

Letter from 36 NGOs and individuals regarding the human rights situation in Sudan in advance of the 33rd session of the UN Human Rights Council

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

Geneva, Switzerland

7 September 2016

Re: Current human rights and humanitarian situation in Sudan

Excellency,

Our organisations write to you in advance of the opening of the 33rd session of the United Nations Human Rights Council to share our serious concerns regarding the human rights and humanitarian situation in Sudan. Many of these abuses are detailed in the attached annex.

We draw your attention to the Sudanese government's continuing abuses against civilians in South Kordofan, Blue Nile and Darfur, including unlawful attacks on villages and indiscriminate bombing of civilians. We are also concerned about the continuing repression of civil and political rights, in particular the ongoing crackdown on protesters and abuse of independent civil society and human rights defenders. In a recent example in March 2016, four representatives of Sudanese civil society were intercepted by security officials at Khartoum International Airport on their way to a high level human rights meeting with diplomats that took place in Geneva on 31 March. The meeting was organised by the international NGO, UPR Info, in preparation for the Universal Periodic Review (UPR) of Sudan that took place in May.¹

We call upon your delegation to support the development and adoption of a strong and action-oriented resolution on Sudan under agenda item 4 at the 33rd session of the UN Human Rights Council. The resolution should mandate a Special Rapporteur to monitor and report on ongoing human rights violations and recommend to the Sudanese government concrete ways to end them, and publicly urge the Government of Sudan to implement the recommendations made to Sudan by the UN Human Rights Council during its 2016 Universal Periodic Review.²

Five years on, the conflicts between Sudan and armed opposition in South Kordofan and Blue Nile continue to have a devastating impact on civilians. The most recent round of talks between the Government of Sudan and rebel movements ended in a standstill, with a lack of agreement on modalities for the provision of humanitarian aid and the cessation of hostilities.³

Sudanese government forces continue to attack villages and bomb civilian areas indiscriminately, and to block humanitarian aid groups from accessing affected areas. At least 1.7 million people, over half the population of the two areas, have been forced to flee their homes since the conflict started in 2011.⁴ The National Human Rights Monitoring Organisation and Sudan Consortium documented twenty incidents of aerial bombardment in South Kordofan's Heiban County in May 2016, including one incident on 1 May 2016, which resulted in the deaths of six children.⁵ Government forces and allied militia have also been implicated in widespread levels of sexual violence. In February 2015, the Human Rights and

¹ Joint NGO Letter, "Sudan blocks civil society participation in UN-led human rights review", 31 March 2016.

² UN Human Rights Council Working Group on the UPR, "Draft report of the Working Group on the Sudan Universal Periodic Review", May 2016.

³ African Union High Level Implementation Panel on Sudan, "Statement on the AUHIP Cessation of Hostilities Negotiations", 15 August 2016.

⁴ Sudan Consortium, "Humanitarian Crisis in Sudan's Two Areas and Darfur", March 2015.

⁵ National Human Rights Monitoring Organisation and Sudan Consortium, "Human Rights Update: May 2016", August 2016.

Development Organisation reported how government forces raped at least 8 women in South Kordofan in one week.⁶ The scale of sexual violence is likely much greater than any reports indicate.⁷

In Darfur, where conflict has continued for 13 years, government forces continue to attack civilians, especially in Jebel Mara. Over 80,000 civilians were newly displaced in Darfur in the first five months of 2016.⁸ In 2015, the UN Panel of Experts on Sudan characterized Sudan's strategy in Darfur as one of "collective punishment" and "induced or forced displacement" of communities from which the armed opposition groups are believed to come or operate.⁹ The joint African Union – United Nations peacekeeping mission, UNAMID, has been largely unable to access the most affected conflict areas, due to government restrictions.¹⁰

Government forces continue to use excessive force to disperse demonstrations, resulting in death and injury and there has been no accountability for the deaths of more than 170 protesters killed during violent crackdowns in September and October 2013.

Across Sudan, national security officials and other security forces have targeted opposition party members, human rights defenders, students, and political activists for arrest, detention, and other abuses. In the UN Independent Expert's second mission to Sudan in April 2016, he noted having received reports of prolonged detention without access to family and lawyers.¹¹

Sudanese authorities also routinely repress the basic rights of women, including through public order provisions that criminalize "indecent" dress such as wearing trousers. 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.¹² Authorities have restricted civil society organizations from operating freely, including those that fight for women's rights.

