



SUDAN

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 25TH SESSION OF THE UPR WORKING GROUP, APRIL/MAY 2016

FOLLOW UP TO THE PREVIOUS REVIEW

During its UPR in May 2011, Sudan accepted 160 recommendations and took note of the remaining 40 recommendations.¹ The government notably agreed to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. It also committed to reforming the Press and Publications Act and the Voluntary and Humanitarian Work Act.² Sudan further voluntarily pledged that "the recommendations which we accept will enjoy our commitment in terms of implementation."

Sudan also agreed to respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law. Amnesty International regrets Sudan's failure to date to implement many of these recommendations; on the contrary it continues to suppress freedom of expression, association assembly, and to arbitrarily arrest political opponents. Newspapers continue to be subjected to closure and censorship, and journalists are harassed and in some cases arrested, where they are at risk of torture or other ill-treatment.³

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Sudan is yet to ratify key human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women, and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Interim National Constitution

According to Article 27(3) of Sudan's Interim National Constitution (INC),⁴ all rights enshrined in international human rights instruments to which Sudan is a state party are an integral part of the Bill of Rights within the INC. It stipulates that: "[l]egislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights". In August 2014, the UN Human Rights Committee noted: "... despite Article 27 of the Interim National

¹ UN Human Rights Council, *Sudan UPR*, http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SD/SudanImplementation_en.pdf.

² Human Rights Council, 14th meeting on 10 May 2011. *Report of the Working Group on the Universal Periodic Review, (A/HRC/18/16)*.

³ Amnesty International briefing: SUDAN: ENTRENCHED REPRESSION: Freedom of Expression and Association under Unprecedented Attack (AFR 54/1364/2015)

⁵ Human Rights Committee, 111th session (19 August 2014), *Consideration of reports submitted by States parties under article 40 of the Covenant, (CCPR/C/SDN/4)*, para. 7.

Constitution of 2005, the rights protected by the Covenant have not yet been recognized and given full effect in the national legal framework.”⁵

The international human rights and regional treaties to which Sudan is party are legally binding and require the government to respect, protect, and fulfil the human rights contained therein. In addition to obligations that derive from human rights treaties, there are many non-treaty standards which elaborate on the legally binding obligations contained in these treaties.⁶

National Intelligence Services

In January 2015, the Sudanese parliament approved a controversial amendment to Article 151 of the INC that regulates the role of the NISS to read: “The National Intelligence Security Service is a regular force whose mission is to oversee internal and external national security operation. The security service work to combat all political, military, economic and social threats as well as terrorism and trans-national crimes.” The amendment transformed the NISS into a regular armed force able to engage in military operations, in addition to its powers of arrest and detention, as well as lack of accountability.

National Security Act

The 2010 National Security Act (NSA) provides extensive powers to the NISS to arrest and detain individuals for up to 45 days and to the National Security Council to extend the detention up to four and a half months. During this detention period, there is no judicial oversight which increases the risk that the NISS will commit human rights violations such as torture and other ill-treatment, including to extract “confessions”. In addition, the 2010 NSA grants NISS agents immunity from prosecution and disciplinary action for abuses committed during the course of their work.

Sudan National Human Rights Commission

In 2012 the Sudan National Human Rights Commission (SNHRC) was established by the government. Amnesty International welcomes this positive step by the government. However, the SNHRC structure and mandate needs to be in compliance with the Paris Principles, especially in terms of adequate funding, genuine independence, transparent and consultative appointments processes, and effectiveness in investigating human rights violations across the country.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Suppression of freedom of expression and association

The National Intelligence and Security Service (NISS) continues its harassment and censorship of the print media, which regularly faces arbitrary confiscation of publications. In 2014, eighteen newspapers repeatedly had their editions confiscated; by the end of that year, the authorities had confiscated newspapers 52 times.⁷ In 2015, at least 20 newspapers have had their publications confiscated and 21 journalists have been interrogated by the police and the security services.⁸

Suppression of Sudanese civil society has also increased. In December 2012, five national civil society organizations were shut down followed, in June 2014, by the closure of the Salmamah Women's Resource Centre. In January 2015, the NISS shut down three civil society organizations on the basis that they were violating their registration licences, including the Mahmoud Mohamed Taha Cultural Centre, the National Civic Forum, and the Sudanese Writers' Union.⁹

⁵ Human Rights Committee, 111th session (19 August 2014), *Consideration of reports submitted by States parties under article 40 of the Covenant*, (CCPR/C/SDN/4), para. 7.

⁶ Amnesty International September 2014: *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014)

⁷ Amnesty International report 2014/15: *The state of the world's human rights* (Index: POL 10/0001/2015).

