



**Republic of the Sudan**

**Submission to the UN Universal Periodic Review**

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**Submission by CIVICUS: World Alliance for Citizen  
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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 170 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** In this document, CIVICUS raises urgent concerns regarding the environment in which human rights defenders (HRDs) and journalists operate in the Republic of the Sudan and discuss threats faced by them in the exercise of their rights to freedom of expression, association and assembly.
- 1.3** CIVICUS remains deeply concerned by overbroad and restrictive laws which place undue limitations on the legitimate work of civil society organizations (CSOs) as well as the discriminatory application of these laws to close independent CSOs in an apparent attempt to suppress dissent and views critical of government policy.
- 1.4** CIVICUS is deeply alarmed by unwarranted and arbitrary restrictions on freedom of expression, independence of the media and access to information through the invocation of vague national security laws authorizing official censorship of the press and arbitrary detention of outspoken journalists and publications.
- 1.5** CIVICUS is also greatly concerned by on-going legal and policy restrictions on the exercise of the right to freedom of assembly as well as the continued use of excessive, punitive and deadly force to subdue protests across the country.
  - In Section B, CIVICUS highlights concerns related to the freedom of association and restrictions on civil society activities.
  - In Section C, CIVICUS expresses concerns involving harassment and arbitrary detention of human rights defenders.
  - In Section D, CIVICUS highlights concerns regarding the freedom of assembly.
  - In Section E, CIVICUS highlights concerns relating to the freedom of expression, independence of the media and restrictions on access to information.
  - In Section F, CIVICUS makes a number of recommendations to address the concerns listed.

## **2. (B) Restrictions on freedom of association and impediments to civil society activities**

**2.1** Article 40(1) of the Sudan's Interim National Constitution (INC) states that "every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his/her interests."<sup>1</sup> Moreover, Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a state party, also guarantees freedom of association. However, in policy and practice this right is gravely undermined by a highly restrictive regulatory regime which limits access to foreign funding and endows the authorities with wide discretion to arbitrarily and unwarrantedly sanction CSOs deemed to contravene national laws. Moreover, the authorities continue to subvert the right to freedom of association through politically motivated and discriminatory harassment and intimidation of civil society groups and the arbitrarily dissolution of CSOs.

**2.2** All CSOs operating in the country are administered by the Voluntary and Humanitarian Work Act of 2006 (hereafter, the Act). The Act, which includes narrow definitions of the permissible activities of civil society groups, onerous registration controls, requirements that CSOs receive explicit approval to receive foreign funding and vague grounds for dissolution, contravenes guarantees protecting the rights to freedom of association enshrined in the ICCPR and the INC. As a result of the discriminatory application of the Act, CSOs working on a wide range of advocacy and policy issues in Sudan continue to face severe barriers to their work.<sup>2</sup>

**2.3** Section 6 of the Act, which stipulates the permissible objectives of CSOs, relegates CSOs to service delivery roles and emergency and humanitarian work. Specifically, this provision explicitly mandates that CSOs only engage in activities which address the effects of natural disasters, direct reconstruction of infrastructure, provide local capacity building for national organizations and implement relief projects. Such requirements are unnecessarily limited and appear directly aimed at preventing civil society groups from engaging in crucial rights-based and advocacy work such as promotion of the rule of law, democratization, human rights and fundamental freedoms.<sup>3</sup>

**2.4** The Act further imposes a number of burdensome requirements for registration and empowers the Humanitarian Aid Commission (HAC) - the government entity responsible for overseeing implementation and adherence to the Act - with broad discretion to dissolve CSOs found to have contravened the Act. Under Section 11, registration of CSOs is compulsory and must be renewed annually. According to Article 13, the HAC is authorized to reject the registration of an organization where "the activities it carries out are inconsistent with the principles provided for in section 5 of

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<sup>1</sup> Sudanese Interim National Constitution: <http://www.refworld.org/pdfid/4ba749762.pdf>

<sup>2</sup> Voluntary and Humanitarian Work Act: <http://www.icnl.org/research/library/files/Sudan/ngonorth.pdf>

