



**Permanent Representative of
Member and Observer States to the
UN Human Rights Council**

Geneva, 9 September 2013

Re: Renewal and strengthening of the special procedure mandate on the situation of human rights in Sudan, UN Human Rights Council 24th session (9-27 September 2013)

Excellency,

The undersigned organisations are writing to urge your delegation to ensure that serious and widespread violations of international human rights and humanitarian law in Sudan are adequately addressed by the Human Rights Council during its 24th session.

Given its mandate to address gross and systematic violations of human rights, we are deeply concerned by the Council's persistent failure to respond effectively to the situation in Sudan. Since 2011, the Independent Expert on the situation of human rights in Sudan has held an item 10 mandate to offer technical assistance and capacity-building support to Sudan, but widespread and systematic violations of human rights and international humanitarian law have continued unabated. We consider that the Human Rights Council should now adopt a resolution under item 4 condemning these continuing violations, identifying concrete recommendations, urging for their implementation, and requesting the mandate-holder to monitor and report on them.

Violations of human rights and international humanitarian law perpetrated by government forces and allied militias against civilians continued throughout the year in Darfur, Southern Kordofan and Blue Nile, and spread to Northern Kordofan. In Darfur, the government has failed to protect civilians from abuses during a surge in fighting between predominantly ethnic Arab groups over land and other natural resources in which its forces have participated.

Throughout the country, the Government of Sudan has increased restrictions on freedoms of expression, association and assembly in what appears to be a concerted effort to shut down independent dialogue. The government continues to use the National Intelligence and Security Services (NISS) and other security forces to arbitrarily detain perceived opponents of the ruling

National Congress Party (NCP), censor media and shut down public forums and protests. There has also been a documented rise in restrictions on religious freedoms targeting Christian minorities.

These restrictions have severely undermined the activities of civil society and prevented meaningful public consultation in Sudan's constitution-making process. Sudan is due to adopt a new permanent constitution, which the Government has declared will be based on *Shari'a* (Islamic law), and is preparing for national elections in 2015. We are concerned about increasing restrictions on fundamental rights and freedoms at a time when Sudan is preparing for these important processes that will determine the future of the country.

We regret that previous resolutions adopted by the Human Rights Council failed to condemn the widespread violations of international human rights and humanitarian law committed in Sudan and did not identify concrete priority areas of action to improve the protection of basic human rights. In light of the continuing wide range of human rights and international humanitarian law violations documented by the undersigned organisations, we urge your government to support the full engagement of the Human Rights Council in responding to violations of international human rights and humanitarian law in Sudan under item 4.

We believe the Human Rights Council should:

- Condemn the violations of international human rights and humanitarian law in Darfur, Southern Kordofan, Northern Kordofan and Blue Nile states, as well as the government's continued use of indiscriminate bombing in these states, attacks on civilians, and other violations by government forces and allied militia;
- Establish an independent investigation into ongoing human rights violations in Southern Kordofan, Northern Kordofan, Blue Nile, and Darfur, that would report back to the Human Rights Council at its next session;
- Urge Sudan to grant humanitarian agencies access to Southern Kordofan and Blue Nile states, in compliance with international human rights and humanitarian law obligations;
- Express concern over the ongoing restrictions of basic civil and political rights, and the continued harassment of critics of the government, including through the practices of arbitrary detention, torture and ill-treatment, and restrictions on freedoms of expression, association and assembly preventing meaningful public dialogue on critical issues at a time when Sudan is preparing to adopt a new constitution and to hold national elections in 2015;
- Call on Sudan to reform its repressive National Security Act of 2010 and other laws granting immunity to officials, bringing them into conformity with Sudan's international human rights obligations; seriously investigate allegations of human rights and international humanitarian law violations, and hold perpetrators of such violations to account;
- Renew and strengthen the special procedure mandate on Sudan for three years under Item 4, establishing a Special Rapporteur on the human rights situation in Sudan with a mandate to monitor the situation and report twice a year to the Human Rights Council and the General Assembly on violations of international human rights and humanitarian law in all parts of Sudan.

Attached to this letter is a detailed briefing note on the nature and scope of the violations of international human rights and humanitarian law committed in Sudan since the renewal of the mandate of the Independent Expert on the situation of human rights in Sudan by the Human Rights Council in September 2012.

Thank you for your attention to these urgent issues. Please feel free to contact us to discuss this letter or for further information.

