



**To Permanent Representatives
of member and observer states
of the UN Human Rights Council**

Geneva, 18 July 2014

RE: Human rights situation in Sudan at the 27th session of the Human Rights Council

Excellency,

The undersigned organizations urge your delegation to recognize and respond to the gravity of the human rights situation in Sudan, and to ensure that the Human Rights Council (HRC, or “the Council”) addresses the serious and widespread violations of human rights and international humanitarian law in the country under the Council’s agenda item 4 during its upcoming 27th session.

One year ago, in late September and early October 2013, Sudanese government security forces violently cracked down on popular protests prompted by economic austerity measures in Wad Madani, Khartoum, Omdurman, and other towns across Sudan. They used excessive force, including live ammunition against the protesters, resulting in the death of at least 170 people, including children, and hundreds more being wounded. Authorities also arrested large numbers of political opposition party members and activists in the lead up to, during and after the protests. To date, the government has failed to hold those responsible for these acts to account.

During the same week as the government’s violent crackdown, on 27 September 2013, the Council adopted a resolution on technical assistance for the Sudan that ignored the ongoing violations and the repression of basic civil and political rights.¹ The Council also failed to condemn in the strongest terms the Sudanese government’s continued indiscriminate bombing, attacks on civilians, and other violations in Darfur, Southern Kordofan and Blue Nile states. The Council fell short of urging the government of Sudan to take the key actions to promote accountability and improve the human rights situation in the country.

One year on, and despite President Omar al-Bashir’s promise in April 2014 to release all “political detainees,” arbitrary detention of activists, human rights defenders, and political opposition figures has

¹ Human Rights Council, Resolution 24/28, Technical assistance for the Sudan in the field of human rights, 27 September 2013 - http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/24/28

continued unabated, against a backdrop of continued restrictions on free expression and peaceful political activities. On July 8-9 2014, the UN Human Rights Committee lamented the lack of constructive dialogue with Sudan during its review, emphasizing that issues raised in previous reviews, some of them dating back 1997, had not been addressed.

Authorities failed to investigate allegations that those detained have been subjected to torture and inhuman or degrading treatment. Media and journalists continued to be forced into silence through systematic censorship and arbitrary detentions. In the conflict zones of Southern Kordofan, Blue Nile, and Darfur, Sudanese government forces, including the “Rapid Support Forces” formed in late 2013 and comprised in large part of former “Janjaweed” militias now formally integrated into government forces – and armed opposition groups have continued to carry out serious human rights violations and abuses in all three areas.

In May and June 2014, the government intensified aerial bombardments in Southern Kordofan, using both indiscriminate and targeted attacks on civilians. In Darfur, more than half a million people were displaced by renewed conflict and government attacks, including both aerial bombardment of populated areas and ground attacks. HRC Resolution 24/28 of 27 September 2013 was regrettably illustrative of the Council's persistent failure to respond effectively to the situation in Sudan, focusing solely on technical assistance. There is a critical need for independent human rights monitoring and reporting in the country while, government forces continue to perpetrate serious human rights violations unchecked, not only in the conflict zones in states throughout Sudan, but also in the country's capital, including extrajudicial killings, arbitrary arrests and prolonged detentions without due process, torture and ill-treatment, and repression of rights of speech and assembly.

In light of the gravity of the human rights situation in Sudan, we urge the Human Rights Council to redress its failed engagement on Sudan and to adopt a resolution at its 27th session that would:

- **Condemn the excessive use of force leading to the death of scores of protesters and the continued impunity of security forces in the context of such killings, condemn the continued restrictions on the media, on human rights defenders, on the rights to freedoms of association and of peaceful assembly, and urge the government of Sudan to complete and make public the result of its investigations into the killings and injuries of protesters that occurred in September and October 2013; to investigate other allegations of human rights violations and abuses during the protests; and to hold perpetrators of such acts to account;**
- **Call for the release of individuals who have been arbitrarily detained by the National Intelligence and Security Services for their real or perceived political opinions and conduct impartial and prompt investigations into all allegations of torture and ill-treatment; call for the reform of Sudan's repressive National Security Act of 2010 to bring it into line with international standards; call for the repeal of provisions of Sudan's security laws that effectively grant immunity to abusive government officials;**
- **Condemn in the strongest terms the violations of human rights and international humanitarian law in Darfur, Southern Kordofan, and Blue Nile states, including indiscriminate and targeted aerial bombardments of civilian areas, and other indiscriminate attacks on civilians by government forces and allied militia;**
- **Urge the government of Sudan to allow unfettered access by UNAMID and humanitarian agencies and NGOs to all parts of Darfur; facilitate unhindered access by humanitarian agencies, human rights monitors, and NGOs to all parts of Southern Kordofan and Blue Nile;**

