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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## Situation of human rights in the Sudan

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

In its resolution S-32/1, the Human Rights Council requested the United Nations High Commissioner for Human Rights to designate an expert on human rights in the Sudan. It also requested the High Commissioner, with the assistance of the designated expert, to present to the Council at its fiftieth session a comprehensive report focusing on the situation of human rights since, and human rights violations and abuses committed during, the period of the military takeover. On 12 November 2021, the High Commissioner designated Adama Dieng as the Expert on human rights in the Sudan. The present report covers the period from 25 October 2021 to 10 April 2022 and is based on information and observations gathered by the Expert with the assistance of and in cooperation with the United Nations joint human rights office in the Sudan, through, inter alia, engagement with all relevant parties, including civil society. The report depicts the key human rights challenges faced by the Sudan since the military takeover and contains recommendations to address them.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution S-32/1. It covers the period from 25 October 2021 to 10 April 2022 and is focused on the situation of human rights since, and human rights violations and abuses committed during, the period of the military takeover in the Sudan.
2. The report was shared in advance with the Sudanese authorities for factual comments on the observations and findings presented herein.<sup>1</sup>
3. The Expert on human rights in Sudan, Adama Dieng, visited the Sudan from 20 to 24 February 2022, with the cooperation and support of the Sudanese authorities,<sup>2</sup> and met with senior officials, civil society representatives, human rights defenders, victims, witnesses and families of victims of human rights violations. These meetings informed his understanding of the human rights situation and complex social, civil, economic, political and cultural rights challenges faced by the Sudan.
4. The report is based on information gathered by the Expert with the assistance of and in cooperation with the United Nations joint human rights office in the Sudan,<sup>3</sup> including through interviews with more than 100 victims and eyewitnesses, site visits and analysis of evidence, including medical evidence, photographs and video footage.

## II. Legal framework

### A. International legal framework

5. The Sudan is party to the following international human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention for the Protection of All Persons from Enforced Disappearance.
6. During his visit, the Expert was given assurances by the authorities that the Sudan would accede to the Convention on the Elimination of All Forms of Discrimination against Women as soon as the relevant legislative bodies were in place. Although the Working Group on discrimination against women and girls requested the Government not to make reservations that could nullify the purpose of the Convention,<sup>4</sup> reservations proposed by the Council of Ministers have not been removed.
7. The Sudan is also party to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, as well as the Convention on the Prevention and Punishment of the Crime of Genocide. The Sudan has signed but not yet ratified the Rome Statute of the International Criminal Court. In August 2021, a new Memorandum of Understanding between the Sudan and the Court was signed regarding all individuals against whom arrest warrants have been issued by the Court, pursuant to Security Council resolution 1593 (2005).

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<sup>1</sup> For the comments, see [A/HRC/50/G/2](#).

<sup>2</sup> See <https://www.ohchr.org/en/2022/01/visit-un-expert-human-rights-sudan-adama-dieng-postponed> and <https://www.ohchr.org/en/press-releases/2022/02/un-human-rights-expert-adama-dieng-visit-sudan-20-february>.

<sup>3</sup> For more information on the joint human rights office, see [A/HRC/48/46](#), para. 1.

<sup>4</sup> See communication SDN 3/2021, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26175>.

8. The Sudan is also party to the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child.

## **B. National legal framework**

9. The transitional Government made progress towards aligning the domestic legal framework with applicable international human rights law. In addition, the 2019 Constitutional Document<sup>5</sup> set out the transitional constitutional framework for governance and placed strong emphasis on the rule of law, transitional justice and fundamental rights and freedoms, including women's rights.

10. Concerns raised previously by the Independent Expert on the situation of human rights in the Sudan,<sup>6</sup> touching on the ability of the committee for the dismantling of the 30 June 1989 regime and the recovery of public funds to ensure a vetting process that complied with international standards and best practices, persist.

11. On 3 October 2020, the Juba Agreement for Peace in the Sudan was signed by the transitional Government and various armed movements,<sup>7</sup> with the stated objective of ending conflicts, fighting impunity and creating sustainable peace in the Sudan. The agreement includes important commitments on a range of issues, including power-sharing, gender equality and women's empowerment, resource-sharing and security arrangements, as well as transitional justice, compensation and rehabilitation.

12. The miscellaneous amendments act of 2020<sup>8</sup> criminalized female genital mutilation, and abolished the crime of apostasy, the death penalty for murders committed by children, and flogging as a punishment. It also removed law enforcement powers from the General Intelligence Service, and stripped its staff of their immunity from prosecution. The Cyber Crime Prevention (Amendment) Act of 2020, while similarly removing flogging as a sentence, tightened restrictions on online activity and increased the length of prison sentences for cybercrime, raising concerns that it could be used to curtail online civic space.

## **C. State of emergency**

13. The emergency and protection of public safety act of 1997 provides that during a state of emergency, law enforcement activities can be performed by joint security forces that have the power to arrest and detain following a decision of the "competent authority", that is, the President of the Republic, a state governor (wali), or any delegated body or entity. The regular forces included in the joint security forces are the Sudanese Armed Forces and their agencies (the military police and military intelligence), the Rapid Support Forces and the Sudanese Police Forces (the regular police, the Riot Police, the security police and the Central Reserve Police).

14. Emergency Decree No. 3/2021, issued on 24 December 2021, granted exceptional law enforcement powers to the regular forces and the General Intelligence Service. The Decree authorized them to arrest and detain without warrant, enter and search private and public places, seize private and public funds and property, and prohibit, restrict or regulate the movement of persons. The Decree also granted the members of the regular forces and the General Intelligence Service temporary immunity from prosecution for all acts committed in the performance of their duties. It served to reinforce the state of emergency and impeded judicial oversight over arrests and detentions.