<sup>3</sup> Ibid, <http://www.icnl.org/research/library/files/Sudan/ngonorth.pdf>

the Act.” Moreover, the HAC is permitted to revoke the registration of an organization if it has “contravened provisions of this Act, the regulations or any other law in force” or if it “uses humanitarian aid for obtaining unlawful gains.” Finally, CSOs which operate without a certificate of registration can be subjected to pecuniary fines under Sections 23 and 24 of the Act.<sup>4</sup>

**2.5** In addition to these arduous requirements, the Act also places draconian limitations on access to resources and foreign funding. Under Section 7, CSOs are required to obtain the approval of the Ministry of Humanitarian Affairs to receive domestic or international funding. Moreover, under the same provision, CSOs must secure the approval of the HAC before undertaking activities supported in part or full by foreign funding. Such restrictions, by denying civil society groups adequate resources to conduct their legitimate activities, patently undermine the right to freedom of association.<sup>5</sup>

**2.6** These debilitating controls imposed under the Act are severely compounded by the Government of Sudan’s (GoS) discriminatory and targeted application of the Act to enfeeble Sudan’s remaining independent civil society groups. In particular, the GoS continues to summarily dissolve or deregister groups deemed critical of the government and, on several occasions, has unlawfully disrupted and cancelled public events organized by national CSOs.

**2.7** For example, on 20 January 2015, the National Civic Forum (NCF), a prominent civil society organization, received a letter from the Registrar of the Cultural Groups notifying them of the cancellation of their registration. While the letter failed to explicitly specify transgressions, the Registrar claimed that NCF “conducts activities in violation of the Cultural Groups Law of 1996 and Sudan’s constitution.” Despite these claims, it is widely believed that NCF has been targeted due to its civic education and democracy promotion activities.<sup>6</sup>

**2.8** The dissolution of NCF appears to be part of a systematic assault on Sudan’s remaining independent human rights groups. Two days earlier on 18 January, civil society group, Mahmoud Mohamed Taha Cultural Centre, was raided by Sudan’s National Intelligence and Security Services (NISS) and forced to suspend its operations. The Centre was reportedly raided while holding a ceremony commemorating the third anniversary of the execution of Mahmoud Mohamed Taha, the founder of Sudan’s opposition Republican Party. Following the raid, the Centre was informed that it had also been deregistered for contravening the Cultural Groups Law.<sup>7</sup>

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<sup>4</sup> Ibid, <http://www.icnl.org/research/library/files/Sudan/ngonorth.pdf>

<sup>5</sup> Ibid, <http://www.icnl.org/research/library/files/Sudan/ngonorth.pdf>

<sup>6</sup> CIVICUS and ANND, Sudanese civil society faces crackdown ahead of elections say international NGOs, 2 February 2015. <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2177-sudanese-civil-society-faces-crackdown-ahead-of-elections-say-international-ngos>

<sup>7</sup> Ibid, <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2177-sudanese-civil-society-faces-crackdown-ahead-of-elections-say-international-ngos>

### **3. (C) Concerns involving harassment, intimidation and arbitrary detention of human rights defenders and civil society activists**

**3.1** Article 12 of the UN Declaration on Human Rights Defenders mandates States to take necessary measures to ensure protection to human rights defenders. Article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention. Moreover, Article 29 of the INC guarantees “the right to liberty and security of person; no person shall be subjected to arrest, detention, or deprivation of their liberty except for reasons and in accordance with procedures prescribed by law.” Article 34 of the INC also guarantees the rights of detainees to be immediately informed of the reasons of their arrest and to be charged promptly.<sup>8</sup> However, despite these safeguards, the government of Sudan has continued to arrest, detain and persecute human rights defenders, including lawyers, doctors, members of civil society organizations, and representatives of youth and political movements, *en masse*. The unabated judicial harassment of peaceful human rights defenders and the criminalization of dissent through the routine invocation of laws which abrogate constitutional and international safeguards has created a dangerous climate for human rights work in Sudan.