⁸ Amnesty International briefing: *SUDAN: ENTRENCHED REPRESSION: Freedom of Expression and Association under Unprecedented Attack* (AFR 54/1364/2015)

⁹ Amnesty International briefing: *SUDAN: ENTRENCHED REPRESSION: Freedom of Expression and Association under Unprecedented Attack* (AFR 54/1364/2015)

Arbitrary arrests and use of excessive force

The NISS has committed numerous human rights violations, including arbitrary arrests, and detentions without charge or trial of political activists. Senior political opposition leaders are also frequently arrested by the authorities. In January 2013, some political opposition figures were arrested and detained without charge by NISS on allegations of holding illegal meetings outside the country.¹⁰ In May, June and August 2014, three leading opposition political party leaders were arrested and detained, namely al Sadiq al-Mahdi, leader of Sudan's National Umma Party (NUP), Ibrahim al-Sheikh, leader of the Sudanese Congress Party (SCP) and Mariam al-Sadiq al-Mahdi, deputy leader of Sudan's National Umma Party (NUP).¹¹ On 6 and 7 December 2014, Dr. Amin Mekki Medani and Farah Al Agar, both human rights activists, and Farouk Abu Issa, leader of the National Consensus Forces, were arrested by the NISS for having signed and supported the "Sudan Call".¹²

The security forces also continue to use excessive force to disperse student protests and gatherings. Protests broke out in cities around Sudan on 23 September 2013, in response to government cuts to fuel subsidies. The security services, including the police, the NISS and the paramilitary Central Reserve Forces, used unnecessary or excessive force from the moment the demonstrations began, including the use of live ammunition. Amnesty International and African Centre for Justice and Peace Study documented 185 deaths involving the Sudanese Armed Forces (SAF) using excessive force against protestors.¹³

Freedom of religion

While Sudan's legal system allows and promotes the conversion of the Sudanese people from Christianity and other religions to Islam, it makes proselytizing of Sudanese Muslims a crime punishable by flogging. Conversion from Islam to any other religion is considered apostasy and is punishable by death.

There is widespread suppression of non-Muslim and Muslim minority groups as well as violations of freedom of religion in Sudan. In August 2013, Meriam Yahya Ibrahim was convicted and sentenced to death on charges of adultery and apostasy. She was detained in prison along with her son and gave birth to her daughter in Omdurman prison while in shackles. She was released on 23 June 2014 after her sentence was reversed by an appeals court following international outcry.

Armed conflict

The continuum of human rights violations in Sudan stretches from the conflict areas to clampdown on peaceful political dissent in the rest of the country. These two modes of operations are clearly interlinked in the case of activists from Darfur and other conflict areas in Sudan. During the 2011 UPR, Sudan received 10 recommendations in relation to the conflict in Darfur as well as six recommendations which urged Sudan to "preserve the climate of peace achieved by the Comprehensive Peace Agreement".¹⁴ Four weeks later conflict erupted in South Kordofan on 6 June 2011 and after four months, on 2 September, in Blue Nile.

In recent years, the conflicts in Darfur, Southern Kordofan and Blue Nile have forced the displacement of over half million people. Violations of international human rights and humanitarian law continue to be committed by all parties to the conflicts with impunity. In all three regions, civilians continue to bear the brunt of the fighting. There have been numerous reports of indiscriminate aerial bombardments and ground attacks launched by the Sudanese Armed Forces (SAF) and pro-government militias in civilian areas, killing and injuring many and destroying civilian property. In all three areas, the provision of humanitarian assistance continues to be hindered by the Sudanese government, leading to a rapidly deteriorating humanitarian situation.

¹⁰ Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Mashood A. Baderin, A/HRC/24/31, 18 September 2013.

¹¹ Amnesty International Urgent Action, *opposition leader detained without charge*, (AFR 54/019/2014).

¹² Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Aristide Nononsi, A/HRC/20/60, 28 August 2015.

¹³ Amnesty International September 2014: *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014)

¹⁴ Human Rights Council, 14th meeting on 10 May 2011. *Report of the Working Group on the Universal Periodic Review*, (A/HRC/18/16).

South Kordofan and Blue Nile

The armed conflict persists between the SAF and the armed opposition group Sudan People's Liberation Movement North (SPLM-N) in Southern Kordofan and Blue Nile. In a recent report Amnesty International definitively confirmed that government forces have committed war crimes against the civilian population of South Kordofan.¹⁵ Moreover, between January and April 2015, the SAF dropped 374 bombs in 60 locations across South Kordofan.¹⁶ Since 2011, the SAF has bombed 26 health facilities, including hospitals, clinics and health units. Only two hospitals are currently operating to serve a population of 1.2 million people.