<sup>5</sup> The Constitutional Document is also referred to as the Constitutional Declaration. It was amended in October 2020 to incorporate the Juba Agreement for Peace in the Sudan.

<sup>6</sup> [A/HRC/48/46](#), paras. 51–54.

<sup>7</sup> The Sudan Liberation Movement-Abdul Wahid faction and the Sudan People's Liberation Movement-North Abdelaziz al-Hilu faction have not yet signed the Agreement.

<sup>8</sup> The act is largely in alignment with recurrent recommendations made to the Sudan by international human rights mechanisms.

### III. Political context

15. On 25 October 2021, the Sudanese military, led by the Chair of the Sovereign Council and Commander of the Sudanese Armed Forces, Lieutenant General Abdel Fattah al-Burhan, launched a military coup.<sup>9</sup> In a televised address, he announced a nationwide state of emergency, suspended articles 11, 12, 15, 16, 24 (3), 71 and 72 of the Constitutional Document and dissolved the Sovereign Council and the Council of Ministers. Lieutenant General Al-Burhan also dissolved all trade unions and professional organizations and froze the work of the dismantling committee. He justified the coup as a step to “correct” the path of revolution. He pledged to hold elections by July 2023 and asserted that the military stood with the Sudanese people in their call for a civilian government and would adhere to the Constitutional Document and the Juba Peace Agreement. The declaration of the state of emergency did not follow the requirement of international notification established under article 4 (3) of the International Covenant on Civil and Political Rights, which also requires indication of the date of termination.

16. The coup sparked protests, strikes and campaigns of civil disobedience and was widely condemned, including by the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights. On 26 October 2021, the Peace and Security Council of the African Union suspended the participation of the Sudan in all activities of the African Union until such time as the civilian-led transitional Government was restored. On 28 October 2021, the Security Council of the United Nations issued a statement calling on the military authorities of the Sudan to restore the civilian-led transitional Government and urging all stakeholders to engage in dialogue without preconditions.<sup>10</sup>

17. Hours before the coup, the Sudanese Armed Forces arrested the Prime Minister, Abdalla Hamdok, and took control of the State media. This was followed by the arrest of dozens of persons, including six ministers, government officials, public servants and political leaders, and the dismissal of civilian state governors and, on 31 October 2021, the Attorney General. On 9 November 2021, Lieutenant General Al-Burhan established an audit committee to review the work of the dismantling committee, take inventory and restore funds that it had recovered. On 11 November 2021, he established a new Sovereign Council<sup>11</sup> and placed himself as its Chair.

18. On 21 November, Lieutenant General Al-Burhan and Mr. Hamdok signed a political agreement, which led to the latter’s reinstatement as Prime Minister and the release of all politically influential figures and protesters arrested since the coup. The agreement was, however, rejected by many in Khartoum and in other parts of the country, who portrayed it as a betrayal of their aspirations for democracy.<sup>12</sup> Protests calling for the withdrawal of the military from government and the formation of a civilian-led government have continued since then under the slogan: “No negotiation, no partnership and no legitimacy” (referring to the military).

19. After failing to find consensus and a resolution to the political impasse, Prime Minister Hamdok resigned on 2 January 2022.<sup>13</sup> On 8 January 2022, the Special Representative of the Secretary-General for the Sudan and Head of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS) launched national consultations with a wide range of Sudanese stakeholders “to address the current political impasse and develop a path towards democracy and peace”.<sup>14</sup> The initiative received international, regional and (for the most part) national support after some initial reservations. The first round of consultations, during which perspectives on the political future of the Sudan were collected, was concluded in February 2022. Among other considerations, many participants stressed that any political settlement must be grounded in respect for human rights and ensure accountability for past

<sup>9</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).

<sup>10</sup> See <https://www.un.org/press/en/2021/sc14678.doc.htm>.

<sup>11</sup> [S/2021/1008](#), para. 9.

<sup>12</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).

<sup>13</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).

<sup>14</sup> See <https://unitams.unmissions.org/en/statement-release-unitams-summary-report-its-consultations-political-process-sudan>.

human rights violations. As a next step, UNITAMS, the African Union and the Inter-Governmental Authority on Development are set to jointly facilitate talks on immediate priorities identified during the first phase of consultations, including an interim constitutional arrangement and a road map for the transition period.

## IV. Patterns of human rights violations

### A. Excessive use of force and unlawful killings

20. The joint security forces have repeatedly used excessive force in response to peaceful protests against the coup,<sup>15</sup> in particular in Khartoum State (Khartoum, Khartoum North and Omdurman).<sup>16</sup> The protests, which are coordinated by local resistance committees,<sup>17</sup> commenced on the day of the coup and continued with increased frequency after the signing of the political agreement on 21 November 2021. As at 10 April 2022, over 55 demonstrations had been organized.

21. According to credible sources, as at 10 April 2022, 93 persons, including 1 woman and 15 children (14 boys, 1 girl), had been killed and over 5,000 persons, including 46 children (44 boys, 2 girls), injured as a result of unnecessary and disproportionate use of force by the joint security forces.<sup>18</sup> All except two deaths and 184 injuries were registered in Khartoum State. Of those killed, 86 died as a result of injuries caused by live ammunition, with the majority (70) shot in the head and/or neck (40) or the chest (30). Seventeen persons died from injuries to other parts of their bodies. In addition, 4 persons died after being hit by tear-gas canisters in the head or neck (2) or the chest (2), and 2 died after severe beatings by security forces. Of those killed, 3 were bystanders, including a 14-year-old girl. Of the injured, 961 were shot with live ammunition, 1,573 hit by tear-gas canisters and 692 suffered breathing difficulties as a result of tear-gas inhalation. Security forces reportedly also injured 44 protesters in 2022 by running over them with their vehicles. Video evidence suggests that in some cases this was intentional. According to credible sources, injuries sustained by protesters included loss of vision or serious damage to eyes (13 persons), loss of limbs (11), paralysis (7) and damage to internal organs (7).

