

To Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council, Geneva, Switzerland

26 January 2022

The Human Rights Council action at Sudan's UPR

Excellencies,

Ahead of the 3rd cycle Universal Periodic Review (UPR) of Sudan on 1 February 2022 we, the undersigned civil society organisations, write to highlight the need for the Council to recognise the unusual circumstances of the Review and to urgently take steps to ensure that the process does not legitimise the unconstitutional actions of the military on 25 October 2021, including the subsequent formation of a caretaker government in January 2022, or recognise the military-led administration as the lawful representative of the Sudanese people. In addition, we urge you to raise the grave human rights situation that has unfolded since the military coup of 25 October 2021 during the review.

We highlight the African Union's decision to suspend the membership and participation of Sudan following the unconstitutional transfer of power, and the 32nd Special Session of the Human Rights Council which adopted a resolution on the situation of human rights in Sudan, mandating the appointment of a Designated Expert on Sudan to report to the Council, and recognised the postponement of the UPR in 2021.

As the country's political transition remains incomplete, UN Member States have a responsibility to the people of Sudan to support the emergence of a civilian government, and must engage with all relevant parties, including civil society, on the developing human rights situation, as well as maintaining the monitoring and public reporting capacity of the Designated Expert and OHCHR, including annual enhanced interactive dialogues at the Council.

Sudan's UPR is taking place at an unusual and critical time for the nation. The unconstitutional transfer of power by the military dissolved the transitional institutions, while members of the civilian-led government were detained or arrested on 25 October 2021. The consequent political crisis and the resignation of former Prime Minister Abdala Hamdok on 2 January has raised legal questions regarding the legitimate representatives of the state. It would have been preferable if the UPR had been postponed until there was clarity about whether the state representatives had the authority to act on behalf of the Sudanese people. We recognise, however, that the cancelation of Sudan's third Review may have proven difficult, given the modalities of the third cycle.

While mindful of the procedural challenges, as well as of the regional and international efforts to find a mediated resolution, the circumstances in which Sudan's UPR will take place must not in any way legitimise the unilateral actions of military. Furthermore, the decision by Lieutenant General Abdel-Fattah al-Burhan, the Commander in Chief of the Sudan Armed Forces, on 19 January 2022, to confer ministerial power to under-secretaries of government ministries to create a caretaker government is a further step towards consolidating and normalising the unconstitutional transfer of power.

UN Member States should take this opportunity to reiterate condemnation of the military coup in the strongest terms, and to make recommendations requesting the military representatives to urgently transfer power to a civilian government. Given the deteriorating situation of human rights, we, the undersigned, urge Member States to make recommendations that hold military and state security to account for the gross human rights violations that have taken place since 25 October 2021, which

include the deaths of 77 peaceful protestors; ¹ the unlawful use of force by state security on unarmed protestors, including the use of live rounds; the granting of police powers to search, arrest, detain and confiscate property, as well as immunity from prosecution to the intelligence services, the Rapid Support Forces and the army; the arrests and enforced disappearances of civil society leaders, particularly members of the resistance committees, and of the civilian-led transitional government; the use of sexual violence by security forces, including the investigation by the OHCHR into the 13 women and girls reportedly raped or gang raped in December 2021; reports of security forces arresting protestors who are seeking medical attention in hospitals and preventing injured persons from accessing medical treatment; reports by the World Health Organisation of 15 attacks on health facilities and health care workers since November 2021; the harassment of journalists, including removal of licenses for media houses and the interference with communication and internet services since 25 October 2021; the alarming rise in violence in Darfur and South Kordofan, and failures to protect communities from violence and mass displacement, for instance near Zamzam camp as recently as 19 January ²

The severe and alarming deterioration in the situation of human rights in Sudan should be noted during the Review. However, Member States should also highlight in their recommendations the need for systemic and comprehensive reforms. We recognise that some positive steps taken between September 2019 and 25 October 2021 by the civilian-led government of Prime Minister Abdala Hamdok; however, much of this work has been undermined by the actions of the military, including the appointing by General al-Burhan of figures close to the former al Bashir regime into senior positions within the civil service, and the undermining of the committee charged with investigating the corrupt practices of the former regime.