In light of the situation in Sudan, the UN Human Rights Council must take stronger action in response to the widespread and grave violations of human rights and humanitarian law. We urge your delegation to ensure that the UN Human Rights Council adopts at its 33rd 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.
- 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 35th session.
- On the 5th anniversary of 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,

⁶ Radio Dabanga, "Govt. forces rape, wreak havoc in South Kordofan," 23 February 2015,

⁷ Coalition of NGOs, "Sudan: Joint Civil Society Statement regarding Sexual Violence in Conflict", 20 June 2016.

⁸ UN Office for the Coordination of Humanitarian Affairs, "Sudan: Darfur Humanitarian Overview", 1 June 2016.

⁹ UN Security Council, "Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council", 19 January 2015.

¹⁰ *Ibid.*

¹¹ "Statement by the United Nations Independent Expert on the situation of human rights in Sudan, Mr. Aristide Nononsi, at the end of his first mission to Sudan", April 2016.

¹² Human Rights Watch, "Good Girls Don't Protest": Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan", 23 March 2016.

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.

- Similarly 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 of Sudan 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
- Urge the Government to address the continued impunity of security forces and ensure accountability for the killings of more than 170 protestors in Khartoum in September and October 2013, 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.
- 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.

We thank you for your attention to these pressing issues.

Sincerely,

Organisations

Act for Sudan
Alkarama Foundation
Al Khatim Adlan Centre for Enlightenment and Human Development (KACE)
African Centre for Justice and Peace Studies
Amnesty International
Cairo Institute for Human Rights Studies
Christian Solidarity Worldwide
CIVICUS World Alliance for Citizen Participation
Darfur Bar Association
Darfur Relief and Documentation Centre
DefendDefenders
Enough Project
Face Past for Future
Human Rights and Development Organisation
Human Rights Watch
International Commission of Jurists
International Federation for Human Rights (FIDH)
International Refugee Rights Initiative
Journalists for Human Rights – Sudan
National Human Rights Monitoring Organisation
Never Again Coalition
People4Sudan
REDRESS Trust
Skills for Nuba Mountains
Stop Genocide Now
Sudan Consortium
Sudan Democracy First Group
Sudanese Human Rights Initiative

Sudanese Human Rights Monitor
Sudanese Rights Group (Huqooq)
Sudan Unlimited
Waging Peace

Individuals

Dr. Abdel Mutaal Girshab, Human Rights Consultant.
Dr. Ahmed A. Saeed, civil society member and political activist.
Nagla Ahmed, human rights defender.
Salih Amaar, Deputy Editor in Chief of *Al-Taghyeer*

Annex: Human rights and humanitarian situation in Sudan since September 2015

Southern Kordofan and Blue Nile

The conflict between the Government of Sudan and the Sudan Peoples' Liberation Army-North (SPLA-N) in Southern Kordofan and Blue Nile, "the Two Areas," is now five years old. Sudanese authorities and the opposition forces continue to disagree on modalities for humanitarian access to the region.

Since the outbreak of fighting, Sudanese government forces have indiscriminately attacked -- both by ground forces and aerial bombardment -- civilians in rebel-held areas of the Nuba Mountains in South Kordofan and Blue Nile. These attacks often coincide with planting and harvesting seasons, causing massive food insecurity and large-scale displacement. The South Kordofan and Blue Nile States Food Security Monitoring Unit reported that in the Warni and Kau-Nyaro areas of South Kordofan, controlled by the SPLM-N, 242 people in eight villages (including 24 children) were reported to have died from lack of food and hunger-related illnesses in the last six months of 2015.¹³

Whilst the Government of Sudan has a legitimate right to target the SPLA-N, international law requires that civilians, and civilian objects, are protected at all times. Attacks on civilian areas, including hospitals and schools, breach international standards and may constitute war crimes.