22. Medical reports, video footage and eyewitness statements point to the use of lethal weapons against protesters, including AK-47 assault rifles and machine guns, in breach of international human rights law regulating the use of force and firearms by law enforcement officials, which prohibits the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk.<sup>19</sup> Evidence collected also indicates that protesters were directly targeted or shot at from close range by security forces during the protests. For example, on 17 November 2021, according to eyewitnesses, security forces wearing regular police and Central Reserve Police uniforms<sup>20</sup> fired live ammunition, including from machine guns, directly at protesters in Al-Mouassasa station and Shambat in Khartoum-North, killing eight persons, including one woman, and injuring many others. Also on 17 November, at 60th Street in Khartoum, a police officer in Riot Police uniform shot a protester, who was hiding behind a car, in the head, through the front window of the car. On 17 January 2022, joint security forces members wearing different uniforms fired live ammunition at protesters who were approaching the Republican Palace in Khartoum. According to reliable sources, 7 protesters were killed and 80 others injured (46 by live ammunition and 34 by tear-gas

<sup>15</sup> Armed men in plain clothes also participated in dispersing the demonstrations.

<sup>16</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).

<sup>17</sup> A network of local youth who coordinate protests.

<sup>18</sup> The Sudanese authorities indicated that, according to the statistics held by the public prosecution, the number of persons killed was 81 and the number injured was 2,551 (see [A/HRC/50/G/2](#)).

<sup>19</sup> Human Rights Committee, general comments No. 36 (2018), paras. 12 and 14; and No. 37 (2020), para. 79.

<sup>20</sup> The regular police wear a light blue khaki uniform; the Central Reserve Police, beige khaki camouflage; the Riot Police, blue khaki camouflage; the security police, dark blue khaki; and the Rapid Support Forces, light beige khaki camouflage.

canisters), including 1 protester who shared testimony with the joint human rights office of how he had been hit in the arm.

23. On many occasions, security forces reportedly fired tear-gas canisters and stun grenades directly at the upper body or heads of protesters, causing serious injuries. Medical reports indicated that over 30 per cent of the injuries were caused in this way. For example, on 30 November an injured protester reported that a police officer in a dark blue uniform fired a tear-gas canister from close range at his face during a demonstration in Khartoum, causing a serious head injury. On 24 March 2022, video footage verified by the joint human rights office showed a police officer inside a riot control vehicle repeatedly firing tear-gas canisters at protesters at close range during a protest in Khartoum.

24. Since mid-January 2022, the joint security forces have regularly used shotguns to disperse protests, mainly in Khartoum State but also in Wad Medani in Al-Gazira State. As at 10 April 2022, 2 men and 3 boys had reportedly died as a result of being hit by shotgun pellets and at least 367 others had been injured. One person interviewed stated that while participating in a demonstration on 30 January 2022, he had been shot by an officer wearing a Central Reserve Police uniform standing about five metres away. Medical professionals confirmed that the weapon used was a shotgun – pellets can clearly be seen on X-rays and typically cause multiple wounds.

25. Security forces have consistently denied use of live ammunition, including in meetings with the Expert. For their part, police officials have reported the killing of 3 security officers and the injury of 450 others, as well as damage to police vehicles and two police stations, allegedly by protesters.<sup>21</sup> In their meetings with the Expert, the federal police and members of the joint security committee of Khartoum insisted that not all protesters were peaceful and were in some cases armed with knives. The authorities in addition alleged that some protestors carried firearms.<sup>22</sup> The joint human rights office has not been able to verify this but observed that some protesters hurled stones and threw the fired tear-gas canisters back at the joint security forces.

## **B. Arbitrary arrest and detention, torture and ill-treatment, and enforced disappearance**

26. Between 25 October 2021 and 10 April 2022, the Expert and the joint human rights office documented the arbitrary arrest and detention of 1,293 persons linked to the coup or protests against the coup, of whom 143 were women and 157 were children (including 2 girls). This figure does not include those held for short periods and released without charge.

27. In total, the United Nations monitoring and reporting mechanism on children and armed conflict verified 222 child rights violations in the context of civil unrest since the coup, including arbitrary arrest and detention of children for participation in demonstrations (157), injuries (46) and killings (15) of children and one attack on a school. In all, 97 per cent of the victims were boys (209). The joint human rights office observed that children detained in Khartoum and at the state level were held on police premises and usually detained together with adults, rather than in juvenile detention facilities under the authority of a family and child judge, in contravention of national legislation.<sup>23</sup>

28. Between 25 October and 17 November 2021, the Sudanese Armed Forces arbitrarily arrested and detained 63 government officials and politically influential figures (1 woman, 62 men), including Prime Minister Hamdok and six ministers. Prime Minister Hamdok was held for one day at an unknown location before being placed under house arrest on 26 October, and was not released until the signing of the 21 November political agreement.

29. The other 62 political figures, including members of the dismantling committee, were reportedly taken, in what many described as a “terrifying” and “humiliating” manner, from

<sup>21</sup> Figures communicated to the Expert by police officials during his visit to the Sudan.

<sup>22</sup> See [A/HRC/50/G/2](#).