Yours sincerely,

1. African Centre for Democracy and Human Rights Studies
2. African Centre for Justice and Peace Studies

3. African Democracy Forum
4. Amnesty International
5. Arry Organisation for Human Rights
6. Cairo Institute for Human Rights Studies
7. Commonwealth Human Rights Initiative
8. Conectas Direitos Humanos
9. Darfur Relief and Documentation Centre
10. East and Horn of Africa Human Rights Defenders Project
11. Egyptian Initiative for Personal Rights
12. Human Rights and Development Organisation
13. Human Rights Watch
14. International Federation of Human Rights Leagues
15. International Refugee Rights Initiative
16. International Service for Human Rights
17. Partnership for Justice - Nigeria
18. REDRESS
19. Sudan Democracy First Group
20. West African Human Rights Defenders Network

Briefing Note on the situation of human rights in Sudan since September 2012

Conflict Intensifies Across Darfur

In Darfur, intensified violence and international human rights and humanitarian law violations and abuses forced more than 300,000 people to flee their homes in the first five months of 2013 alone.¹ Government forces and their allied militia and various armed opposition groups continued to clash. In Jebel Mara in February, and in East and South Darfur in April, Sudanese air and ground forces, including allied militia, launched major attacks on civilian areas, killing and injuring dozens and destroying civilian property. The violence displaced tens of thousands of civilians, many of whom have not returned to their villages.

Fighting between predominantly ethnic Arab groups over land and other natural resources surged, causing deaths, injuries, destruction of villages, and massive displacement. The government failed to protect civilians from abuses during this fighting in which government forces participated.² In one example, pro-government militia leader Ali Kosheib, charged with war crimes by the International Criminal Court in 2007 and now a commander in the government's Central Reserve Forces, participated in large-scale attacks on ethnic Salamat villages in Central Darfur in April. The attacks destroyed dozens of villages and forced more than 30,000 people to flee across the border to Chad. Kosheib remains at liberty.³

The government continues to restrict the African Union-United Nations Mission in Darfur (UNAMID) and non-governmental groups from accessing conflict affected areas to provide humanitarian assistance, protect civilians, or monitor the human rights situation.

Despite announcements by the National Special Prosecutor for Darfur, the government has made no tangible progress holding to account those responsible for the most serious human rights violations, including arbitrary detention, torture and gender based violence.

Conflict in Southern Kordofan and Blue Nile

In Southern Kordofan and Blue Nile states, more than a million people have been forced to flee from their homes in the two years since conflict started between government forces and the Sudan People's Liberation Army-North (SPLA-North). Many remain in Sudan but more than 200,000 live in refugee camps in South Sudan or Ethiopia. Human rights groups have extensively documented international human rights and humanitarian law violations by the Sudanese Armed Forces (SAF) and indiscriminate bombing in civilian areas, which has killed and maimed men, women, and children; destroyed schools, clinics, and other buildings; instilled fear in the population, disrupted livelihoods and forced people to flee.⁴ Human rights groups have also documented mass arbitrary detentions and in some cases presumed enforced disappearances of civilians pursuant to attacks by government

¹ UN Security Council, Report of the Secretary-General on the AU/UN Hybrid Operation in Darfur, 12 July 2013, UN Doc S/2013/420.

² Amnesty International, "Darfur: Government forces involved in gold mine attacks", 30 January 2013, <http://www.amnesty.org/en/news/darfur-government-forces-involved-gold-mine-attacks-2013-01-30-0>.

³ Human Rights Watch, "ICC Suspect at Scene of Fresh Crimes," 3 June 2013, <http://www.hrw.org/news/2013/06/03/sudan-icc-suspect-scene-fresh-crimes>.

⁴ Amnesty International, "We had no time to bury them — War Crimes in Sudan's Blue Nile State", 10 June 2013, <https://www.amnesty.org/en/library/asset/AFR54/011/2013/en/96b0c8a7-55aa-4f04-8ab7-cf85ce3e4c8f/afr540112013en.pdf>; Human Rights Watch, "Under Siege," 11 December 2012, <http://www.hrw.org/reports/2012/12/11/under-siege>.

forces on civilian areas.⁵ There are serious concerns for the safety of Omaia Abdel Latif Hassan Omaia who has not been heard from since his enforced disappearance in August 2012.⁶