In April and May 2016, the International Refugee Rights Initiative and the National Human Rights Monitoring Organisation found that there had been a significant increase in the number of children killed and injured by bombs. Overall, the monitors documented a total of 101 incidents of aerial bombardments, shelling and ground fighting resulting in the deaths of 41 people (six men, four women and five children) and injury to 53 people (eight men, seven women and 22 children).¹⁴

Darfur

Following a referendum on the administrative status of Darfur in April 2016, the Government of Sudan reiterated its argument that UNAMID was no longer needed and that the referendum signaled the conclusion of the peace process.¹⁵ Despite its claims that the war is over, civilians throughout the region continue to suffer the impact of fighting and widespread human rights abuses. Immunities protecting Sudanese authorities have led to a lack of accountability for crimes committed against civilians. In addition to government attacks on suspected rebel areas, other armed groups continue to fight often along ethnic lines over land or resources.

¹³ UN Office for the Coordination of Humanitarian Affairs (UN OCHA), "Humanitarian Bulletin Sudan, Issue 9", 22 – 28 February 2016.

¹⁴ National Human Rights Monitoring Organisation and the Sudan Consortium, "Attacks on civilians in Southern Kordofan, Sudan 2011-2016", September 2016.

¹⁵ International Refugee Rights Initiative, "No one on the earth cares if we survive except God and sometimes UNAMID: the challenges of peacekeeping in Darfur", June 2016.

Human Rights Watch documented evidence of war crimes and potential crimes against humanity during two Rapid Support Forces (RSF) campaigns in South Darfur in 2014 and Jebel Marra in 2015. During these offences, forces repeatedly attacked villages, and burned and looted homes, beating, raping and executing villagers.¹⁶

Civilians in South Darfur and particularly Jebel Marra continue to face attacks and abuses in 2016 by the RSF in “Operation Decisive Summer” offensives. In January 2016, the Sudanese government renewed aerial bombardments and ground attacks on presumed rebel locations.¹⁷ In January and February 2016, the government forces destroyed 47 villages and killed dozens of civilians in ground and aerial attacks.¹⁸ Civilians displaced from Jebel Marra have reportedly fled to Kabkabeyia, Tawila, and Nertiti, or further into the mountainous region into rebel held areas, where they are unable to access humanitarian assistance.¹⁹

Authorities continued to stifle reporting on the situation. Civilians have been arrested and detained without charge for engaging in dialogue with members of the international community. On 31 July 2016, ten people, including seven internally displaced persons, were arrested and detained by the NISS in Nierteti, central Darfur, after attending a meeting with the United States Special Envoy for Sudan and South Sudan, Donald Booth.²⁰

Excessive use of force and extra-judicial killings

Authorities continue to break up demonstrations and political forums using excessive force and mass arrests. In April 2016, violent confrontations between students and security agents went on for three weeks at the University of Khartoum. Dozens of students were arrested during these protests, with an unknown number of detainees held in NISS custody, raising serious concern for the safety and well-being of all detainees.

On 5 May 2016, NISS agents raided the office of a prominent human rights lawyer, Nabil Adib, in Khartoum and arrested a group of students, their family members, and office staff. The students were receiving legal advice on appealing a decision by the University of Khartoum to expel or suspend them following their participation in the protests.²¹

In West Darfur, at least seven people, including one child, were killed when security forces used live ammunition at a crowd of protestors outside the West Darfur state governor’s office on January 10, 2016. The crowd had gathered to demand protection after the nearby village of Mouli was looted and burned to the ground. The following day, three people were killed and seven others sustained gunshot wounds when security forces again fired live ammunition at the funeral for the deceased.²²

On January 31, security forces again used excessive force to disperse university students who convened to discuss the attacks on Mouli at El Geneina university. On 2 February 2016, one student, Salah al Din Gamar Ibrahim, died from a head injury following a violent raid, in which he was detained and beaten. His dead body was found outside his home and medical sources reported the cause of death was internal bleeding from a head injury caused by a sharp object.²³

¹⁶ Human Rights Watch, “Men With No Mercy”, September 2015.

¹⁷ UN Security Council, “Special report of the Secretary-General and the Chairperson of the African Union Commission on the African Union-United Nations Hybrid Operation in Darfur”, 8 June 2016.

¹⁸ Human Rights Watch Dispatch, “Inaction on Darfur, Again”, 17 February 2016

¹⁹ SUDO UK, “SUDO (UK) Statement on January Government Offensive in Jebel Marra”, 31 January 2016.