<sup>23</sup> Children in contact with the law must be referred to the Family and Child Protection Unit in accordance with the Child Act (2010).



their homes by joint security forces, often in front of their families. They were transported to places of detention, blindfolded for at least part of the journey. The detention facilities were identified as primarily those run by the General Intelligence Service and the military. Most of the detainees were held incommunicado and in solitary confinement for eight days, until 2 November 2021, when they were allowed to make short phone calls to their families. A few were held in this situation for two weeks; two detainees were held for more than 15 consecutive days, in contravention of international human rights law.<sup>24</sup> Most detainees interviewed said that they were treated well in detention, despite the conditions in which they were held. In the lead-up to and following the 21 November political agreement, all were released on bail except for a security officer who worked for the dismantling committee. Except for a meeting with the Expert during his visit to the Sudan, the remaining detainee has remained in incommunicado detention since 25 October 2021.

30. A pattern of mass arrest and short-term detention of protesters and bystanders was observed following the coup. These persons were, in most cases, held for 24 hours on police premises and then released without charge, suggesting a lack of legal basis for the arrests, or released on bail on charges of disturbing public peace and/or committing the offence of public nuisance under articles 69 and 77 of the Criminal Act of 1991. According to persons arrested and their lawyers, they were generally not informed of the reason for their arrest. Personal items, including mobile phones, were reportedly taken from them and not returned upon their release.

31. After Emergency Decree No. 3/2021 was issued, prominent civil society figures, activists, leaders of resistance committees, youth movements, and those supportive of protests, civil disobedience and/or expressing objections to the coup, were increasingly targeted, with greater involvement of the General Intelligence Service in arrests. The arrests were reportedly made at sit-ins and during strikes at places of work; before, during and after protests; and from people's homes or in hospitals. While the protesters and bystanders who were arrested were generally released after a short period, demonstration leaders, members of resistance committees and activists were typically held in incommunicado detention for periods ranging from one day to two months. During such detention, they were generally prohibited from contacting their lawyers and families, who were not informed of their whereabouts, conditions that may amount to enforced disappearance. For example, a prominent human rights defender, Amira Osman, informed the Expert that she had been arrested from her home in Khartoum by more than 30 heavily armed security forces personnel during the night of 22 January 2022. She was held incommunicado in the Omdurman women's prison until her release without charge on 6 February 2022.<sup>25</sup>

32. Following the death of a brigadier-general of the Central Reserve Police in Khartoum on 13 January 2022, security forces increased their arrests of protesters, including pre-emptive and mass arrests, mainly targeting resistance committee members. Among them were four protesters accused of "criminal conspiracy" and murder – charges punishable with the death penalty – under articles 21 and 130 of the Criminal Act of 1991, for their alleged involvement in the police officer's death.

33. According to witness statements and physical evidence, persons who were arrested were routinely and severely beaten with water hose pipes, sticks, wooden bars and batons, and kicked by members of the security forces wearing boots, including when already restrained. In two separate instances, on 7 November 2021 and 14 March 2022, persons participating in peaceful protests organized by professional teachers' organizations were subjected to severe beatings and other forms of inhuman treatment before being detained in

<sup>24</sup> Incommunicado detention constitutes a form of arbitrary detention, and leads to conditions that may violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also violates article 9 of the International Covenant on Civil and Political Rights and potentially other articles of the Covenant, including articles 3, 6, 7, 10 and 14 (see Human Rights Committee general comment No. 35 (2014)).

<sup>25</sup> See also communication SDN 2/2022, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27059>, and the authorities' response, dated 11 March 2022, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36848>.

poor conditions in Nyala, South Darfur, and in Khartoum. As a result of the ill-treatment, one woman arrested in Khartoum suffered a miscarriage and another's leg was broken. In February 2022, in three cases documented in Khartoum, protesters were severely beaten and stripped naked.

34. Many reports were received of joint security forces in Khartoum and White Nile States and in Port Sudan humiliating persons who had been arrested by forcefully shaving their heads, either on the street or near detention facilities. For example, on 13 November 2021, according to the victims, joint security forces arrested five young protesters in Rabak, White Nile State, during a demonstration, beat them with batons and kicked them while taking them to the military intelligence compound near Kusti bridge, where one soldier in civilian clothes shaved the heads of two of the protesters and forced them to jump up and down for more than half an hour.

35. Signs of torture and ill-treatment following arrest were documented in two cases in which the victims were accused of having committed crimes during protests, such as attacks against police and police property. The torture and ill-treatment were reportedly inflicted by security officers in civilian clothes during the first two days of interrogation. One detainee was reportedly made to sign a confession under threat of physical violence. Instances in which detainees were shackled, including while in solitary confinement and for a period exceeding 15 consecutive days, were also documented.<sup>26</sup>

36. Four cases of enforced disappearance were documented. On 13 November 2021 a young male protester was reportedly taken from a hospital in Omdurman by joint security forces. Between 23 and 30 November 2021, two men and one boy were taken from Khartoum North by men in plain clothes, reportedly from the General Intelligence Service. These enforced disappearances are believed to be connected to the victims' participation in protests. Complaints were filed with the police in three of the cases. The whereabouts of all four persons remained unknown as at 10 April 2022. Other reports of disappearances are still being verified.

37. During the visit of the Expert, the authorities released 115 persons from detention, the majority on bail, after charging them with disturbing public peace and/or committing the offence of public nuisance. The Expert was given access to Soba prison in Khartoum, where he met with detained protesters, activists and former officials of the transitional Government and members of the dismantling committee.

38. As at 10 April 2022, at least 119 persons (all men) whose arrests were linked to the coup and subsequent protests remained in detention. They included 19 persons who either were members of or had collaborated with the dismantling committee. Five of those were arrested after the coup, released after the 21 November agreement, and re-arrested in early February 2022. They were reportedly deprived of visitation rights and denied contact with their lawyers for more than one month after arrest. All 19 are charged with breach of trust under article 177 (2) of the Criminal Act, which is punishable by death.

