



General Assembly

Distr.: General
20 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



Sudanese peaceful demonstrators anti-government protest met with live ammunition by government forces

ICSFT would like to share its serious concerns regarding the ongoing human rights and humanitarian situation in the Sudan. In particular we would like to draw your attention to the Sudanese government's continued abuse against civilians including, unlawful attacks on villages and indiscriminate bombing of civilians. We are also concerned about the continuing repression of civil and political rights, especially the ongoing crackdown on protesters and abuse of independent civil society and human rights defenders. We are appalled by reports of deaths and serious injury to those exercising their legitimate right to protest, as well the use of live ammunition against protestors.

Sudanese government forces continue to attack villages and bomb civilian areas indiscriminately, and to block humanitarian aid groups from accessing affected areas. Government forces continue to use excessive force to disperse demonstrations, resulting in death and injury and there has been no accountability for the deaths of hundreds of protesters killed during violent crackdowns. Across Sudan, national security officials and other security forces have targeted opposition party members, human rights defenders, students, and political activists for arrest, detention, and torture and ill treatments.

The basic rights of women are also routinely repressed by the Sudanese authorities through direct intimidation and public order provisions that target and criminalize female activists and human rights defenders. Authorities have used repressive laws to target female activists and human rights defenders for arrest, detention, and various forms of harassment, including sexual violence. Women organizations are under intense scrutiny and struggle with laws that generally discriminate against women. Additionally authorities have restricted civil society organizations from operating freely.

Over the years Sudan has failed to cooperate in good faith with UN Special Procedure mandate and with other human rights mechanisms. The Sudanese government has:

- Denied experts access to certain areas, in particular conflict areas, and prevented them from meeting with independent actors free from surveillance;
- Attempted to monitor meetings between experts and civil society;
- Attacked mandate holders whenever they raise concerns of human rights violations claiming the mandate has been "overstepped";
- Repudiated the fact that monitoring and public reporting are the basis of technical assistance;
- Prevented meaningful, inclusive and transparent discussion of resolutions; and
- Engaged in intimidation and reprisals against representatives of civil society, including human rights defenders who attempted to travel to Geneva to attend the "UPR pre-sessions" in 2016 – despite the fact that Sudan officially praises the UPR.

We deplore acts of intimidation, harassment, and attacks against journalists, which remain pervasive throughout the country, and punishment of those who express dissent. For instance, Since last December protesters have taken to the streets in towns and cities across Sudan to protest price increases and to call on President Omar al-Bashir who is in power for 29 years, to step down. In response, government forces have shot dozens of protesters dead, and arbitrarily detained hundreds of opposition party members, protesters, students, journalists, and professionals including doctors and medics. Doctors' associations reported ongoing detentions of doctors and violence against medical professionals and patients. In addition, 47 students of Darfur origin remain in incommunicado detention after security agents arrested them in raids on their homes on 23 and 27 December 2018 in Sinnar and Khartoum states. One student was killed in the raids.

Many of those arrested remain in incommunicado detention, without access to family or lawyer visits. Despite international outcry for respect of international laws relating to

freedom of expression and assembly, the government seems intent on pursuing more arrests, repression, and other abuses as long as the protests continue.

All detainees are at risk of torture, and many released detainees reported torture and other ill-treatment. To date, Sudan has not investigated, far less prosecuted national security officials implicated in such crimes. Authorities have arrested and detained outspoken critics, including women's rights activists opposing discriminatory public order codes, outspoken teachers, and other professionals, sometimes bringing trumped up charges that carry heavy penalties. They have successfully sought the extradition of activists living outside Sudan, detained them on their return for no more than critical writings. Security officials have also blocked rights lawyers and activists from traveling out of Sudan, and continue to censor the media, confiscating newspaper editions with articles on topics deemed too critical.

UN experts have expressed concern at Sudan's escalating violence and reports of protesters killed during recent large-scale demonstrations against rising prices and food and fuel shortages.

Clement Nyaletsossi Voule, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, said "he was deeply concerned at reports of government security forces using live ammunition during protests which have swept the country since 19 December. The Government should respond to legitimate grievances of the Sudanese people".

As well, Aristide Nononsi, The UN Independent Expert on the situation of human rights in the Sudan, stated that "the use of lethal force was unacceptable when controlling demonstrations. Dissent must be tolerated and not restrained with excessive force which can lead to loss of life. I strongly urge the Sudanese security forces to exercise the utmost restraint to avoid the escalation of violence and take immediate measures to protect the right to life of the demonstrators".

Rights groups also expressed deep concern at reports of arbitrary arrests and detentions of protesters, including human rights and political activists and students.

If Sudan wants to show good faith, it should account for the whereabouts of all detainees, ensure they have access to lawyers, doctors, and family visits, and immediately release prisoners of conscience detained solely for exercising their human rights and all those against whom they have no evidence to bring charges. Rather than using violence and abuses to clamp down on dissent, Sudan needs to engage peacefully with protesters' concerns. We also urge the Sudanese government to ensure that the detainees are not subjected to torture and other ill-treatment, while in detention, and that they are given access to family visits and lawyers of their choosing.

Sudan has to implement the necessary political reforms, to allow the Sudanese people to exercise their constitutional rights to peacefully express their political, economic and social views freely and without any fear of retaliation or persecution.

What Sudan needs is not more technical assistance; hence why the situation in Sudan has to be discussed under agenda item 4. Item 10 should be used to states that truly need advice and technical and capacity-building, Sudan should no longer be allowed to abuse and hide under this agenda item as it has shown a pattern of bad faith time and again wasting the Council's time and resources.

In light the recent alarming developments in Sudan, the UN Human Rights Council must take stronger and immediate action in response to the widespread and grave violations of human rights and humanitarian law. We urge the UN HRC and its member delegation to ensure that the UN Human Rights Council adopts at its 40th session a strong and action-oriented resolution under agenda item 4.

The special procedure mandate on Sudan should be extended and strengthened under agenda item 4 as the situation in Sudan is one that need the council's urgent attention.

The resolution should mandate a Special Rapporteur to monitor and report on ongoing human rights violations and recommend to the Sudanese government concrete ways to end

them, and publicly urge the Government of Sudan to implement the recommendations made to Sudan by the UN Human Rights Council during its 2016 Universal Periodic Review.

ICSFT also calls on the Office of the High Commissioner for Human Rights to urgently dispatch investigation teams, with expertise in sexual and gender-based violence, to investigate crimes under international law and serious violations and abuses of human rights in Sudan, to identify those responsible for committing such heinous crimes against civilians, provide concrete recommendations for accountability, and to report to the Council on its findings at the 42nd session.

We call on the Sudanese authorities to release the detainees. We also urge the authorities to carry out independent and thorough investigations and to ensure that security forces handle protests in line with the country's international human rights obligations.
