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Dear Mr Nononsi,

We, Sudanese and international human rights organisations concerned with issues of human rights in Sudan, would like to take the opportunity of your recent visit to Sudan to raise a series of issues regarding the current human rights situation in the country. Armed conflict continues to devastate many parts of the country and the government has placed severe restrictions on fundamental rights and freedoms. We respectfully request that you consider this information in compiling your report and in formulating recommendations to the Sudanese government, with a view to ensuring the promotion and protection of human rights in the country.

Human rights violations in the context of armed conflict

In Southern Kordofan and Blue Nile states, over one million have been forced to flee their homes since the conflict started between government forces and the Sudan People's Liberation Army-North (SPLA-N).¹ Serious violations of international human rights and humanitarian law have taken place with government forces targeting civilian areas and infrastructure through both indiscriminate and targeted aerial bombardment and ground offensives. This has resulted in the killing and maiming of hundreds of civilians.² There is evidence that the government of Sudan has deliberately targeted hospitals,³ both humanitarian and educational facilities⁴ as well as religious structures. In 2015

¹ See http://www.sudanconsortium.org/darfur_crisis/SKBNUupdates.html and OCHA, Sudan: Humanitarian snapshot as of 31 July 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_Humanitarian_Snapshot_31_Jul_2015_A4.pdf

² Human Rights Watch, "Sudan: Bombing Campaign's Heavy Toll on Children," 6 May 2015, <https://www.hrw.org/news/2015/05/06/sudan-bombing-campaigns-heavy-toll-children>

³ Since 2011, the SAF has bombed 26 health facilities in South Kordofan. There are now only two hospitals operating to serve a population of 1.2 million people. Amnesty International, Don't We Matter?: Four Years of Unrelenting Attacks against Civilians in Sudan's South Kordofan State, 4 August 2015, <https://www.amnesty.org/en/documents/afr54/2162/2015/en/>

⁴ See footnote 2

alone, at least 309 incidents against civilians – including 185 aerial bombings - were reported in Southern Kordofan.⁵ In addition the government continues to use both barrel and cluster bombs prohibited under the 2008 Convention on Cluster Munitions. Although Sudan is not a signatory to this convention, it is evidence of the growing international consensus that the use of these weapons is unacceptable due to their indiscriminate nature.⁶ Continuous monitoring of these bombardments suggest a deliberate plan by the government of Sudan to decimate the local economy with the dropping of bombs frequently coinciding with planting and harvesting cycles.⁷

This situation has been further exacerbated by the blocking of independent humanitarian access to rebel held areas preventing those in need from accessing assistance. The Famine Early Warning Systems Network have predicted food security outcomes are likely to worsen from “crisis” to “emergency” in conflict affected areas of Southern Kordofan by March 2016/April to September 2016.⁸

In Darfur, the forced displacement of entire communities and rape and other sexual violence, (the majority of which are committed by Sudanese armed forces and allied militia) continues to be documented.⁹ The African Union-United Nations Mission in Darfur (UNAMID) are “routinely attacked by Sudanese forces and their proxies”¹⁰ and restricted by the government from accessing conflict affected areas to provide humanitarian assistance or monitor the situation. In January 2016, the UN’s Security Council was not able to confirm the number of people displaced from West Darfur due to the Sudanese government’s refusal to grant access to UNAMID.¹¹

In January this year, the Sudanese Government launched a series of attacks on Jebel Marra. Since then, the Sudanese Air Force has carried out numerous aerial bombardments.¹² Humanitarian organisations estimate that at least 138,000 people were newly displaced from Jebel Marra as a result of the offensive.¹³ Lack of access to IDP sites for humanitarians in Central and South Darfur have generated concern. Even in North Darfur, which is more accessible, 63% of organisations reported disruptions to programming due to access constraints.¹⁴

Frequent inter-communal tensions and clashes in South and East Darfur have also raised concern.¹⁵ Earlier this month, a priest of the Coptic Orthodox Church was abducted by unknown gunmen in Nyala, South Darfur. His whereabouts remain unknown.¹⁶

⁵ Sudan Consortium and NHRMO, “Human Rights Violations in Southern Kordofan and Blue Nile: 2015 in Review,” 20 April 2016, http://www.sudanconsortium.org/darfur_consortium_actions/reports/2016/2015ARFINAL.pdf

⁶ The Sudan Consortium, “Human Rights Update: Eight cluster bombs fall on Umdorein County”, June 2015, http://www.sudanconsortium.org/darfur_consortium_actions/reports/2015/SKBNJune2015FINAL.pdf.

⁷ See footnote 5

⁸ Famine Early Warning Systems Network, “Conflict, poor harvests to result in a deterioration of food security in South Kordofan by March,” December 2015, available at <http://www.fews.net/east-africa/sudan/key-message-update/march-2016>

⁹ HRW, “Sudan: Rape as Weapon of War,” 27 January, 2016, <https://www.hrw.org/news/2016/01/27/sudan-rape-weapon-war>.