²⁰ Amnesty International, “Eight arrested, whereabouts unknown”, 8 August 2016.

²¹ Amnesty International, “Eight students arrested, whereabouts unknown”, 9 May 2016

²² African Centre for Justice and Peace Studies, “Sudan must protect civilians in West Darfur and reign in security forces after village burned and protestors lethally shot”, 14 January 2016.

²³ ACJPS, “West Darfur: One student dead after heavy beatings and serious concern for safety of another student detained incommunicado at security offices”, 8 February 2016.

In April, two students were killed in separate incidents in which government security forces and armed students used live ammunition to break up protests at two university campuses. On 19 April 2016, Abubakar Hassan, (m), 18 years of age and a student at the University of Kordofan in El Obeid was killed by a gunshot wound to the head.²⁴ The attack began when the NISS intercepted a group of students marching peacefully towards the Student Union to submit a list of pro-opposition candidates for student union elections that day. The NISS agents, using AK47 rifles and pistols, fired into the crowd.

In the following days students demonstrated at universities across the country protesting Mr. Hassan's death. On 27 April 2016, Mohamed al-Sadiq Wayo, (m), 20 years of age and a student at Omdurman Ahlia University was killed by a gunshot wound to the chest. Witnesses reported that the victim was shot by NISS agents after a political forum took place, which had been organized by the Nuba Mountain Students' Association and at which members criticized the killing of Mr. Hassan as well as the forcible dispersal of demonstrations at Khartoum University on 13 April 2016.²⁵

To date, there has been no accountability for the victims of anti-austerity protests that took place in 2013, when Sudanese security forces fired live ammunition to disperse protestors. Although our organisations documented that more than 170 individuals were killed, many the result of gun-shot wounds to the chest or head, Sudanese authorities have acknowledged just 85 deaths.²⁶ The mandate, composition and findings of three commissions of inquiry reportedly established by authorities to investigate the killings have never been made public. Out of at least 85 criminal complaints pursued by victims' families, only one progressed to court. The murder conviction of the accused, a Sudan Armed Forces officer, was overturned on appeal.

Human rights defenders and victims rights groups calling for justice and accountability for the 2013 protest killings have been subjected to arbitrary arrests and harassment. On 3 February 2016 a group of 15 women were arrested and beaten with wooden batons by members of Sudan's NISS in Khartoum for staging a protest demanding accountability for the 2013 protest killings.²⁷

Repression of Civil Society Activists, Journalists, and Organizations

The NISS has continued to use its sweeping powers to detain activists, civil society, human rights defenders, and political opponents for up to four and a half months without charge. The NISS routinely holds detainees incommunicado and without charge for prolonged periods, sometimes in excess of the period permitted by the 2010 National Security Act. Our organisations have documented patterns of torture and ill-treatment of detainees and other forms of intimidation and harassment, such as summonses and threatening phone calls, to threaten perceived political opponents and activists.²⁸

Over the past eighteen months, TRACKS has been raided twice, on 16 April 2015²⁹ and 29 February 2016.³⁰ National security officials have detained several of its staff and affiliates, and brought criminal cases against individuals following each raid, charging them with a number of offences including crimes against the state, which carry the death penalty. Three of the accused were detained without charge for

²⁴ Amnesty International, "Sudan: Government must investigate brutal killing of 18-year old university student by intelligence agents", 20 April 2016.

²⁵ 39 NGOs, "Open letter from 39 Sudanese NGOs and individuals concerning excessive use of force by Sudanese authorities", 3 May 2016.

²⁶ Human Rights Watch, "Sudan: No Justice for Protest Killings", 21 April 2014.

²⁷ African Centre for Justice and Peace Studies, "Protestors calling for justice for victims of 2013 protest killings beaten and detained by Sudan's security agency in Khartoum", 10 February 2016.

²⁸ Human Rights Watch, "Sudan: Students, Activists at Risk of Torture", 25 May 2016.

²⁹ African Centre for Justice and Peace Studies, "Sudanese human rights defenders detained on baseless charges and others at risk after armed raid on Khartoum training centre", 18 April 2015.

³⁰ African Centre for Justice and Peace Studies, "Sudan: TRACKs office once again raided and staff targeted by NISS", 23 March 2016.