### **C. Sexual and gender-based violence**

39. Numerous reports were received of human rights violations, including sexual and gender-based violence, against women and girls, who have been at the forefront of protests against the coup. The Expert and the joint human rights office verified, through interviews with victims and witnesses, 13 incidents of rape, gang rape, attempted rape and other forms of sexual and gender-based violence that had been perpetrated in Khartoum in the context of protests against the coup during the reporting period.<sup>27</sup> They involved 14 victims (10 women, 1 girl, 1 man and 2 boys). Other allegations of such violence are still being verified. Most of the verified acts of sexual and gender-based violence took place during the evening of 19 December 2021 in Khartoum while the victims were leaving protest sites.

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<sup>26</sup> According to the prison administration, individuals charged with murder under section 130 of the Criminal Act are to be chained, in accordance with prisons rules and regulations.

<sup>27</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).



40. The verified incidents were perpetrated by members of the joint security forces or armed men in civilian clothes. According to first-hand sources, in the evening of 19 December 2021, several men wearing security forces uniforms gang-raped a woman, causing her serious injuries. In early March 2022, several members of the Central Reserve Police gang-raped a woman escaping a tear-gas attack on public transport. An analysis of the incidents reported suggests that sexual violence was used to punish women for taking part in protests and to intimidate them into staying away from future protests. This assessment has been supported by reports of ill-treatment of and threats against women by the joint security forces during and after arrests. For example, in mid-March 2022, a woman protester detained by unidentified security officials was severely beaten, verbally abused, sexually harassed and threatened with rape before being told to stop her involvement in protests and released.

41. In Darfur, eight incidents of rape, involving 15 women and 5 girls, were documented in the context of intercommunal violence or attacks against internally displaced women and girls who were collecting firewood or outside their homes for other reasons. The perpetrators were armed men, most in military uniforms. All eight cases were reported to the police. Only one arrest was made, in the case of the rape of a 12-year-old-girl in North Darfur.

42. The stigma associated with sexual violence and a lack of trust in the justice system allegedly prevented victims from reporting cases of sexual violence. Victims also faced constraints in accessing timely medical care, psychosocial support and free legal aid. The applicable evidentiary standard for rape, as set out in article 62 of the Evidence Act, discourages reporting of rape cases by women as doing so could entail being charged with adultery if the case is not successfully prosecuted.

#### **D. Attacks on hospitals and medical staff**

43. The World Health Organization reported 25 attacks on health facilities, their personnel and patients in the Sudan between 25 October 2021 and 15 March 2022.<sup>28</sup>

44. During the reporting period, the joint human rights office verified forced incursions into eight hospitals by security forces during protests in Khartoum. Hospitals and other medical facilities located along the main protest routes were the main targets. At least three of these hospitals, namely, Al-Arbaeen hospital, Khartoum teaching hospital and Al-Faisal hospital, have been attacked more than three times. On 17 November 2021, the surgical ward at Al-Arbaeen hospital was reportedly hit by tear-gas canisters fired by Riot Police and Central Reserve Police. On 30 December 2021, security forces entered the Khartoum teaching hospital and fired tear gas into an emergency room packed with protesters who had been injured in a nearby demonstration. During demonstrations on 17 January 2022, security forces reportedly stormed into Al-Jawda hospital in Khartoum and fired tear gas inside.

45. Attacks against ambulance drivers transporting injured protesters to medical facilities, harassment and assault of medical staff, and arrests of protesters inside hospitals by security forces were also documented. In addition, on 24 January 2022, nine Sudanese and international staff of Médecins sans frontières were arrested after leaving a hospital where they had been working and were detained overnight.<sup>29</sup>

#### **E. Rights to freedom of opinion and expression and of peaceful assembly and association**

46. Since the coup, the curtailing of the rights to freedom of expression and of peaceful assembly and association has severely restricted the space for private and public expression and exchange of information and ideas, also affecting the enjoyment and exercise of other rights. On 25 October 2021, the authorities imposed a blanket shutdown of mobile-based Internet and telecommunications across the country. Internet access was restored on 18 November 2021 following a court order after complaints were filed by a civil society

<sup>28</sup> See <https://extranet.who.int/ssa/Index.aspx> (World Health Organization figures are not limited to the context of the protests).

<sup>29</sup> See <https://www.msf.org/unacceptable-detention-msf-medical-team-khartoum-sudan>.

organization and independent lawyers. The authorities, however, continued disrupting Internet services, particularly during protests. The most recent disruption was recorded on 6 January 2022.

47. On 25 October 2021, the radio and television broadcasting authority suspended the operation of at least eight private radio stations. Since 1 November 2021, most radio stations have resumed broadcasting, but some have raised concern at interference with their editorial independence. Newspapers that stopped publishing after the coup due to the Internet shutdown and insecurity gradually resumed printing as of 1 November 2021. On 15 January 2022, the Ministry of Culture and Information revoked the broadcasting licence of Al-Jazeera Live, claiming that its journalists were unprofessional in their coverage of events. Given the increasingly hostile environment and restrictions on the right to freedom of opinion and expression, some local organizations, including media outlets, closed their operations.

48. The safety of journalists, media institutions and civil society actors remains of concern. During the reporting period, at least 52 violations against journalists and media institutions were recorded, including the arbitrary arrest and detention of 23 media professionals (4 of them women), and raids on their premises. On 26 October 2021, security forces raided the offices of a civil society organization in Khartoum, seized computers and arbitrarily arrested and temporarily detained one staff member. On 17 November 2021, a journalist covering a demonstration in Khartoum was shot in the head and severely beaten by security forces, who denied him medical care and detained him for three days. He received medical treatment after his release. On 13 January 2022, security forces raided Al-Araby television station in Khartoum, physically assaulted and arrested four staff members who were filming a demonstration from the roof and destroyed their cameras. On 19 January 2022, in Southern Kordofan, police arrested a woman in connection with a social media post about recruitment of children by the Sudanese Armed Forces. She was released after being charged with publishing false information, attacking the integrity of the Sudanese Armed Forces and undermining and threatening national security under articles 14, 24 and 25 of the Cybercrime Act.