The armed conflict continues in both states with indiscriminate attacks by both parties, including aerial bombardments by the SAF. In April, fighting near Abu Kershola and Um Berimbata in Southern Kordofan spread to North Kordofan, displacing tens of thousands. Following the fighting, authorities in Khartoum arrested and detained dozens of ethnic Nuba and Darfuri activists suspected of ties to the coalition of armed opposition groups known as the Sudan Revolutionary Front (SRF) and particularly members of the SPLA-North.⁷

Sudan also continues to obstruct humanitarian access to areas controlled by the SPLA-North. While an agreement between the Sudanese government and the SPLA-North has not been reached, both parties to the conflict have an obligation to facilitate humanitarian access, and the Sudanese Government should not interfere with civilians' right to access to basic goods and services.

Continued use of prolonged arbitrary detention, torture and ill-treatment by Sudanese security services

The government, through the National Intelligence and Security Services (NISS), continues to arbitrarily arrest perceived opponents of the ruling National Congress Party (NCP) in violation of Sudanese and international human rights standards.

For example, the NISS detained six leading members of Sudan's political opposition parties and held them without access to lawyers or appropriate medical care for at least 10 weeks before their release without charge. The six had been arrested on 7-14 January 2013 in Khartoum after they returned from political negotiations in Uganda.⁸

The NISS also detained 32 ethnic Nuba women from Southern Kordofan in November 2012 because of their suspected affiliation with the banned political opposition party Sudan People's Liberation Movement-North, and held them at El Obeid Prison for between five to eight months without access to lawyers or medical care, before their release without charge.⁹

Detainees have been subjected to ill-treatment and torture.¹⁰ Despite the volume of cases and public nature of the violations documented over recent years, including multiple torture cases reported in relation to the protests of June-August 2012, not one prosecution of a NISS officer is known.¹¹

⁵ Human Rights Watch, "Under Siege," above, note 4.

⁶ Amnesty International, "Torture Fears for Man Disappeared in Sudan", 12 October 2012, <http://impact22.amnesty.org/en/library/asset/AFR54/046/2012/en/5468cbe6-8c0e-44c8-bc2a-471c6d2ab3d1/afr540462012en.html>.

⁷ Human Rights Watch, "Wave of Arrests After Rebel Offensive," 10 July 2013, <http://www.hrw.org/news/2013/07/10/sudan-wave-arrests-after-rebel-offensive>.

⁸ African Centre for Justice and Peace Studies, "Sudanese political opposition leaders detained incommunicado and at risk of torture", 15 January 2013, <http://www.acjps.org/?p=1280>; Human Rights Watch, "Crackdown on Political Opposition," February 26, 2012, <http://www.hrw.org/news/2013/02/26/sudan-crackdown-political-opposition>.

⁹ Amnesty International, "Sudanese women held without a trial", 19 February 2013, <http://amnesty.org/en/library/info/AFR54/005/2013/en>.

¹⁰ See, e.g., African Centre for Justice and Peace Studies, "Sudanese journalist tortured and subjected to racist abuse by NISS", 8 November 2012, <http://www.acjps.org/?p=896>.

¹¹ Amnesty International and Human Rights Watch joint statement, "Torture, Abuse of Demonstrators", 11 July 2012, <http://www.hrw.org/news/2012/07/11/sudan-torture-abuse-demonstrators>; ACJPS, "Excessive force, mass arbitrary detentions, ill-treatment and torture used to crack down on popular protests in Sudan", 27 July 2012, <http://www.acjps.org/?p=1060>.

On conclusion of his February 2013 visit to the country, the Independent Expert on the situation of human rights in Sudan expressed concern that violations of human rights by the NISS had been raised consistently by most stakeholders that he met and urged the authorities to take the matter seriously.¹²

Excessive use of force to break up student gatherings

Security forces continued to use excessive force to disperse student protests and gatherings.

