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C/o The Executive Secretary to the Commission, Dr Mary Maboreke, African Commission on Human and Peoples' Rights

BY EMAIL

2 July 2011

RE: Request for provisional measures in respect of the situation in Southern Kordofan State, Sudan

Dear honourable Chairperson of the African Commission for Human and Peoples' Rights,

This request for provisional measures is submitted by the Sudan Democracy First Group (SDFG), INTERIGHTS, Human Rights Watch (HRW) and REDRESS (the Applicants) pursuant

to Article 55 of the African Charter on Human and Peoples' Rights (the African Charter) and Rule 111 (1) of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the African Commission). We will submit a communication in respect of this situation in due course.

SDFG is a coalition of democrats and Sudan activists, trade unionists and academics men and women representing Sudan different cultural and ethnic backgrounds. Its objective is to voice the concerns of the voiceless Sudanese people across the country in the current critical moment the country is going through. The initiative is connected to other initiatives formed by Sudanese people in different centres across Sudan. HRW and INTERIGHTS are both international human rights organisations with observer status before the African Commission. REDRESS is an international human rights organization based in London.

We are jointly submitting this application in respect of the ongoing serious human rights violations currently taking place in Southern Kordofan State, Sudan, which is a party to the African Charter.

The Applicants request the Commission to adopt provisional measures requesting the Government of Sudan to put an end to the ongoing human rights violations arising from the hostilities in Southern Kordofan State involving the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA). The hostilities started on 5 June 2011. The Applicants urge the African Commission to respond to the grave and urgent situation summarized below, which has already given rise to serious violations of human rights and which threatens to escalate even further to a more serious level. The African Union (AU) on 20 June 2011 expressed "deep concerns" about the humanitarian crisis in Southern Kordofan, which involved "hundreds of thousands of civilians who have been displaced from their homes." The Chairperson of the Commission of the AU called for an investigation into reports of human rights abuses.¹

The African Commission must do all in its power to ensure that the Government of Sudan take immediate measures so that SAF and allied forces cease the violations including indiscriminate bombing, extrajudicial killings, arbitrary arrests, torture and ill treatment and enforced disappearances of (perceived) political opponents, and to safeguard the rights of individuals on its territory as enshrined in the African Charter.

¹ African Union, Press Release, "The African Union Deeply Concerned By The Humanitarian Situation In Southern Kordofan, Sudan", 21 June 2011, at <http://au.int/en/sites/default/files/South%20Kordofan%20Statement.pdf>; The EU High Representative on 12 June 2011 said she was "gravely concerned about reported acts of violence against individuals based on their political and ethnic affiliation", calling for the actions to be investigated by the UN, at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122655.pdf; The United States White House on 12 June 2011 issued a statement condemning reported acts of violence "in Southern Kordofan that target individuals based on their ethnicity and political affiliation", at <http://ipdigital.usembassy.gov/st/english/texttrans/2011/06/20110611130915su0.9998372.html#axzz1Q6MCgbaL>.

The situation in Southern Kordofan/Nuba Mountains remains fragile. Preparations for a major ground offensive were reported even after the negotiation of an initial cease-fire² and the Sudanese Government announced on 19 June 2011 that it is prepared for war, warning that the events in Southern Kordofan were lessons to those who want war.³ These statements and preparations give cause for serious concern and require urgent intervention by the African Commission. Humanitarian agencies on 28 June 2011 were still not able to access the population affected by the hostilities.⁴ The parties reportedly agreed on 28 June 2011 to discuss a ceasefire in Southern Kordofan⁵ but bombings of civilian targets continued to be reported on 29 June 2011.⁶

The Commission's mandate has frequently been engaged in relation to serious human rights violations committed in Sudan. The Commission has previously found Sudan responsible for large scale displacement and violations of a wide range of human rights, including the right to life and to be free from torture.⁷ There is little doubt in light of the current instability in the region, the upcoming independence of South Sudan and in light of similar occurrences of widespread human rights violations in other parts of the country, particularly in Darfur, that there is an imminent and grave risk of irreparable harm to the rights of many people in Southern Kordofan State, Sudan, at the current time.