¹⁰ New York Times, “U.N. Set to Cut Force in Darfur as Fighting Rises,” 25 December 2014, See http://www.nytimes.com/2014/12/26/world/africa/united-nations-set-to-cut-force-in-darfur-as-fighting-rises.html?_r=2

¹¹ United Nations, “Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2015/1027),” 25 January 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7608.pdf

¹² US State Department, “Sudan: United States Calls for End of Violence in Jebel Marra, Darfur,” 18 February 2016, <http://www.state.gov/r/pa/prs/ps/2016/02/252619.htm>

¹³ UN Security Council, “Peacekeeping Chief, Briefing Security Council, Blames Intensified Fighting for Rapidly Deteriorating Situation, Large-scale Displacement in Darfur,” 6 April 2016, <http://www.un.org/press/en/2016/sc12317.doc.htm>

¹⁴ OCHA, Jebel Marra Fact Sheet, 24 March 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/Jebel_Marra_Crisis_Fact_Sheet_24_Mar_2016.pdf

¹⁵ For example see Sudan Tribune, “20 killed in fresh tribal clashes in South Darfur state,” <http://www.sudantribune.com/spip.php?article58031>. Also see <http://www.sudantribune.com/spip.php?article54932>

Freedom of expression, association and assembly

Freedom of expression and the media remain restricted in Sudan. Journalists are routinely detained while newspapers are routinely confiscated and/or suspended.¹⁷ For example, on 16 February 2015, in the lead-up to the presidential elections, the National Intelligence and Security Services (NISS) confiscated - without reason – the entire runs of 14 newspapers.¹⁸ Within the last month, four newspapers– Al-Ayam, Al-Mustaqilla, Al Saiha and Al Taghyeer - have all had their print runs seized.¹⁹

In addition to freedom of expression, the right to freedom of assembly is also routinely violated. On 31 January 2016, students gathering at El-Geneina University in West Darfur were violently dispersed by the security services.²⁰ More recently on 31 March 2016, a number of students were detained and wounded during a demonstration in El Obeid in North Kordofan.²¹ On 12 April - the second day of the Darfur referendum - NISS detained two individuals in Khartoum and three in Darfur for protesting against the referendum.²² A few days later, on 19 April, one student was killed in a violent clash between supporters of the ruling party and opposition at the University of Kordofan.²³

To date, there has been no accountability for the victims of the September 2013 anti-austerity protests where security forces fired live ammunition to disperse protestors. Although three commissions of inquiry have been set up by the government to investigate the killings, their findings have not been made public. Out of at least 85 criminal complaints issued against members of the security forces, only one progressed to court with the conviction eventually being overturned.²⁴

Authorities, including NISS, have also imposed restrictions on the operation of civil society organisations.²⁵ On 29 February 2016, NISS raided the office of TRACKs for Training and Human Development, for the second time within a year. After the most recent raid, NISS agents made TRACKs staff and visitors report to security offices repeatedly for long periods and confiscated their passports.²⁶

¹⁶ Sudan Tribune, “Gunmen kidnap Coptic priest in South Darfur’s Nyala,” 14 April 2016, <http://www.sudantribune.com/spip.php?article58635>

¹⁷ EHAHRDP, “Overview of the Human Rights Situation in the East and Horn of Africa October 2015- March 2016,” <https://www.defenddefenders.org/wp-content/uploads/2016/04/Overview-of-the-Human-Rights-Situation-in-the-East-and-Horn-of-Africa-October-2015-March-2016-.pdf>

¹⁸ Joint NGO letter to Permanent Representatives of Members and Observer States of the UN Human Rights Council, 3 September 2015, https://www.hrw.org/sites/default/files/news_attachments/ngo_letter_hrc_30_-_situation_in_sudan_03_09_2015.pdf

¹⁹ See Sudan Tribune’s Sudanese security confiscates Al-Saiha newspaper, 18 April 2016, <http://www.sudantribune.com/spip.php?article58667> and Sudanese security seizes Al-Taghyeer newspaper for the second day, 13 April 2016 <http://sudantribune.com/spip.php?article58620> .

²⁰ Footnote 18

²¹ Radio Dabanga, “Students wounded in protest, fighting in Sudan,” 1 April 2016, <https://www.dabangasudan.org/en/all-news/article/students-wounded-in-protest-fighting-in-sudan>

²² Radio Dabanga, “NISS detains illustrator for mocking Darfur referendum,” 15 April 2016, <https://www.dabangasudan.org/en/all-news/article/niss-detains-illustrator-for-mocking-darfur-referendum>

²³ Sudan Tribune, “One student killed in clashes at University of Kordofan,” 19 April 2016, <http://www.sudantribune.com/spip.php?article58689>

