonment and the payment of *día* (blood money) to her husband’s family.

Freedom of religion or belief continues to be restricted in Sudan. On 11 February 2018, authorities demolished a Sudanese Evangelical Presbyterian Church (SEPC) in El Haj Yousif, Khartoum North, without notice.<sup>17</sup> The SEPC was one of 27 churches earmarked for demolition in an official order signed in June 2016. In July 2017, the Ministry of Education of Khartoum State issued an order requiring Christian schools in Khartoum state to operate on Sundays and take Friday and Saturday as their weekend, restricting their ability to observe religious ceremonies on Sundays.<sup>18</sup>

**Given the downsizing of UNAMID, and the continuing violations across the country, it is imperative that the UN Human Rights Council take stronger action to ensure continued attention to the human rights situation in Sudan.** Resolutions adopted by the Council since it decided to move consideration of Sudan from its agenda item 4 to item 10 have failed to adequately reflect the situation on the ground and outline a meaningful path for accountability and human rights reforms. At its 39th session, the Council should adopt 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 Sudan under item 4, with a mandate to monitor, verify, and publicly and periodically report on violations and abuses of human rights and violations of international humanitarian law in all parts of Sudan;
- Publically urge the Government of Sudan to implement the recommendations made to Sudan by UN human rights bodies and mechanisms, including mechanisms mandated by the Council and the 2016 Universal Periodic Review and to provide a mid-term report to the Council on concrete

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<sup>14</sup> Op. cit., Human Rights Watch, Activist faces trumped-up charges in Sudan.

<sup>15</sup> Amnesty International, Sudan: Forcibly married, raped girl sentenced to death: Noura Hussein, 15 May 2018, available at: <https://www.amnesty.org/en/documents/afr54/8404/2018/en/>; ACJPS, #JusticeforNoura: Sudanese authorities should release Noura Hussein and review conviction for murder, 28 May 2018, available at: <http://www.acjps.org/justicefornoura-sudanese-authorities-should-release-noura-hussein-and-review-conviction-for-murder/>

<sup>16</sup> Amnesty international, Sudan: Quashing of Noura Hussein death sentence must now lead to legal reform, 26 June 2018, available at: <https://www.amnesty.org/en/latest/news/2018/06/sudan-quashing-of-noura-hussein-death-sentence-must-now-lead-to-legal-reform/>

<sup>17</sup> CSW, Sudanese Government demolishes church, 14 February 2018, available at: <https://www.csw.org.uk/2018/02/14/press/3841/article.htm>

<sup>18</sup> CSW, Protests against forced Sunday opening for schools, 11 October 2017, available at: <https://www.csw.org.uk/2017/10/11/press/3744/article.htm>

measures taken to implement the recommendations made to it during its UPR that enjoy its support, and the recommendations made by the Independent Expert during his 2017 report

- Condemn attacks targeting the civilian population and civilian objects in Darfur, South Kordofan, and Blue Nile, 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 concerned NGOs to all parts of Darfur, South Kordofan and Blue Nile;
- Urge the Government to ensure accountability for excessive use of force against protesters, which caused civilian deaths during crackdowns including in 2018 in El Geneina, West Darfur and Zalingei, Central Darfur; in 2016 in El Obeid, North Kordofan and Khartoum; in 2013 in Khartoum and Wad Medani; and in 2012 in Nyala, South Darfur and Al Jazeera.
- 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;
- Call for the release of all those 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 and protection from criminal prosecution.

We thank you for your attention to these pressing issues.

Sincerely,

1. Act for Sudan
2. African Centre for Justice and Peace Studies
3. African Freedom Coalition
4. African Soul, American Heart
5. Alkarama Foundation
6. Al-Khatim Adlan Centre for Enlightenment and Human Development (KACE)
7. Amnesty International
8. Arab Coalition for Sudan
9. Brooklyn Coalition for Darfur & Marginalized Sudan
10. Christian Solidarity Worldwide
11. Darfur Action Group of South Carolina
12. Darfur and Beyond
13. Darfur Community Center of Maine, USA
14. DefendDefenders
15. Genocide No More -- Save Darfur
16. Horn of Africa Civil Society Forum
17. Human Rights Watch
18. International Federation for Human Rights Leagues (FIDH)
19. Investors Against Genocide
20. Massachusetts Coalition for Darfur

21. National Human Rights Monitoring Organisation
22. Never Again Coalition
23. Nuba Mountains Advocacy Group
24. Nubia Project
25. NY Coalition for Sudan
26. Stop Genocide
27. Sudan Democracy First Group
28. Sudanese Human Rights Initiative
29. Sudan Social Development Organisation (SUDO) UK
30. The MagkaSama Project, France
31. The Society for Threatened Peoples