1. Background

The Nuba Mountains are situated in Southern Kordofan and have the status of a transitional area under the Comprehensive Peace Agreement of 2005. Its unresolved status, the dispute over neighbouring Abyei, state elections that took place in May 2011 and returned Ahmed Haroun (who is subject to an arrest warrant by the International Criminal Court for war crimes and crimes against humanity committed in Darfur) to power, as well as the upcoming independence of South Sudan set for 9 July 2011 heightened tensions. Following a military build up in the region, armed hostilities broke out on 5 June 2011 between the army of North Sudan, the Sudan

² The Guardian, "North Sudan military massing in Kadugli, 19 June 2011, at <http://www.guardian.co.uk/world/2011/jun/19/north-sudan-military-massing-kadugli> and TIME, "Inside Sudan's Nuba Mountains: Tales of Terror Bleed Out", 20 June 2011, at <http://www.time.com/time/world/article/0,8599,2078615,00.html#ixzz1Po1FgWjC>.

³ Bloomberg, "Sudan Prepared for War, Recent Clashes 'Lessons', Bashir says, 19 June 2011, at <http://www.bloomberg.com/news/2011-06-19/sudan-prepared-for-war-recent-clashes-lessons-bashir-says.html>.

⁴ UN Office for the Coordination of Humanitarian Affairs (OCHA), Sudan, South Kordofan, Situation Report No.7, 21 June 2011, at http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1408.pdf.

⁵ Sudan Tribune, "Sudan's warring parties agree to discuss ceasefire in S.Kordofan", 29 June 2011, at <http://www.sudantribune.com/Sudan-s-warring-parties-agree-to,39368>

⁶ Satellite Sentinel Project, "Bombardment: Evidence of Aerial and Artillery Attacks in the Nuba Mountains", 30 June 2011, at <http://www.satsentinel.org/sites/default/files/SSP%2013%20Bombardment%20in%20Nuba%20Mtns%20small.pdf> ; OCHA, Sudan-South Kordofan, Situation Report No.9, 29 June 2011, http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-423091.pdf and Agence French Press, "In Sudan's Mountains, Peace remains a distant hope", 30 June 2011, at <http://wires.univision.com/english/article/2011-06-30/in-sudans-nuba-mountains-peace>

⁷ See in particular *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v Sudan*, Communication 279/03-296/05.

Armed Forces (SAF), and forces aligned with South Sudan's army, the Sudan People's Liberation Army (SPLA) in Southern Kordofan State/Nuba Mountains.

The hostilities are reportedly marked by large scale human rights violations allegedly committed primarily by the SAF with the support of the Popular Defence Forces (PDF) and NCP security forces, predominantly against civilians in the Southern Kordofan/ Nuba Mountains State. The SAF, together with the PDF, is alleged to be responsible for widespread killings through indiscriminate bombing attacks, arbitrary arrests, torture, enforced disappearances and extrajudicial killings, particularly of civilians apparently targeted because of their ethnicity, as well as wide scale destruction of property.⁸ The Sudan Democracy First Group (SDFG)⁹ in a report published on 13 June 2011, documented the devastating impact that violations had within a period of 9 days on life and living conditions in the region.¹⁰ The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated on 27 June 2011 that at least 73,000 people had been displaced in the region, resulting in a humanitarian crisis.¹¹

The African Union (AU), United Nations (UN) and others have unanimously expressed concern or condemned the violations, and called for an immediate end thereto. The UN called the "treatment of civilians in South Kordofan, including the reported human rights abuses and targeting people along ethnic lines" reprehensible.¹² On 27 June 2011, the UN Deputy High Commissioner for Human Rights Kyung-Wha Kanghe called for an end to hostilities and a thorough human rights investigation in Abyei and South Kordofan as soon as possible.¹³ The AU, meanwhile, on 20 June 2011 expressed "deep concerns" about the humanitarian crisis in Southern Kordofan, which involved "hundreds of thousands of civilians who have been displaced from their homes". The Chairperson of the Commission of the AU called for an

⁸ United Nations (UN), Emergency Relief Coordinator's Key Messages on South Kordofan, Sudan, 17 June 2011, Issue Number 1, Internal Guidelines, mentions reported attacks on civilians, presence of new landmines, and confirms that "there is clearly an ethnic dimension" to the conflict and that "civilians are increasingly concerned about being targeted because of their ethnicity"; The Guardian, "Half a million displaced as Khartoum moves to crush Sudan's Nuba people", 18 June 2011, at <http://www.guardian.co.uk/world/2011/jun/18/sudan-khartoum-displaced-nuba>; AFP, "Sudan eyewitness recall South Kordofan horror", 17 June 2011, at <http://english.ahram.org.eg/NewsContent/2/8/14459/World/Region/Sudan-eyewitness-recalls-South-Kordofan-horror.aspx>

⁹ Sudan Democracy First Group (SDFG) is a coalition of democrats and for Sudan activists, trade unionists and academics men and women representing Sudan different cultural and ethnic backgrounds. The main objective is to voice the concerns of the voiceless Sudanese people across the country in the current critical moment the country is going through. The initiative is connected to other initiatives formed by Sudanese people in different centres across Sudan.