²⁴ ACJPS, “Oral Statement submitted under Item 8: Activity report of the Chairperson of the Working Group on the Death Penalty and Extrajudicial, Summary, or Arbitrary Killings in Africa,” April 4 – 20 2016, <http://www.acjps.org/joint-statement-delivered-to-african-commission-on-protest-killings-and-death-penalty-in-sudan/>

²⁵ Sudan Tribune “Sudan’s Security Services raid and order closure of Mahmoud Mohamed Taha Cultural Centre”, 23 January 2015 <http://www.sudantribune.com/spip.php?article53743>

²⁶ Sudan: TRACKs Office Once Again Raided and Staff Targeted by National Intelligence, March 23, 2016, <http://www.acjps.org/sudan-tracks-office-once-against-raided-and-staff-targeted-by-national-intelligence/>

More recently, four Sudanese civil society activists were intercepted by the security services at Khartoum Airport on their way to a meeting in Geneva last month. The meeting had been organised by UPR Info in preparation for the Universal Periodic Review (UPR) of Sudan. The activists were travelling to Geneva via different routes and in each case, NISS officers approached them after check-in and confiscated their passports, thus preventing their travel.²⁷

National roadmap

We also wish to express our deep concern over the signing of the roadmap agreement by Thabo Mbeki, Chief of the African Union High Level Implementation Panel (AUHIP) and the government of Sudan. We would like to draw your attention to a letter signed by 75 civil society activists from both inside and outside Sudan urging the UN and the AU *“to uphold existing UN Security Council and AU Peace and Security Council resolutions on Sudan and to hold the government of Sudan accountable for failing to cooperate”* as well as recommending the identification of a *“new, objective AUHIP team as part of its efforts to re-build confidence in a comprehensive peace process.”*²⁸

Conclusion and recommendations

Urgent action is needed to address the continually deteriorating human rights situation in Sudan and we believe that your mandate can play a critical role in ensuring Sudan’s compliance with its international human rights obligations. We respectfully ask that you investigate, and publicly report on and highlight those that you are able to verify. In particular, engaging with violations committed in Southern Kordofan and Blue Nile will be critical. Although comprehensive reporting has been done by a number of NGOs, many states remain sceptical and confirmation by your office would be critical in pressuring states to respond.

In addition, we would ask that you engage with the government of Sudan and urge them to protect the rights of the Sudanese population. A number of colleague organisations have pulled together comprehensive recommendations in preparation for Sudan’s UPR in May.²⁹ Some of the most critical of these, which we would respectfully urge you to take up with the government of Sudan are:

- *Ensure* all allegations of serious human rights violations are independently and thoroughly investigated and that perpetrators are brought to justice.
- *Ensure* that forces under state control immediately end all deliberate and indiscriminate attacks against civilians in Southern Kordofan, Blue Nile and Darfur, as well as other violations of international humanitarian and human rights law.
- *Grant* full access for humanitarian aid and comply with existing agreements regarding the operation of aid agencies in Sudan.
- *Fully* cooperate with UNAMID in Darfur and ensure it carries out its mandate without restriction.
- *Ensure* that all detainees are brought promptly, within 48 hours, before a judge to review the legality and conditions of their detention, have the right to challenge the legality of their detention before a court, and are guaranteed the right to fair trial.
- *End* arbitrary detention, torture and other abuse of human rights activists, political activists, students and other individuals who criticise the authorities.
- *Respond* to the allegation that four Sudanese civil society representatives were prevented from attending the UN’s UPR pre-session on Sudan in March 2016.

²⁷ Sudan Consortium, “Sudan blocks civil society participation in UN-led human rights review”, March 31, 2016, http://www.sudanconsortium.org/darfur_consortium_actions/statements/2016/31%20March%202016%20Sudan%20blocks%20civil%20society%20participation%20in%20UN-led%20human%20rights%20review%20FINAL.pdf

²⁸ Huffington Post, “Bait and Switch Diplomacy: The Roadmap to Nowhere” 11 April 2016, http://www.huffingtonpost.com/esther-sprague/bait-and-switch-diplomacy_b_9660392.html

²⁹ ACJPS, FIDH and IRRI, “Submission to the Universal Periodic Review of Sudan 2016,” September 2015 https://www.fidh.org/IMG/pdf/20150922_pj_joint_submission_upr_sudan_2016.pdf

- *Ensure* that detainees are protected from torture or other ill-treatment and have prompt and regular access to their lawyers, families and any medical assistance they may require.
- *Repeal* provisions of the 1991 Criminal Act, the 2009 Press and Publications Act and 2010 National Security Act that arbitrarily restrict peaceful expression, association and assembly or amend them in line with international law.

Thank you for giving us the opportunity to raise these points.

List of signatories

Center for Democracy and Peace

Darfur Bar Association

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Face Past for Future Foundation (FP4F)

International Justice Project

International Refugee Rights Initiative

National Human Rights Monitoring Organisation

People4Sudan

Sudan Consortium

Sudan Democracy First Group

Waging Peace