86 days by the Office of the Prosecutor for State Security before being transferred to Al Huda Prison to await trial, where they remain. In addition, charges pending for over a year were reactivated against a human rights defender, Adil Bakhiet, in May 2016.

Human Rights Watch documented how NISS has used its powers to silence female human rights activists in particular, including through sexual violence.³¹ In addition, authorities continue to unduly restrict civil society organizations in other ways. Authorities have shut down organizations, such as the Salmmah Center in October 2014, and imposed undue restrictions on registration. The Confederation of Sudanese Civil Society Organisations reported that in the last quarter of 2015 three organisations faced ongoing restrictions in the renewal of their licences, one local organisation was denied registration, and another was forcibly closed without reasons being given.³²

The NISS continues to censor not only independent newspapers or those affiliated to opposition political parties, but also those that are traditionally supportive of or affiliated to the ruling National Congress Party (NCP). A number of Sudanese laws restrict the right to peaceful expression, association and assembly, including provisions of the 1991 Sudanese Penal Code and the 2009 Press and Publications Act.

NISS officials have repeatedly summoned journalists and threatened them with prosecution, arbitrarily detained them, and harassed them with threatening visits or telephone calls from NISS officials ordering them not to report on so-called “red line” issues deemed to be controversial or critical of the NCP.³³ For example, in April 2016, newspapers were prevented from publishing information on the arrests of students at Khartoum University.

Post-print censorship, whereby entire print runs of daily editions are confiscated prior to morning distribution, continues to be routinely utilised, at great cost to newspapers.

During the second week of May 2016 the NISS confiscated the independent daily *Al-Jareeda* newspaper five times without giving any official reason.³⁴ Printed copies of the newspaper were confiscated by the NISS on 9 and 10 May 2016. The newspaper was allowed to publish on 11 May 2016, before daily issues were confiscated again on 12 and 13 May 2016.

On 11 April 2016 the NISS took down copies of *Alrahil* newspaper, known as a “wall” newspaper in El Fashir, which has been printed and displayed for readers on the wall outside the home of its Chief Editor since 1995. Its’ Chief Editor, Ms. Awatif Ishag, was arrested and interrogated regarding an article she had published on the referendum process in Darfur.

Death Penalty

The death penalty, which is implemented by hanging in Sudan, is not restricted to the most serious of crimes.³⁵ The crime of apostasy – which itself should not constitute a crime under international law – carries the death penalty. Crimes against the state charges that carry the death penalty have been used increasingly often since 2011 to punish and silence political opposition party members and other activists who have criticized government policy. Since the last review the scope of application of the death penalty has been widened. The crime of apostasy has been broadened to include additional prohibited acts and a new crime of trafficking attracts the death penalty.

Freedom of religion

³¹ Human Rights Watch, “Good Girls Don’t Protest,” March 23, 2016,

³² Confederation of Sudanese Civil Society Organisations, “October – December 2015”, January 2016.

³³ ACJPS and the International Federation for Human Rights, “Oral Statement submitted under item 11: Activity report of the Special Rapporteur on Freedom of Expression and Access to Information in Africa”, 10 November 2015.

³⁴ ACJPS, “Independent Khartoum newspaper confiscated five times in one week, local Al Fashir paper’s editor harassed” 18 May 2016

³⁵ ACJPS, “The Wide Application of the Death Penalty in Sudan”, August 2016.

Increasing restrictions on religious freedoms have been documented since 2013, particularly targeting members of Christian churches in Sudan. In other cases, individuals have been targeted for expressing alternative views and visions of Islam, or incorporating ongoing political events into worship.

On 14 July 2016, Yousef Abdallah Abker, (m), 55 years of age and a religious scholar, was arrested by security agents in El Geneina, the capital of West Darfur state, in relation to a sermon he gave in early July. He was detained without charge. Yousef Abdallah Abker was interrogated for criticising the government and the deteriorating security situation in Darfur during the Eid Ramadan sermon he gave on 6 July. In his sermon, Yousef Abdallah Abker condemned the government of Sudan for its inability to control the security situation in Darfur and for overlooking abuses committed by pro-government militias, including killings, rape and robbery. Mr. Abdallah Abker was denied access to a lawyer and medical treatment following his arrest.³⁶

³⁶ Amnesty International, "Religious Scholar detained without charge", 21 July 2016