- **Establish an independent investigation into human rights violations committed in Southern Kordofan and Blue Nile state since the armed conflict broke out in 2011;**
- **Strengthen the special procedure mandate on Sudan, establishing a Special Rapporteur on the situation of human rights in the Sudan under item 4, with a mandate to monitor and publicly report on violations of human rights and international humanitarian law in all parts of Sudan.**

We annex to this letter a detailed briefing note on the situation of human rights in Sudan since the adoption of the Human Rights Council's previous resolution on Sudan in September 2013. Once more, we call upon your delegation to play a leading role to ensure that the Human Rights Council stops failing the many and diverse victims of human rights abuses and violations in Sudan.

We thank you for your attention to these very pressing issues.

Sincerely,

- African Centre for Justice and Peace Studies (ACJPS)
- Amnesty International
- Arry Organisation for Human Rights and Development
- CIVICUS: World Alliance for Citizen Participation
- Community Empowerment for Progress Organisation (CEPO)
- Darfur Bar Association
- Darfur Relief and Documentation Centre (DRDC)
- East and Horn of Africa Human Rights Defenders Project
- Journalists for Human Rights (JHR) Sudan
- Human Rights and Development Organization (HUDO)
- Human Rights Concern - Eritrea
- Human Rights Watch
- International Center for Policy and Conflict
- International Commission of Jurists (ICJ)
- International Federation for Human Rights (FIDH)
- South Sudan Human Rights Defenders Network (SSHRDN)
- Sudan Consortium
- Sudan Democracy First Group
- Sudan Social Development Organization (UK)

Annex: Situation of human rights in Sudan
since September 2013

Excessive use of force in the context of protests

In late September 2013, government security forces shot tear gas, rubber bullets, and live ammunition at protesters, using excessive force during sometimes violent mass protests that erupted after the introduction of austerity measures. Sudanese human rights groups reported that more than 175 people, most of them teenagers or in their early twenties, were killed by government security forces during the protests.² Government forces also shot and killed at least seven people including two children in Nyala, South Darfur, during September protests over the killing by militia of a prominent businessman.

Almost one year after the facts, the Sudanese government has yet to investigate or hold accountable those responsible for the killings and other related abuses, in spite of promises to investigate these allegations and the reported creation of three investigative committees. Instead, the government has contested the casualty numbers and denied that security forces were responsible. The only findings made public focused solely on damage allegedly caused by protesters, and failed to investigate deaths of protesters and alleged unlawful detentions, ill-treatment and torture.³

Sudanese police and national security forces, joined by armed men in civilian clothes, used excessive and lethal force at Khartoum University to disperse Darfuri students protesting the recent attacks against civilians in Darfur, killing a Darfuri student, Ali Abaker Musa Idris, and injuring several others in March 2014.⁴

Arbitrary detention, ill-treatment and torture

Government authorities have continued to target human rights defenders, student protesters, journalists, political opponents, and others with real or perceived links to rebel movements across the Sudan, with arbitrary detention, ill-treatment and torture.

Sudan's National Intelligence and Security Services (NISS) retains wide powers of arrest and detention, and search and seizure and are routinely used to target political opponents for prolonged detention without charge. The National Security Act of 2010 allows detention for up to four-and-a half months, without charge or judicial review. The NISS routinely denies detainees access to lawyers or family visits, and subjects detainees to ill-treatment and torture. Despite numerous documented cases by human rights groups, there have still been no known prosecutions of NISS officers for torture or other ill-treatment.

² The African Centre for Justice and Peace Studies (ACJPS) documented 185 deaths, and verified the names of 144 victims. See, ACJPS and REDRESS, 'Sudan's Human Rights Crisis', Submission to the UN Human Rights Committee ahead of its Examination of Sudan's Fourth Periodic Report under the International Covenant on Civil and Political Rights, June 2014.

³ Human Rights Watch, "'We Stood, They Opened Fire' Killings and Arrests by Sudan's Security Forces During the September Protests," April, 2014.

⁴ ACJPS, 'One person dead and 7 critically injured after Sudanese forces open fire on University of Khartoum students', 12 March 2014.