## **F. Economic, social and cultural rights**

49. The coup, the ensuing protests and the increasing political instability, together with the lingering effects of the coronavirus disease (COVID-19) pandemic, have undermined the enjoyment of economic, social and cultural rights in the Sudan. Immediately after the coup, the country's major international donors and financial institutions, including the World Bank and the International Monetary Fund, paused disbursements, and the United Nations suspended all cooperation programmes. This combination of factors is likely to lead to a reversal of economic and development gains that had been achieved under the transitional Government, including progress towards debt clearance, exchange rate unification and fiscal consolidation. Aid cuts are having an impact on public expenditure, given the absence of a broad and diversified tax base, a decline in domestic production and economic activities and a steep decline in the value of the Sudanese pound against the United States dollar. The 7 March 2022 decision by the Central Bank of Sudan to float the exchange rate has not yet borne fruit, as the value of the Sudanese pound fell by about 35 per cent in the period up to 25 March 2022, leading to a further spike in the cost of food, fuel, energy and medicine.

50. The suspension of the roll-out of the World Bank-supported family support programme, a cash transfer scheme that was reportedly supporting more than eight million persons, has affected the poor and vulnerable sectors of society who were receiving this assistance.<sup>30</sup> The programme was launched by the transitional Government in February 2021, partially as a response to hardships caused by the removal of subsidies to fuel, electricity and basic commodities in 2020–2021.

<sup>30</sup> The United Nations Children's Fund (UNICEF) estimates that 36 per cent of the Sudanese population lives in poverty. See <https://www.unicef.org/sudan/policy-evidence-social-protection#:~:text=Some%2036%20per%20cent%20of,the%202017%20Human%20Development%20Index>.

51. The right to health, in particular of those living in poverty, has been impaired due to the surge in the prices of essential drugs and medicines since 25 October 2021.<sup>31</sup> The failure of the authorities to disburse salaries and allowances, including to those in the health-care sector, has also had a negative impact on the provision of medical services. For example, on 6 March 2022, health workers in Northern Kordofan State, including doctors at El Obeid teaching hospital, launched a general strike in protest at the non-payment of their salaries.

52. After the coup, enjoyment of the right to education was affected due to measures taken by the authorities, including the Internet shutdown and closures of roads and schools. One instance of an attack by security forces against a school was reported on 20 January 2022, when security forces fired tear-gas canisters inside the Sheikh Mustafa Elamin Model High School for Boys in Khartoum while classes were in progress. The right to education was also affected by the suspension of classes in some states following protests over the rise in the cost of living. On 16 March 2022, in response to protests by students, the security committee in South Darfur State suspended classes until further notice. The same was reported in Blue Nile State. On 24 March 2022, the Ministry of Education of Red Sea State terminated the 2021/22 academic year, initially scheduled to end mid-May 2022, for similar reasons.

53. In a press statement dated 23 March 2022, the Food and Agriculture Organization of the United Nations and the World Food Programme warned that the combined effects of the conflict in Ukraine, the growing economic crisis and poor harvests would likely double the number of persons facing acute hunger to more than 18 million by September 2022.<sup>32</sup> The increase in the prices of staple foods has particularly affected vulnerable groups, such as rural and urban poor, people living in slums and informal settlements, internally displaced persons, refugees and migrants, day labourers and others dependent on the informal sector, including women who sell tea on the street.

## **G. Intercommunal violence and attacks against civilians**

54. Intercommunal violence has persisted in some areas in Darfur and in Southern Kordofan and Western Kordofan States in a context of a heavy presence of armed groups and the absence or insufficient presence of State authorities. Since the coup, an increase in incidents of intercommunal violence has been documented, particularly in North and West Darfur, leading to loss of life and destruction of property and means of subsistence. Between 25 October 2021 and 10 April 2022, the joint human rights office documented 40 incidents of intercommunal violence in Darfur resulting in the death of 450 persons, including 4 women and 15 children, 7 of them girls, the injury of 336 persons (including 10 women and 1 boy) and 86 abductions. The office also recorded 20 incidents of attacks against civilians in Darfur,<sup>33</sup> resulting in the killing of 189 persons (including 16 women and 4 boys) and the injury of 16 persons (3 of them boys). In Northern Kordofan, Southern Kordofan and Western Kordofan States, the office recorded the killing of 87 persons (all men) and the injury of 70 others by unidentified armed men in the context of intercommunal violence. The death of 18 persons (all men) and the injury of 12 other persons were also documented during other attacks against civilians in Southern and Western Kordofan States.<sup>34</sup>

55. The most serious incidents occurred in West Darfur State, where the joint human rights office has documented 30 incidents of intercommunal violence during the reporting period with 276 victims (3 of them women) and the displacement of about 65,000 internally displaced persons.<sup>35</sup> The Kuraynik and Jebel Moon areas, where from 1 to 10 December 2021, the joint human rights office documented the killing of at least 129 persons in a clash

<sup>31</sup> The Central Bureau of Statistics recorded the inflation rate at 258.40 per cent in February 2022.

<sup>32</sup> See <https://www.wfp.org/news/worsening-food-crisis-looming-sudan-amid-economic-downturn-displacement-and-ruined-crops>.

<sup>33</sup> These are cases of organized militia groups loosely associated with security forces and political actors attacking villages.