¹⁰ SDFG report, "Ethnic Cleansing Once Again: Southern Kordofan/ Nuba Mountains" ("SDFG Report"), 13 June 2011, at <http://www.sudantribune.com/Ethnic-cleansing-once-again.38972>.

¹¹ United Nations, Security Council sets up UN security force for disputed Sudanese town of Abyei, UN News Centre, 27 June 2011, <http://www.un.org/apps/news/story.asp?NewsID=38858&Cr=abyei&Cr1=>

¹² UN Office for Coordination of Humanitarian Affairs, Statement on South Kordofan, Sudan, Under- Secretary- General for Humanitarian Affairs, Valerie Amos, 21 June 2011, at http://www.unsudanig.org/docs/South%20Kordofan%20ERC%20statement_21%20June%202011.pdf.

¹³ UN official urges human rights probe in Abyei, South Kordofan, Sudan Tribune, 27 June 2011, at <http://www.sudantribune.com/UN-official-urges-human-rights.39360>.

investigation into reports of human rights abuses.¹⁴ The U.S. Ambassador to the United Nations at a UN Security Council meeting on 20 June 2011 called the reports on the ongoing fighting in Southern Kordofan “horrifying, both because of the scope of human right abuses and because of the ethnic dimensions to the conflict”.¹⁵

The applicants allege the following facts giving rise to violations of articles 1, 4, 5, 6, 9 (1), 12, and 14 of the African Charter as set out in the communication submitted in parallel by the applicants:

Indiscriminate bombing

According to reports from UNMIS personnel, aid workers receiving displaced people in camps and witnesses fleeing the fighting, SAF forces carried out more than 50 air attacks in only 12 days.¹⁶ The United Nations Mission in Sudan (UNMIS) expressed serious concern over the bombing campaign carried out by SAF, saying that it “seemed indiscriminate” and caused great suffering to civilians.¹⁷ The Under Secretary General for Humanitarian Affairs on 16 June 2011 was “extremely concerned” about the bombing campaigns and “increasing reports of civilians being targeted”.¹⁸ According to the SDFG report, bombing attacks were targeting villages inhabited predominantly by Nuba ethnic groups including Beleinya, Taferey, Katcha, Daloka, Hajir el- Mek and Kololo.¹⁹ While the precise numbers of civilians killed in these villages are currently unknown, the SDFG report specifically refers to the killings of 66 civilians through aerial bombardment by Antonov bombers in Talodi, Buram, Diling, Korongo Abdalla, Shat and Keiga.²⁰

¹⁴ African Union, Press Release, “The African Union Deeply Concerned By The Humanitarian Situation In Southern Kordofan, Sudan”, 21 June 2011, at <http://au.int/en/sites/default/files/South%20Kordofan%20Statement.pdf>; The EU High Representative on 12 June 2011 said she was “gravely concerned about reported acts of violence against individuals based on their political and ethnic affiliation”, calling for the actions to be investigated by the UN, at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122655.pdf; The United States White House on 12 June 2011 issued a statement condemning reported acts of violence “in Southern Kordofan that target individuals based on their ethnicity and political affiliation”, at <http://ipdigital.usembassy.gov/st/english/texttrans/2011/06/20110611130915su0.9998372.html#axzz1Q6MCgBaL>.

¹⁵ Statement by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at a Security Council Briefing on Sudan, 20 June 2011, at <http://usun.state.gov/briefing/statements/2011/166533.htm>.

¹⁶ SDFG report, p. 1; The Guardian, “Half a million displaced as Khartoum moves to crush Sudan’s Nuba people”, 18 June 2011, at <http://www.guardian.co.uk/world/2011/jun/18/sudan-khartoum-displaced-nuba>.

¹⁷ UN News Centre, “Sudan: UN reports intense air bombardment of Southern Kordofan State”, 14 June 2011, at <http://www.un.org/apps/news/story.asp?NewsID=38719&Cr=sudan&Cr1=>.

¹⁸ Statement on South Kordofan, Sudan, Under Secretary General for Humanitarian Affairs Valerie Amos, 16 June 2011, at <http://appablog.wordpress.com/2011/06/16/statement-on-south-kordofan-sudan-under-secretary-general-for-humanitarian-affairs-valerie-amos/>.