Many cases reported in the last year were in connection with the government's harsh crack-down on protesters in Khartoum in September and October 2013. Security officials detained at least 800 protestors, opposition party members and activists, arresting many from their homes. Many of those arrested were released within days, often following summary trials leading to floggings or fines, but others were held for weeks or months without charge or access to family or lawyers.

On April 6, 2014, President al-Bashir said he would release all "political detainees" and ease restrictions on opposition parties and the media. However, a few days after, on 15 April Bashir issued decree No.158, which forbids political parties from organizing meetings in their own venues without approval and requires permission for public meetings 48 hours in advance. On 1 May the Sudanese Political Parties Affairs Council announced that the Sudanese Republican Party's application to register as a political party had been rejected because, amongst other things, the Party's political ideology contradicted the constitutional provision that Sudanese law should be based on Sharia (Islamic Law).⁵

Although a number of political detainees were released in the days, after al-Bashir's commitment to release them others have subsequently been arrested. Three students, arrested on May 12, who had participated in campaigns protesting the killing of Ali Abaker Musa Idris by government security forces at Khartoum University in 11 March 2014, remained in NISS detention without charge for their real or perceived political views for nearly two months. Two of the men showed signs of having been severely beaten when they were granted brief visits in June.⁶

In May, authorities arrested Sadiq al Mahdi, head of the opposition Umma Party, for criticizing the Rapid Support Forces, releasing him after a month. The NISS and police have also detained several members of the Sudanese Congress Party for similar criticisms.

Sudanese organizations have documented additional cases of the prolonged detention without charge of activists because of their real or perceived political opinions, some have been in detention for over five months. Dr. Sidig Noreen Ali Abdalla, a university professor, has been detained without charge by the NISS in El Obeid, North Kordofan, since January 16, well in excess of the legal period of up to four-and-a-half months permitted by the National Security Act of 2010.⁷

Restrictions to freedoms of expression and association

Sudan has continued well-documented patterns of restricting the media through direct and indirect censorship, blacklisting and/or prosecuting journalists, and ordering editors to report only on issues that fall within the "red lines" determined by the government.

In September 2013, authorities tightened restrictions on media to prevent coverage of the protests. National security officials instructed newspaper editors not to publish articles related to the protests, confiscated editions of three newspapers, summoned several journalists for questioning, jammed the reception of international TV stations, and blocked the Internet for one day. Most newspapers and the TV stations have resumed, but remain under tight scrutiny.

⁵ ACJPS, 'Sudan: guarantee safety of detainees', 19 June 2014.

⁶ Joint release, ACJPS, AI, FIDH, HRW, REDRESS, Sudan: End Arbitrary Detention of Activists, June 25, 2104, at <http://www.hrw.org/news/2014/06/25/sudan-end-arbitrary-detention-activists>

⁷ Ibid.

Over fifteen newspapers were subjected to post-print censorship, including confiscation of printed editions between January and March 2014 the NISS, some multiple times. The crackdown has severely circumscribed the availability of independent information in Sudan and repression of material deemed by the NISS to be critical of the NCP.⁸

Similarly, Sudanese authorities have routinely targeted and harassed, intimidated, and closed civil society organizations over the years. In recent years the NISS appeared to target several groups that received foreign funding in addition to those working on human rights and accountability for atrocities in conflict zones.

In December 2012, security officials shut down three civil society groups and one literary forum, and summoned leaders of other groups for questioning. Authorities have obstructed groups from legally registering and refused permission for or cancelled public activities in towns across Sudan. In early 2013, authorities also shut down Nuba and Christian groups, arresting staff and confiscating property. Church leaders were questioned about sources of funding, and the government deported, or otherwise forced over 170 foreign church members to leave Sudan

In recent months, authorities have prevented various groups from holding events on the constitution-making process, women's rights, and other topics of public concern. In June 2014, authorities ordered the closure of Salmaah Center, a women's rights organizations in Khartoum.

Freedom of religion

Under article 126 of Sudan's criminal code, a Muslim who renounces Islam is guilty of 'apostasy', punishable by death unless he or she recants within three days. The provision should be repealed, as it contravenes basic freedom of religion protections in Sudan's constitution as well as article 18 of the International Covenant on Civil and Political Rights (ICCPR). On May 15, 2014 a judge in Khartoum sentenced a pregnant 27 year old, Meriam Yahya Ibrahim, to death for the crime of 'apostasy', and to 100 lashings for 'adultery'.