In May 2013, nine students sustained gun-shot wounds when the police, the NISS and an armed pro-government student group fired live ammunition into a crowd of unarmed students on the main campus of El Fashir University, North Darfur.¹³

On 6 and 7 December 2012, four students were found dead in an irrigation channel on the campus of Al Jazeera University, following a joint action by the Central Reserve Police and the NISS, joined by an NCP-affiliated student militia, to break up a student meeting concerning tuition fees for Darfuri students on 5 December. The exact circumstances of the deaths are unclear and authorities have not yet made public the findings of an inquiry announced into the incident.¹⁴

Four local members of political opposition parties were detained by the NISS in Wad Medani town immediately after this incident, in an apparent attempt to pre-empt the organisation of any public response, and on the same day nine individuals were arrested in Khartoum when they attended a protest about the student deaths.¹⁵

Crackdown on civil society organisations

Three civil society organisations and one literary forum were forcibly shut down by the NISS in December 2012 in a renewed crackdown on Sudanese civil society.¹⁶

Other civil society groups have also been obstructed with long delays in registration and disruption of activities by security forces. Two groups in White Nile state, Qanuniat, which provides legal aid to women and children, and a child's rights organization, have not been able to operate in 2013 because authorities have not yet processed their applications for renewal of registration, made in January 2013.¹⁷ Authorities have also obstructed planned activities, either failing to grant permission for events or shutting events down. For example, in December 2012, the NISS prevented the Sudanese Confederation of Civil Society from holding a press conference to mark its launch.¹⁸ In January 2013 the Sudanese Writers Union was prevented from holding a public forum to host a Sudanese writer

¹² United Nations, "Press Statement issued by the UN Independent Expert on the situation of human rights in the Sudan, Professor Mashood Adebayo Baderin, at the end of his second mission to the Sudan Khartoum", 10 February 2013.

¹³ African Centre for Justice and Peace Studies, "Sudanese police, security forces and student militia group fire live ammunition at Darfur students; nine students sustain gun-shot wounds", 22 May 2013, <http://www.acjps.org/?p=1418>.

¹⁴ African Centre for Justice and Peace Studies, "Call for immediate independent investigation into student deaths and excessive use of force by Sudanese authorities", 10 December 2012: <http://www.acjps.org/?p=1127>.

¹⁵ *Ibid.*

¹⁶ African Centre for Justice and Peace Studies, "Civil society organisations closed in renewed clamp down on freedom of association in Sudan", 9 January 2013, <http://www.acjps.org/?p=1346>; Human Rights Watch, "End Crackdown on Civil Society," January 13, 2013, <http://www.hrw.org/news/2013/01/13/sudan-end-crackdown-civil-society>; East and Horn of Africa Human Rights Defenders Project, "Sudan: End Harassment of Human Rights Defenders," 18 January 2013, <http://www.defenddefenders.org/2013/01/sudan-end-harassment-of-human-rights-defenders/>.

¹⁷ African Centre for Justice and Peace Studies, "Sudan Human Rights Monitor", March-April 2013.

¹⁸ African Centre for Justice and Peace Studies, "Sudan Human Rights Monitor" Update, January-February 2013.

living in France at their offices in Khartoum¹⁹ and in March the NISS in Khartoum shut down a workshop convened by the Al Ayaam Center for Cultural and Development Studies (ACCDS) on constitutional reform.²⁰

Continued Restrictions on Press Freedoms

Sudanese authorities have continued to stifle independent print and electronic media. Over the past year, the NISS ordered pre- and post-print censorship of newspapers and blocked websites, and harassed and/or threatened journalists with prosecution for work considered to fall outside of the “red lines” drawn by the ruling NCP.²¹

In the 8 months between September 2012 and April 2013, the NISS prohibited the distribution, or confiscated copies of printed issues of at least 10 newspapers including *Al Ebrahim Al Youm*, *Alrai Alaam*, *Al Khartoum*, *Al Sudani*, *Algrar*, *Alwifag*, *Akhir Laza*, *Almshad Alaam*, *Al Sahafa* and *Al Gerida* at great cost to media houses.²² Security officials have instructed editors not to publish on specific topics, and have also confiscated literature focusing on diversity and marginalised communities.²³ Authorities have continued to ban and suspend publications in 2013.²⁴

Increasing Restrictions on Religious Freedom

Since South Sudan’s independence, public rhetoric by Sudanese leaders and religious figures has become increasingly intolerant. In 2013, we have seen a marked increase in harassment of ethnic Christian groups and individuals. Authorities have shut down Christian educational institutes and harassed and arrested employees and church members.²⁵

On 15 January 2013, authorities closed down the Life Institute for Learning, an Egyptian Christian educational institute in Khartoum teaching Arabic to non-Arabic speakers. The non-Sudanese owner and students were ordered to leave Sudan, and the institute’s assets were confiscated. On the same day, three other Christian educational organisations, including the Karido Institute for English Languages and Computer Studies, the Nile Valley Academy for Primary Education and the Aslan Academy for English Language and Computer Studies were closed down and had their assets seized.²⁶