¹⁹ SDFG report, p. 2.

²⁰ Ibid, pp.2-3.

Extrajudicial Killings

In addition to the indiscriminate bombing campaign, the SAF and other Sudanese forces also committed a number of targeted extrajudicial killings. Aid workers, UN staff and displaced persons reported that extrajudicial killings were specifically targeting those belonging to the Nuba ethnic group, raising fears of an ethnic cleansing campaign across Nuba populated areas.²¹ The U.S. Ambassador to the UN referred to information that the US government received according to which “security services and military forces have reportedly detained and summarily executed local authorities, political rivals, medical personnel and others. These acts could constitute war crimes or crimes against humanity”.²²

Specifically, SAF and other Sudanese forces reportedly committed the following acts:

- Explosion of SAF planted landmines in Kadugli town resulted in an unknown number of deaths and injuries.²³
- The SDFG report documents extrajudicial killings of 21 identified civilians, including 2 local UNMIS personnel, 2 teachers, a student, workers, a doctor and a priest.²⁴
- Human Rights Watch reported that one of those arrested by military personnel and taken from inside a UNMIS run displacement camp was later found dead.²⁵

Torture and ill treatment

The UN, national and international human rights organisations, and media reported that the SAF and other security forces are responsible for torture, disappearances and ill treatment throughout Southern Kordofan state. Specifically, the SDFG report documents the arrest, torture and disappearance of 90 civilians taken from Hay Mwazafin in Kadugli, and the arrest of another 26 identified civilians, whose whereabouts remain unknown.²⁶ According to the UN, four UN peacekeepers were arbitrarily detained and abused by SAF personnel in Kadugli.²⁷ In another

²¹ The New York Times, U.N. Officials Warn of a Growing Panic in Central Sudan as Violence Spreads, 15 June 2011, at <http://www.nytimes.com/2011/06/16/world/africa/16sudan.html>; SDFG report, pp.1-6; McClatchy, “Aid workers recount ethnic killings in central Sudan”, 16 June 2011, at <http://www.mcclatchydc.com/2011/06/16/115997/aid-workers-recount-ethnic-killings.html>.

²² Statement by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at a Security Council Briefing on Sudan, 20 June 2011, at <http://usun.state.gov/briefing/statements/2011/166533.htm>.

²³ OCHA, Sudan-South Kordofan, Situation Report No.7, 21 June 2011, p.1, at <http://www.unsudanig.org/docs/OCHA%20Situation%20Report%20on%20South%20Kordofan%2019%20to%2021%20June%202011.pdf>

²⁴ SDFG report, p.3.

²⁵ Human Rights Watch, “UN, AU: Urge End to Sudanese Abuses in S.Kordofan”, 10 June 2011, at <http://www.hrw.org/en/news/2011/06/10/un-au-urge-end-sudanese-abuses-s-kordofan>

²⁶ See the SDFG report pp. 3-4 for a detailed list of people allegedly arbitrarily detained, disappeared and tortured.

²⁷ UN News Centre, “Sudan: UN condemns harassment of its peacekeepers in Southern Kordofan”, 17 June 2011, at <http://www.un.org/apps/news/story.asp?NewsID=38758&Cr=sudan&Cr1=>; UNMIS statement, ‘Bombs dropped near UNMIS in Kadugli’, 17 June 2011, at <http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=14119>

reported incident, an Al Jazeera TV team was detained by security forces when trying to access Deling city on 8 June 2011. The team, consisting of one reporter, one photographer, one engineer and a driver, was beaten with rifle butts and threatened to be killed. The team was temporarily detained at the Security Authority Headquarters and a police station before being released.²⁸

Arbitrary arrest

The UN, national and international human rights organisations and media reported that the SAF and other security forces carried out mass arrests. UNMIS reported on 22 June that the SAF arbitrarily arrested six UNMIS staff while they were being relocated from Southern Kordofan. The staff were among 23 Sudanese UN staff and were of Southern origin. No evidence against the six detained staff members was presented to UNMIS.²⁹ On 17 June 2011, UNMIS condemned the arbitrary detention and abuse by the SAF of four UN peacekeepers on patrol in Kadugli.³⁰ The SAF, together with NCP security services, conducted house to house searches for Nuba political and civil society activists, set up check points on the main roads³¹ and searched UNMIS-run displacement camps, where individuals were screened allegedly with the aim of arresting political rivals and ethnic Nuba in general.³² SDFG refers to the arrest of 90 unidentified civilians in Hay Mwazafin in Kadugli who were reportedly relocated to Khartoum, and 28 identified persons arrested during house searches and raids across the region.³³

