

REDRESS

Ending torture, seeking justice for survivors

Mr Aristide Nononsi
UN Independent Expert on the situation of human rights in the Sudan
Geneva
Switzerland

1 June 2020

Dear Mr Nononsi,

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 reaffirm 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 United Nations 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.

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Former Sudanese President Omar Al-Bashir

On Wednesday 27 May 2020, the Public Prosecutor of the Attorney-General's 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 the Attorney-General's office. Supporters of Al-Bashir protested outside the prison, and some have reportedly attended the Attorney-General's 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 these allegations 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 remain in custody at all times, while protecting his physical integrity. REDRESS welcomes the efforts which the Attorney-General's office appears to be making in striking a balance between the rights of victims and those of detainees, and 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 has called upon all decision-making authorities in Sudan, especially the office of the Attorney-General, 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 calls upon you, as UN Independent Expert on the situation of human rights in the Sudan, to take note of this situation and to encourage the Sudanese authorities to adhere to the international standards referred to above.

Yours sincerely,



Rupert Skillbeck

Director, REDRESS