<sup>34</sup> These are cases of organized militia groups loosely associated with security forces and political actors attacking villages.

<sup>35</sup> See <https://reliefweb.int/report/sudan/sudan-conflict-west-darfur-flash-update-no-1-27-january-2022-enar>.

between Arab and African tribes, continue to be flashpoints. In addition, the office documented the systematic looting of goods and burning of houses belonging to the victims.<sup>36</sup> In March 2022, another wave of violence erupted between the Arab and the African Misseriya-Jebel communities in Jebel Moon, resulting in the death of 35 persons (including 2 women) and 14 injuries. Seven women in Berdy village were allegedly raped on 10 March 2022.<sup>37</sup> Also, two Sudanese Armed Forces soldiers and two members of the Sudan Liberation Army-Minni Minawi were reportedly killed during clashes on 10 March 2022. Although the authorities responded the same day by deploying some 40 joint security forces vehicles to join a large presence of the Rapid Support Forces, they were unable to stop the violence or protect the civilians during the attack.

56. A year after the withdrawal of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), delays in the implementation of the security arrangements set out in the Juba Peace Agreement, which stipulated the establishment of a joint security force to protect civilians in the Darfur region, and the National Plan for the Protection of Civilians have resulted in gaps in the protection of the civilian population. The delays have led to the presence of armed groups that are signatories of the Juba Peace Agreement close to communities and without regular income, which may have contributed to the increase in intercommunal violence. Another contributing factor may have been the security vacuum created by the reported redeployment of regular forces from Darfur to Khartoum one week before the coup.

57. These armed groups were responsible for the looting of UNAMID logistic base assets and more than 5,000 metric tons of food and nutrition support from World Food Programme warehouses in El Fasher, North Darfur State, in late December 2021. The authorities announced the establishment of an investigative committee to bring the perpetrators to justice and return the looted property, but no result has yet been reported. On 3 February 2022, the joint high council on security arrangements, chaired by Lieutenant General Al-Burhan, ordered armed movements belonging to signatories to the Juba Peace Agreement to be grouped in designated cantonment areas away from communities.

## V. Accountability

58. The 21 November 2021 political agreement stipulated, among other things, that all events that occurred during demonstrations, including injuries and deaths sustained by both civilians and uniformed personnel, should be investigated and all perpetrators should be brought before courts. However, the ability to investigate allegations of human rights violations against members of the regular forces and the General Intelligence Service will be limited by Emergency Decree No. 3/2021, which granted them temporary immunity from prosecution for all acts committed in the performance of their duties. To date, no one has been held accountable for human rights violations that have been committed.<sup>38</sup>

59. Furthermore, systematic violations of fair trial and due process rights were observed, in particular denial of the rights of detainees to legal representation and to be promptly brought before a competent judge. Between 25 October and mid-December 2021, detainees did not have access to their lawyers and could not challenge the lawfulness of their deprivation of liberty before a judicial authority. This eroded minimum safeguards and left victims of arbitrary arrest and detention without legal protection, exposing them to the risk of and actual acts of torture and ill-treatment, incommunicado detention and enforced disappearance, without access to effective remedies.

60. The Attorney General did not fulfil his role of oversight of arrests and detentions, including in relation to habeas corpus writs filed with his office, and did not provide information requested by the joint human rights office on the number, names and locations

<sup>36</sup> Some 14 villages were affected, according to sources.

<sup>37</sup> The joint human rights office has not yet been able to verify these allegations.

<sup>38</sup> The Sudanese authorities expressed a divergent view on this point (see [A/HRC/50/G/2](#)).

of, and charges against, persons arrested after the coup.<sup>39</sup> Lawyers and families of detainees complained of being denied access to information on the status of the detainees by the police and competent prosecutors. The dismissal of the Attorney General on 31 October 2021, and the delay until 2 December 2021 in appointing an acting Attorney General, exacerbated this situation. Together with the de facto exclusive control of the Sudanese Armed Forces over detention facilities until 30 November 2021, this led to an implicit suspension of the habeas corpus action in violation of the International Covenant on Civil and Political Rights, the Constitutional Document and the miscellaneous amendments act.

61. Several mechanisms were set up by the authorities to investigate allegations of human rights violations reported since 25 October 2021. On 18 November 2021, following the killing of protesters during the dispersal by security forces of a protest in Khartoum North on 17 November, the Chief of Police of Khartoum State announced that an administrative committee had been created by the civilian governor to investigate what had occurred. On 2 December 2021, the Prime Minister ordered the Chief of Police to investigate the 30 November 2021 raid of, and arrest of one person inside, El Faisal hospital in Khartoum by the security forces. However, these two investigations are administrative rather than judicial.

62. On 9 December 2021, the acting Attorney General created a committee to investigate human rights violations and “criminal acts” committed since 25 October 2021. The committee, composed of nine prosecutors, reportedly commenced work on 30 January 2022. However, three committee members reportedly resigned. Due to a lack of complaints submitted by the public, despite public calls for submissions, the committee has reportedly used its ex officio power to start investigations into cases of alleged killings.

63. On 29 December 2021, following instructions from Lieutenant General Al-Burhan, the acting Attorney General announced the creation of another judicial committee, composed of eight prosecutors, including four women, headed by a senior prosecutor, to investigate the allegations of rape perpetrated during the 19 December 2021 demonstrations. The two committees established by the acting Attorney General were reportedly later merged into one. No information on the progress of their work had been made public as at 10 April 2022. During the visit of the Expert to the Sudan, the head of the committee established on 9 December 2021 informed him that the committee had confirmed the killing of many protesters and one incident of rape. However, the committee had yet to identify any alleged perpetrators.