On 3 February 2013, an Undersecretary in the Ministry of Endowment and Religious Affairs, sent a letter to the Evangelical Presbyterian Church in Sudan threatening to arrest the church members if they began any missionary activity. On 2 March, a group of armed security forces raided the New Life Church in Omdurman Town, arrested two church members and interrogated them about sources of funding and whether the church had any foreign members. Since the raid on the New Life Church, church members have reportedly been afraid to enter the church to worship. A large number of other non-Sudanese church members have also been deported in 2013.²⁷

¹⁹ *Ibid.*

²⁰ African Centre for Justice and Peace Studies, above, note 15.

²¹ Human Rights Watch, “Stepped-Up Assault on Media Freedom,” May 3, 2013, <http://www.hrw.org/news/2013/05/03/sudan-stepped-assault-media-freedom>.

²² Complete list of incidents on file with African Centre for Justice and Peace Studies. See also past issues of “Sudan Human Rights Monitor”, <http://www.acjps.org/?cat=6>.

²³ African Centre for Justice and Peace Studies, “Sudan Human Rights Monitor”, October 2012-February 2013.

²⁴ African Centre for Justice and Peace Studies, “Sudan Human Rights Monitor”, May-July 2013, forthcoming.

²⁵ African Centre for Justice and Peace Studies, “Sudan Human Rights Monitor”, March-April 2013, <http://www.acjps.org/?cat=6>.

²⁶ African Centre for Justice and Peace Studies, “Sudan Human Rights Monitor” Update, January-February 2013.

²⁷ *Ibid.* See also confidential records on file with African Centre for Justice and Peace Studies.

Urgent need for legal reform

Despite passing a 10-year action plan for human rights this year, Sudan has not demonstrated political will to change its abusive and restrictive practices.

We continue to reiterate our calls to Sudan to reform the National Security Act of 2010 which empowers the NISS with wide powers of arrest and detention for up to four and a half months without judicial review, as well as broad powers of search and seizure, permits incommunicado detention without prompt access to a lawyer, and grants immunity for officials. The National Security Act provides an enabling environment for the perpetration, without accountability, of human rights violations by the NISS. We have also called for the investigation and prosecution of those found responsible for ill-treatment and torture. To date, we are not aware of any prosecution of NISS officers despite wide reporting of ill-treatment and torture, especially in relation to the protests of June -August 2012.²⁸

Throughout the year, authorities have also continued to apply *Shari'a* law corporal punishments that violate the international prohibition on torture and cruel, inhuman or degrading punishments.²⁹ These punishments include flogging, stoning, amputation and cross-amputation. Flogging penalties are regularly implemented under public order laws that discriminate against women. On 14 February 2013 government doctors implemented a penalty of cross amputation.³⁰

Rather than bring domestic legislation in line with international commitments, Sudan has introduced retrogressive legal measures. In July 2013 Sudan's Parliament passed amendments to the Sudan Armed Forces Act of 2007 subjecting civilians to the jurisdiction of military courts for a range of broadly defined offences contrary to international standards. These include undermining the constitutional system, leaking classified information, and the publication of false news.³¹

²⁸ African Centre for Justice and Peace Studies (ACJPS), "Excessive force, mass arbitrary detentions, ill-treatment and torture used to crack down on popular protests in Sudan", 27 July 2013, <http://www.acjps.org/?p=1060>.

²⁹ International Covenant on Civil and Political Rights, 1966, Article 7 and African Charter on Human and Peoples' Rights, Article 5, to which Sudan is a State party. In the case of *Doebbler v Sudan*, concerning the use of flogging as a punishment in Sudan, the African Commission on Human and Peoples' Rights ruled that: "there is no right for the government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State sponsored torture".

³⁰ Redress, African Centre for Justice and Peace Studies, Physicians for Human Rights and Human Rights Watch, "Sudan: Doctors Perform Amputations for Courts", 27 February 2013, <http://www.acjps.org/?p=1317>.

³¹ African Centre for Justice and Peace Studies and Human Rights Watch, "New Law Allows Military Trials of Civilians," 9 July 2013, <http://www.hrw.org/news/2013/07/09/sudan-new-law-allows-military-trials-civilians>.