Member States should make recommendations to highlight areas where further reforms are needed, including security sector reform, emphasising the equal citizenship and rights of women, religious and ethnic minorities, and historically marginalised groups. Recommendations towards economic reforms that lead to a more equitable society that lives up to the calls for freedom, peace and justice are also encouraged. These recommendations should emphasise aspects of the 2019 Constitutional Declaration, that state that the process of reform must be inclusive and Sudanese-led, with a clear procedure and timeline for establishing a legislative body and independent judiciary, creating accountability mechanisms, and conducting inclusive, fair, and transparent elections.

Furthermore, we are mindful that the UPR process does not end with the formal Review at the 40th session; the adoption process is vital for the country under review to consider the recommendations it has received, and decide upon which it will take forward. Given the current political situation in Sudan, it remains wholly inappropriate for a military-led body that does not enjoy the support of the Sudanese people to undertake the process. Therefore, the Council should strongly consider a postponement of the adoption process in this situation.

We thank you for your attention to these pressing issues and stand ready to provide your delegation with further information as required.

Sincerely,

1. African Centre for Justice and Peace Studies
2. Al-Alaq Centre for Press Services

¹ The number of protestors killed since 25 October 2021 is 77 as confirmed by The Central Committee of Sudanese Doctors at 1.39pm GMT 26 January 2022 https://twitter.com/SD_DOCTORS/status/1486330998451322886?s=20 Further updates are available on their Facebook (<https://www.facebook.com/Sudandocctorscommittee/>) and Twitter (https://twitter.com/SD_DOCTORS) feeds.

² Radio Dabanga "7 killed in North Darfur Attacks Involving RSF" 21 January 2022 <https://www.dabangasudan.org/en/all-news/article/7-killed-in-north-darfur-in-attacks-involving-the-rsf>

3. Aoun Centre for Advocacy and Consultations
4. Asmaa Society for Development
5. Association of Sudanese American Professors in America
6. Atrocities Watch Africa
7. Confederation of Sudanese Civil Society Organizations
8. Crane Center for Mass Atrocity Prevention
9. CSW (Christian Solidarity Worldwide)
10. Darfur Bar Association
11. Darfur Victims Organisation for Rehabilitation and Relief (DVORR)
12. Global Centre for the Responsibility to Protect
13. Governance Programming Overseas
14. Green Kordofan
15. H&A Centre for Feminist Studies and Networking
16. HUDO Centre
17. Human Rights and Advocacy Network for Democracy
18. Humanitarian Aid Relief Trust
19. International Bar Association's Human Rights Institute
20. Jewish World Watch
21. Journalists for Human Rights - JHR - Sudan صحفون لحقوق الإنسان - جهر - السودان
22. Justice Africa Sudan
23. Justice Centre Sudan
24. Kamma Organization for Development Initiatives (KODI)
25. Lawyers For Justice and Human Rights
26. Massaleit Community in the UK
27. Nabta Charity for Development
28. Never Again Coalition
29. No to Women's Oppression
30. Nuba Mountains Solidarity Abroad (NMSA)
31. Nubsud Human Rights Monitors Organization (NHRMO)
32. Protection Approaches
33. REDRESS
34. Regional Centre for Training and Development of Civil Society (RCDCS)
35. Rights for Peace
36. SOAS Centre for Human Rights Law
37. Sudan Human Rights Hub
38. Sudan's Doctors for Human Rights منظمة أطباء السودان من أجل حقوق الإنسان
39. Sudanese American Physicians Association (SAPA)
40. Sudanese American Public Affairs Association (SAPAA)
41. Sudanese Archives
42. Sudanese Human Rights Initiative SHRI
43. Sudanese Human Rights Monitor (SHRM)
44. Sudanese Professionals Association
45. Sudanese Women's Union in UK & Ireland
46. SUDO (UK)
47. The Gender Centre for Research & Training (GCRT)
48. The Sudanese Revolution Movement:
 - The alliance of the Sudanese political forces (ASPF) in UK,
 - The Sudanese Trade Unions in the UK,
 - The Sudanese Community & Civil Organisations in Diaspora,
 - The Sudanese Revolutionary Youths
49. The Sentry
50. The Worldwide Tribe
51. Tomorrow's Smile INC- Hagir Elsheikh
52. Waging Peace