64. The Expert and the joint human rights office have observed a lack of confidence in the justice system and investigations led by the State among survivors of and eyewitnesses to human rights violations, in particular survivors of torture and sexual and gender-based violence. In the past, the results of investigations into human rights violations were not made public and rarely resulted in prosecutions.

65. While the steering committee of the National Human Rights Commission<sup>40</sup> was not dissolved after the coup, six of the nine board members resigned on 15 November 2021. In their public resignation statement, they stated that they had been prevented from addressing human rights concerns linked to the coup and questioned the independence of the steering committee. The steering committee continued to function despite the lack of a quorum. It has publicly stated that it is closely monitoring the human rights situation, but has not provided information on its findings. The steering committee has, as a result, faced criticism from civil society.

<sup>39</sup> On 2 November 2021, the joint human rights office wrote to the Office of the Attorney General requesting this information, and permission for human rights officers to visit detainees. The joint human rights office received an informal response in which the request was denied, and it was noted that the Office of the Attorney General was unable to provide the information requested because the public prosecution was not involved in decisions to arrest and/or detain persons, in the monitoring of the legality of those actions, or in the oversight of detention facilities supervised by the armed forces or the General Intelligence Service.

<sup>40</sup> The steering committee was appointed on 11 March 2021 to fill the governance and protection gap caused by the removal of the Commission’s board members in 2020, pending the adoption of a new law and appointment of new commissioners.

## VI. Conclusions and recommendations

66. The coup has undermined many of the achievements made by the Sudan under the transitional Government as regards improving respect for and protection of human rights, including in the areas of legal and institutional reform, transitional justice, civic space, equality and non-discrimination, and women's rights. The pattern of human rights violations observed since the coup is extremely worrying, including the repeated use of excessive and lethal force by the joint security forces to disperse peaceful protests, widespread arbitrary arrests and detention without respect for due process, and sexual violence. The launch of investigations into some of the allegations of human rights violations is welcome, although victims of human rights violations appear to have little confidence that they will result in accountability. The sweeping nature of the state of emergency and lack of a defined end date are also of concern, as are the extensive law enforcement powers and temporary immunity from prosecution conferred on the security forces, including members of the General Intelligence Service, by emergency decree. The deterioration of the economic situation resulting from the political stalemate, the insecurity, the suspension of aid, and global developments affecting imports of fuel and wheat have led to serious retrogression in the enjoyment of economic, social and cultural rights, especially for the most vulnerable and marginalized communities. Increased intercommunal violence in areas of Darfur and a lack of State capacity to fill the gap left by the departure of UNAMID continues to expose serious gaps in the protection of civilians. Ongoing initiatives to broker a political settlement are welcome and must have respect for human rights and accountability at their centre.

### A. Sudanese authorities

67. The United Nations High Commissioner for Human Rights recommends that the Sudanese authorities take the following steps to ensure the protection of human rights:

(a) Set an end date for the state of emergency, notify the Secretary-General of the articles of the International Covenant on Civil and Political Rights that it has derogated from, adhere to applicable human rights principles in the implementation of the state of emergency and consider lifting it altogether;

(b) Take credible steps towards the reinstatement of a civilian-led transitional government and heed the calls of the Sudanese population for improved enjoyment of their rights;

(c) Immediately repeal Emergency Decree No. 3/2021, which confers immunity on members of the General Intelligence Service and the regular forces in the performance of their duties;

(d) Take the steps necessary to ensure that the joint security forces do not use excessive and/or lethal force against peaceful protesters; and investigate effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations by members of the joint security forces, including sexual and gender-based violence, and hold accountable those responsible;

(e) Cease attacks by security forces on hospitals and schools and conduct independent, impartial, prompt, thorough and effective investigations into such attacks, including assaults and ill-treatment targeting health workers, teachers and students, and hold the perpetrators to account;

(f) Conduct independent, impartial, prompt, thorough and effective investigations into all allegations of attacks, harassment and intimidation of human rights defenders, journalists, media outlets and civil society organizations and bring all perpetrators to justice;

(g) Respect the due process rights of detainees, including by facilitating their access to lawyers of their choice, and ensure that they are allowed to communicate with their families at regular intervals;



- (h) **Stop all forms of discrimination and violence against women and girls, including that aimed at stifling their voices and participation in public affairs;**
- (i) **Ensure that survivors of sexual and gender-based violence have timely access to multisectoral services, including medical care, psychosocial support and legal services;**
- (j) **Expedite the work of the committees set up to investigate allegations of human rights violations since the coup, including cases of excessive use of force, sexual and gender-based violence, enforced disappearance, torture and ill-treatment, and ensure that investigations are conducted independently, impartially and in a transparent manner and the results made public;**
- (k) **Speed up implementation of the National Plan for the Protection of Civilians and implement the security measures provided for in the Juba Peace Agreement to address the gaps in the protection of civilians;**
- (l) **Undertake steps, to the maximum of the available resources, with a view to achieving progressively the full realization of economic social and cultural rights, and consider resuming the family support programme or similar social protection programmes to support the most vulnerable by utilizing available resources.**

## **B. International community**

68. **The High Commissioner calls upon the international community to:**

- (a) **Continue to engage with the Sudanese authorities, with a view to supporting initiatives that will lead to the reinstatement of a civilian-led transitional government;**
  - (b) **Provide support to ongoing initiatives aimed at bringing about a durable political solution in the Sudan with accountability for human rights violations at its centre;**
  - (c) **Given the suspension of financial support to the authorities since the coup, identify ways to provide assistance to those most in need, including through programmes such as the family support programme;**
  - (d) **Continue to support the work of the Office of the United Nations High Commissioner for Human Rights in the Sudan and the mandate of the Expert on human rights in the Sudan as key tools for monitoring human rights developments, and continue constructive engagement with the authorities.**
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