

# REDRESS

Ending torture, seeking justice for survivors

Mr Tajelsir El Hibir  
Attorney-General of Sudan  
Khartoum  
Republic of Sudan

1 June 2020

Dear Mr Tajelsir El Hibir,

I am writing on behalf of REDRESS to express our deep concern about the possible transfer out of prison of former Sudanese President, Omar Al-Bashir, and other former regime members, in light of the COVID-19 health emergency. While we strongly support measures to protect detained individuals' rights to health and personal integrity, COVID-19 must not be a pretext for the unjustified release of those facing charges for serious international crimes.

In view of the upcoming anniversary of the 3 June massacre in Khartoum, REDRESS would like to restate the importance of securing justice for survivors of serious human rights violations.

## International standards

REDRESS supports complementary adherence to the rights of victims of serious human rights violations to obtain justice and reparation, alongside the rights of detained persons to personal integrity and safe and healthy conditions of detention.

The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, issued a statement on 29 April 2020 insisting that measures adopted to protect against COVID-19 in prisons should not lead to impunity for serious human rights violations.

While recalling the duty to prevent violations of the rights of those deprived of their liberty, by "avoiding overcrowding and ensuring hygiene and sanitation in prisons", he noted that these individuals usually enjoy conditions of detention which avoid mass contact for security reasons. Measures such as relocation and, in the last resort, temporary house arrest, may be adopted if the personal integrity and right to health of the detainee cannot be ensured in prison or through other measures.

The Special Rapporteur also reiterated in an accompanying Information Note that "[u]nder no circumstances are amnesties, pardons, exemptions from criminal liability or benefits in the enforcement of a sentence applicable" for persons convicted of international crimes.

## **PATRONS**

The Honourable Louise Arbour CC, GOQ  
Professor Michael Bazylar (USA)  
Rt Hon Ann Clwyd MP  
Dato' Param Cumaraswamy (Malaysia)  
Edward Datnow FRCS  
Anthony Foulger  
Dr Inge Genefke MD, D.M.Sc.h.c (DK)  
Lord Harries of Pentregarth  
Dame Rosalyn Higgins DBE QC  
Lord Judd  
Lord Lester of Herne Hill QC  
Leah Levin OBE  
Caroline Moorehead OBE, FRSL  
Professor David Weissbrodt (USA)  
Dame Vivienne Westwood DBE RDI

## **TRUSTEES (LONDON)**

Paul Lomas (Chair)  
Michael Birnbaum QC  
Professor Bill Bowring  
Sherman Carroll Ph.D, MBE (Hon.)  
Professor Helen Duffy  
Professor Sir Malcolm Evans, KCMG, OBE  
Willa Geertsema  
Phillip Hodgson  
Kirsten McIntyre  
Rev. Nicholas Mercer  
Baroness Vivien Stern

## **TRUSTEES (THE NETHERLANDS)**

Paul Lomas (Chair)  
Willa Geertsema  
Rianne Letschert

## **LEGAL ADVISORY COUNCIL**

Professor Michael Bazylar  
Sir Geoffrey Bindman QC (Hon)  
Joanna Glynn QC  
Professor David Harris CMG  
Professor Lorna McGregor  
Professor Geraldine van Bueren  
Professor David Weissbrodt

## **FOUNDER AND HONORARY PRESIDENT**

Keith Carmichael

## **DIRECTOR**

Rupert Skilbeck

## **REDRESS LONDON**

87 Vauxhall Walk, London SE11 5HJ, United Kingdom  
Tel.: +44 (0)20 7793 1777 Fax: +44 (0)20 7793 1779  
info@redress.org  
Registered Charity N. 1015787  
A Limited Company Registered in England Number 2274071

## **REDRESS NEDERLAND**

Laan van Meerdervoort 70, 5th floor; Rm 5.04,  
2517 AN, Den Haag, The Netherlands  
Tel.: +31 708 919 317  
info.nederland@redress.org  
Registered with the Chamber of Commerce,  
file number 66793319

Incorporated as a Not-for-Profit corporations  
in the State of New York (No. 13-4028661)  
In Special Consultative Status with  
the United Nations (ECOSOC)

 [redress.org](https://redress.org)

 @REDRESSTrust

 /theREDRESSTrust

## Former Sudanese President Omar Al-Bashir

On Wednesday 27 May 2020, the Public Prosecutor of your office issued a statement outlining recent health measures taken in respect of former regime members currently in detention, including transferring a number of detainees to hospital or into quarantine.

Previously, on Monday 29 April 2020, former Sudanese President Omar Al-Bashir requested a release or transfer to house arrest, following reports of a coronavirus outbreak in Kober prison where he is currently detained. The request was made through his legal team to your office. Supporters of Al-Bashir protested outside the prison, and some have reportedly attended your office to demand his release.

Al-Bashir is currently serving a two-year sentence for corruption and illicit financial gains. The ICC issued arrest warrants against Al-Bashir in 2009 and 2010, on charges of genocide, crimes against humanity and war crimes. Yet, Al-Bashir remained at large until April 2019. He is also facing serious charges in Sudan for crimes committed in Darfur and investigations into his crimes are ongoing.

In making any decision regarding Al-Bashir's detention and in light of the gravity of the allegations against him, it is fundamental that the Sudanese authorities ensure that he remains in custody at all times, while protecting his physical integrity. REDRESS welcomes the balance which your office appears to be making between the rights of victims and detainees, and its concerted efforts to ensure the health of all prisoners in its custody.

Al-Bashir's detention is essential to ensure that he will face trial for the crimes with which he is charged. It is also key to allowing effective investigations to continue, and to protect victims and witnesses, and their right to justice and reparation.

### Conclusion

REDRESS is committed to ensuring that the goals of justice and accountability for the crimes of Al-Bashir's regime do not remain unrealised in Sudan.

REDRESS calls upon all decision-making authorities in Sudan, especially your office, to ensure respect for the rights of victims to justice and reparation, while upholding the rights of detainees to health and safe conditions of detention.

REDRESS has also called upon the UN Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr Fabian Salvioli and the UN Independent Expert on the situation of human rights in the Sudan, Mr Aristide Nononsi, to take note of this situation and to encourage your government to adhere to international standards.

Yours sincerely,



Rupert Skilbeck

Director, REDRESS