In Blue Nile state, the war broke out in September 2011, causing waves of refugees to flee to South Sudan and Ethiopia. Currently the UNHCR estimates that there is about 134,000 refugees from Blue Nile in South Sudan.¹⁷

Darfur

The war in Darfur is in its twelfth year. Although large-scale fighting between government forces and armed groups have subsided, sporadic clashes, acts of banditry, inter-communal violence and restrictions to freedom of movement and political liberties persist throughout Darfur.¹⁸ According to the UN, the fighting in Darfur in 2014 led to the displacement of 450,000 individuals, "more than in any single year since the height of the conflict in 2004". In total, the number of internally displaced persons in Darfur has reached 2.5 million.¹⁹

The government's deployment of the Rapid Support Forces (RSF)²⁰ led to two brutal counter-insurgency campaigns in 2014 and 2015. The RSF attacked civilians, burned and looted homes, raped and beat villagers and unlawfully killed an unknown number of civilians. During both campaigns, the RSF received aerial support and fought alongside SAF ground troops and other paramilitary and militia groups.

In December 2014, the Sudanese government re-launched *Operation Decisive Summer*, attacking villages in Jebel Marra and East Jebel Marra by air and land. In their 19 January 2015 report, the UN Panel of Experts on Sudan characterized the government strategy in Darfur as one of "collective punishment of villages and communities from which the armed opposition groups are believed to come or operate" and "induced or forced displacement of those communities", with "direct engagement, including aerial bombardment, of the [armed rebel] groups when their location can be identified".²¹

¹⁵ Amnesty International August 2015: *Don't we matter? Four years of unrelenting attacks against civilians in sudan's south kordofan state* (Index: AFR 54/2162/2015)

¹⁶ Amnesty International: *Don't We Matter?: Four Years of Unrelenting Attacks against Civilians in Sudan's South Kordofan State*, (Index: AFR 54/2162/2015)

¹⁷ UNHCR latest update on 31 July 2015: <http://data.unhcr.org/SouthSudan/region.php?id=25&country=251>

¹⁸ Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Aristide Nononsi, A/HRC/20/60, 28 August 2015.

¹⁹ Herve Ladsous, Under-Secretary-General for Peacekeeping Operations, 17 March 2015: *Darfur security, humanitarian situations 'deteriorated significantly'*, <http://www.un.org/apps/news/story.asp?NewsID=50355#.VgkxKvmqqko>

²⁰ A government force, under the command of the National Intelligence and Security Services (NISS), and consisting largely of former militias created in mid-2013.

²¹ UN Security Council. Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council, 19 January 2015, http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/31.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Sudan to:

Normative and institutional framework:

- Ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and their Optional Protocols;
- Repeal the constitutional amendment introduced by the parliament in January 2015 to Article 151 of the 2005 National Interim Constitution.

Sudan National Human Rights Commission

- Ensure that the Sudan National Human Rights Commission complies with the Paris Principles and that it has adequate funding, independence, and a transparent and consultative appointment process, to enable it to effectively investigate and publicly report on human rights violations across the country.

Suppression of freedom of expression and association

- Amend the National Security Act 2010, the Press and Printing Act 2009, the Voluntary and Humanitarian Work Act 2006, and the Criminal Act 1991, to ensure that no provisions in these unduly restrict the rights to the freedom of expression, association and assembly;
- End all harassment and arbitrary arrests of political activists, human rights defenders, and journalists;
- Explicitly prohibit torture and other ill-treatment in national legislation and in practice, and incorporate a clear and comprehensive definition of torture in national legislation in line with international standards.

Arbitrary arrests and use excessive force

- End all harassment and arbitrary arrests of political activists, human rights defenders, and journalists;
- Explicitly prohibit torture and other ill-treatment in national legislation and in practice, and incorporate a clear and comprehensive definition of torture in national legislation in line with international standards;
- End impunity of security forces responsible for the killing of scores of protesters in Khartoum and other cities in Sudan in September 2013, including by instituting an independent public inquiry into the killings and ensuring the responsible persons are held accountable.

Freedom of religion

- Repeal all legislation that allows for the application of corporal punishment, including flogging, amputation and other cruel punishments, such as stoning;
- Revise the 1991 Penal Code and abolish the penalization of apostasy.

Armed conflicts

- Immediately end all attacks directed at civilians and civilian objects, as well as all indiscriminate aerial bombardment and other indiscriminate military attacks in South Kordofan, Blue Nile and Darfur;
- Allow unrestricted, independent humanitarian access to all areas of South Kordofan, Blue Nile and Darfur for the purposes of providing food, health services, support to the education system and other assistance to civilians affected by the conflict;
- Launch prompt, independent, impartial and effective investigations into all violations of international human rights and humanitarian law in order to bring to justice those suspected of criminal responsibility.