These convictions and harsh sentences contravene Sudanese and international law and point to Sudan's continuing discrimination against religious minorities and women. Meriam gave birth in her prison cell, shackled before her convictions were overturned on appeal following international outcry. Although she has been released from detention she has not been able to leave Sudan with her family owing to new charges levied against her concerning disputed travel documentation issued by South Sudan.

Darfur

A recent increase in government-led attacks on villages has been documented. In late February and early March 2014, the newly-formed Sudanese government force, the Rapid Support Forces (RSF), which had previously been deployed against Sudan Revolutionary Force rebels in North Kordofan, attacked dozens of ethnic Fur and Zaghawa villages in South Darfur.

The attacks, coming after rebel forces fled the area, appeared to target civilians, and forced tens of thousands to flee their homes. Government aircraft bombed the area, followed by ground attacks from large numbers of forces traveling in land cruisers and on horses and camels.⁹ The government forces

⁸ ACJPS, 'Sudan Human Rights Monitor', Issue 25.

⁹ Human Rights Watch, "Renewed Attacks on Civilians in Darfur," March 21, 2014, <http://www.hrw.org/news/2014/03/21/sudan-renewed-attacks-civilians-darfur>

destroyed boreholes used for water, stole animals, and burned homes, witnesses said. Since then, government forces have also continued to bomb and attack populated areas in eastern Jebel Mara and in North Darfur.

Communal violence has also increased in Darfur in the last two years, especially between Arab pastoralist groups. Sudanese government forces were unwilling or unable to protect civilians and in some cases participated in the fighting. In April, 2013, Ali Kosheib, a known militia leader who is wanted by the International Criminal Court (ICC) for alleged crimes in Darfur, participated in large-scale attacks on ethnic Salamat villages in Central Darfur, before being seriously wounded in May. Fighting between the groups continued in 2014.

Sudan continued to deny peacekeepers from the African Union-United Nations Mission in Darfur (UNAMID) access to conflict-affected areas of Darfur. Insecurity also undermined UNAMID's work, with armed attackers routinely attacking peacekeepers, killing scores since the mission's establishment. Access for humanitarian agencies in all conflict zones remains severely limited. The provision of humanitarian assistance to populations in need was further obstructed when Sudanese authorities suspended the operations of the International Committee of the Red Cross on 1 February 2014. The ICRC issued a statement on 19 May 2014 expressing concern that the suspension of its activities for more than three months was "having severe consequences for the Sudanese population in areas affected by the armed conflict."¹⁰

Southern Kordofan, Northern Kordofan and Blue Nile

Since conflict broke out in 2011, Sudanese government forces continue to fight with the Sudan Revolutionary Front (SRF), a rebel coalition formed by the Sudan People's Liberation Army-North (SPLA-North) and Darfur rebel groups. In April 2013, fighting spread to North Kordofan, displacing tens of thousands. The fighting has been marked by serious violations of international human rights and humanitarian law, including indiscriminate aerial bombardments that has killed and maimed hundreds of civilians; it has destroyed schools, clinics, and other civilian buildings, and it has instilled fear in the civilian population.

In December and January 2014 the Sudanese government deployed the Rapid Support Forces in Southern Kordofan. Following clashes, the government troops were withdrawn to Northern Kordofan, just south of the state capital El Obeid. There were numerous reports of looting, armed attacks and sexual violence against civilians in nearby towns following their relocation. May and June 2014 bombing intensified in Southern Kordofan with reportedly hundreds of bombs dropped on civilian areas including a hospital compound and aid organizations' facilities in the Nuba Mountains.

Trafficking and Deportation of Eritrean refugees

Thousands of Eritreans, who have been fleeing to Sudan since the 1960s and been living in refugee camps, have paid Sudanese and Egyptian smugglers to help them travel from eastern Sudan to Israel via Egypt. In 2014 Human Rights Watch published a report documenting how since 2010, Sudanese traffickers have abused and tortured Eritrean refugees, including through rape, mutilation and burning, for ransom. Human Rights Watch also documented cases in which Sudanese police and Sudanese military handed Eritreans directly to traffickers who then abused them.

¹⁰ ICRC News Release, "Sudan: Continued suspension of activities has severe humanitarian impact", 19 May 2014.

Human Rights Watch also obtained credible information that on May 1, 2014, Sudanese authorities in eastern Sudan handed 30 Eritreans over to Eritrean security forces. Six members of the group were registered refugees. Sudanese security forces had arrested the group in early February near the Libyan border and detained them for three months without charge and without access to the UN refugee agency.

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