Forced displacement

The indiscriminate character of the SAF's bombing in combination with the large scale human rights violations committed by the SAF, both confirmed by reports of the UN and NGOs, caused thousands of persons to flee within the first days of the conflict, with number steadily increasing up to hundreds of thousands of displaced persons. On 11 June 2011, the Sudanese Social Development Organisation (SUDO) reported that a continuing influx of thousands of displaced people from the region resulted in around 12,000 to 15,000 displaced people while on 13 June, the number of displaced people increased by the hour by about 300 persons in the town of El

²⁸ Arabic Network for Human Rights Information, 'ANHRI condemns attack on Al Jazeera team in South Kordofan, 15 June 2011, at <http://reliefweb.int/node/420875>.

²⁹ UNMIS, "SAF arrests six UN staff in Southern Kordofan", 22 June 2011, at <http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=14188>; AFP, "Sudan army arrests six UN staff", 22 June 2011, at <http://www.google.com/hostednews/afp/article/ALeqM5hGSAPmzGNzMQPwJkKuCSK3lNZphA?docId=CNG.303a98314b212653789ee9d519e7b3fd.2d1>.

³⁰ UN, "Sudan. UN condemns harassment of its peacekeepers in Southern Kordofan, UN New Centre, 17 June 2011, at <http://www.un.org/apps/news/story.asp?NewsID=38758&Cr=sudan&Cr1=>

³¹ SDFG report, p. 3; Human Rights Watch, "UN, AU: Urge End to Sudanese Abuses in S.Kordofan", 10 June 2011, at <http://www.hrw.org/en/news/2011/06/10/un-au-urge-end-sudanese-abuses-s-kordofan>

³² SDFG report; The Guardian, 18 June 2011, "Half a million displaced as Khartoum moves to crush Sudan's Nuba people", at <http://www.guardian.co.uk/world/2011/jun/18/sudan-khartoum-displaced-nuba>.

³³ SDFG report, pp.3-4.

Obeid.³⁴ After a 7 day bombing campaign carried out by SAF, the UN reported on 15 June 2011 that more than 70% of the population of Kadguli town and a total of at least 60,000 people of Southern Kordofan have been displaced.³⁵ On 27 June 2011, the OCHA estimated that at least 73,000 people had been displaced in the region.³⁶ The AU referred to “hundreds of thousands of civilians [that] have been displaced from their homes and face hunger and diseases, due to fighting, aerial bombardment and the interruption of essential supplies”.³⁷

Right to property

SAF air and ground attacks resulted in the destruction of property and the loss of livestock and other resources. SFA forces have looted and burned churches³⁸, as well as houses and properties of individuals belonging to, or suspected of belonging to, SPLA/SPLM.³⁹ Specific incidents where the SFA was responsible for looting and damaging property as reported by media, witnesses and/or the United Nations and human rights organisations include the looting and pillaging of the offices of the UN World Health Organization and World Food Programme on 10 June.⁴⁰ On 7 June 2011, SAF soldiers broke into the house of the Archbishop of the Episcopal Church of the Sudan in Kadugli where church staff was living, taking all properties, sound system projector, beds, chairs, and two motor bikes. The same SAF troops then proceeded to burn files in the Bishop’s office, and looted other offices, burning 8 computers, a photocopier, TV, tents, refrigerator, Solar System.⁴¹

Freedom to receive information

National and international media were prevented from accessing the area, as the Sudanese government in Khartoum closed the region to international scrutiny.⁴² An Al Jazeera TV team

³⁴ Sudanese Social Development Organisation UK (SUDO), Press Release, Update, 11 June 2011 and 13 June 2011.

³⁵ World Health Organisation, “Southern Kordofan Crisis- Sudan Health Sector, Bulletin No1, 15 June 2011”, at http://www.who.int/hac/crises/sdn/sitreps/sudan_health_sector_15june2011.pdf; UN Office for the Coordination of Humanitarian Affairs, Sudan, Southern Kordofan, Situation Report, No.4, 14 June 2011, at http://www.unsudanig.org/docs/OCHA%20Situation%20Report_4%20on%20South%20Kordofan%2012%20to%2013%20June%202011.pdf

³⁶ United Nations, “Security Council sets up UN security force for disputed Sudanese town of Abyei”, UN News Centre, 27 June 2011, <http://www.un.org/apps/news/story.asp?NewsID=38858&Cr=abyei&Cr1=>

³⁷ African Union, Press Release, “The African Union Deeply Concerned By The Humanitarian Situation In Southern Kordofan, Sudan”, 21 June 2011, at <http://au.int/en/sites/default/files/South%20Kordofan%20Statement.pdf>.

³⁸ Statement by the Archbishop of Canterbury on South Kordofan, Sudan, 14 June 2011, at <http://www.archbishopofcanterbury.org/articles.php/2069/archbishops-statement-on-south-kordofan-sudan>

³⁹ The UN Office for the Coordination of Humanitarian Affairs referred to “widespread looting of property” which was “inhibiting returnees to villages and towns of origin, ever after the fighting has ceased”. See “Sudan border state airstrikes may have killed 64-UN, Reuters Africa, 15 June 2011, <http://af.reuters.com/article/sudanNews/idAFLDE75E0XG20110615>

⁴⁰ WFP, UN pleads for aid access to Southern Kordofan, 14 June 2011, at <http://www.wfp.org/content/un-pleads-aid-access-sudans-south-kordofan>, and UN Warehouses in State of Sudan looted, Voices for Sudan, 15 June 2011, <http://www.voicesforsudan.org/2011/06/un-warehouses-in-sudan-state-of-south-kordofan-looted/>

⁴¹ Statement by the Archbishop of Episcopal Church of the Sudan, 8 June 2011, at http://www.perth.anglican.org/web/Ministry_Opportunities/?pageid=156&article=464.

⁴² Human Rights Watch, “UN, AU: Urge End to Sudanese Abuses in S.Kordofan”, 10 June 2011, at <http://www.hrw.org/en/news/2011/06/10/un-au-urge-end-sudanese-abuses-s-kordofan>

was detained by security forces when trying to access Deling city on 8 June 2011. The team, consisting of one reporter, one photographer, one engineer and a driver, was brutally beaten with rifle butts and threatened to be killed. The team was temporarily detained at the Security Authority Headquarters and a police station before being released.⁴³ A TV team from Al Arabiya was stopped by security forces on the highway on their way to Kadogli and told that they would not be allowed to access the town and to return to Khartoum.⁴⁴ The efforts of the government in Khartoum to shut out any media have been described by one witness as “they are trying to make sure we can’t report on what they do. It’s a war and a dirty war.”⁴⁵

2. Requested provisional measures

Rule 111 (1) of the Rules of Procedure of the African Commission provides in relation to the issuance of provisional measures that: “[b]efore making its final views known to the Assembly on the communication, the Commission may inform the State party concerned of its view on the appropriateness of taking provisional measures to avoid irreparable damage being caused to the victim of the alleged violation.”

The Applicants request the African Commission to immediately request the Sudanese Government to put an end to the ongoing human rights violations in Southern Kordofan state and to stop taking any measures that cause irreparable harm to any persons within its territory. We kindly request the African Commission to specifically call on the Sudanese Government to:

I.

Stop and prevent the use of unjustified lethal force against civilians, whether by armed forces, the security forces, or other bodies or individuals acting on behalf of the State.

II.

Stop and prevent the use of arbitrary arrests, torture and ill treatment and enforced disappearances of civilians by armed forces, the security forces or other bodies or individuals acting on behalf of the State.

III.

Ensure that those injured during the hostilities are permitted access to appropriate medical treatment.

⁴³ Arabic Network for Human Rights Information, ‘ANHRI condemns attack on Al Jazeera team in South Kordofan, 15 June 2011, at <http://reliefweb.int/node/420875>

⁴⁴ Ibid; SDFG report, p.5.

⁴⁵ The Guardian, “Half a million displaced as Khartoum moves to crush Sudan’s Nuba people”, 18 June 2011, at <http://www.guardian.co.uk/world/2011/jun/18/sudan-khartoum-displaced-nuba>.

IV.

Provide unlimited access for humanitarian aid agencies to displaced persons and others in need of food and medical aid.

V.

Ensure the safe return of those displaced by the hostilities and restitution of their property.

VI.

Allow the free flow of information, including by permitting national and international journalists to enter and report freely.

VII.

Undertake an impartial, prompt and effective investigation to establish the facts, identify any perpetrators and hold them accountable for any violations.

We are appreciative of your swift consideration of our application and remain available to provide any further information you may require.

Yours



Carla Ferstman,
Director, REDRESS

Monim El Gak
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Judy Oder
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