**3.2** In contravention of its constitutional and international human rights obligations, the Government of Sudan has erected a vast national legal framework codifying the suspension of due process rights and permitting arbitrary detention to stifle the exercise of fundamental democratic rights. Operating under the 2010 National Security Act, the National Intelligence and Security Services (NISS), Sudan’s primary intelligence and security agency, is empowered to arrest and detain persons without judicial review. According to Article 50 of the law, the NISS can arrest and detain individuals for up to 30 days without a warrant or any other judicial safeguards. The Director of the NISS is further permitted to extend the length of the detention to up to four and a half months if he considers it a necessary to complete the investigation. As a result, detainees, who are denied access to a judge or the right to file a habeas corpus petition, are held in incommunicado detention and remain particularly vulnerable to torture and other ill-treatment.<sup>9</sup>

**3.3** Since Sudan’s initial examination under the UPR in 2011, the Government of Sudan has continued to regularly flout its obligations under international law by summarily arresting dozens of human rights activists. Representatives of civil society organizations have been routinely subjected to judicial persecution for carrying out their legitimate work. For instance, following weeks of incommunicado detention, Dr. Amin Mekki Medani, President of the Sudan Human Rights Monitor (SHRM), and two other

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<sup>8</sup> Sudanese Interim National Constitution, <http://www.refworld.org/pdfid/4ba749762.pdf>

<sup>9</sup> National Security Act,

<http://www.pclrs.com/downloads/bills/Institutional%20Law/National%20Security%20Act%202010%20UNMIS%20unofficial%20English%20%20Transaltion%20final%20version%202010-02-03%20single%20space.pdf>

activists, were charged on 10 January 2015 with “undermining the constitutional system” and “waging war against the state”. Dr Medani and his colleagues were arrested in direct response to their support for the “Sudan Call,” a joint initiative by civil society and the political opposition on the “Establishment of a State of Citizenship and Democracy.” Evidence of the spurious charges is borne out by the fact that on 9 April 2015, the Sudanese Minister of Justice announced the suspension of the case brought against Dr. Medani and his co-defendants.<sup>10</sup>

**3.4** Representatives of the NISS have further used their broad discretion to preemptively arrest and detain scores of human rights defenders and civil society leaders to prevent them from supporting or engaging in public protests. For example, according to national watchdog groups the NISS arrested nearly 60 human rights defenders and youth and political activists from the street, in cafes and from their private homes in the capital Khartoum, Khartoum Bahri and Omdurman from 20-26 September 2014. The activists were reportedly arrested in an attempt to prevent them from supporting memorial events marking the one-year anniversary of the violent oppression of popular protests in September 2013 in which over 170 protestors were killed.<sup>11</sup>

**3.5** Similarly, in 2012, security forces including the NISS, arbitrarily detained dozens of civil society and human rights activists to thwart their participation in and mobilization of protests arising across the country. From June-July 2012, Sudanese security forces repeatedly arrested and detained scores of activists, journalists, lawyers, doctors, and members of youth groups and opposition parties who were not associated to the protests. While many detainees were released hours or days after pledging to forsake all political activism or participation in the protests, others were detained for significantly lengthier periods and subjected to ill-treatment including beatings and sleep-deprivation. Among those arrested was Nahid Jabralla, the head of SEEMA, a women’s and children’s rights group. Ms Jarbralla was detained at Omdurman Women’s Prison without charges or access to lawyers from 3 July to 11 August 2012.<sup>12</sup>

#### **4. (D) Concerns over restrictions on freedom of assembly**

**4.1** Article 40 of the Interim National Constitution guarantees the right to freedom of peaceful assembly.<sup>13</sup> Furthermore, Article 21 of the ICCPR guarantees the same right, while Article 6 of the ICCPR guarantees the right to life. However, as the frequency and

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<sup>10</sup>CIVICUS and ANND, Sudanese civil society faces crackdown ahead of elections say international NGOs, 2 February 2015. <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2177-sudanese-civil-society-faces-crackdown-ahead-of-elections-say-international-ngos>

<sup>11</sup> CIVICUS, CIVICUS denounces crackdown on protestors and civil society in Sudan, 8 October 2013: <http://www.civicus.org/index.php/en/media-centre-129/press-releases/1899-civicus-denounces-crackdown-on-protestors-and-civil-society-in-sudan>

<sup>12</sup> African Commission on Human and Peoples’ Rights, Press Statement on Release of Human Rights Defenders in Sudan, 30 August 2012. <http://www.achpr.org/press/2012/08/d125/>

<sup>13</sup> Interim National Constitution, <http://www.refworld.org/pdfid/4ba749762.pdf>

scope of anti-government protests and demonstrations have grown in Sudan since 2011, government forces have routinely resorted to disproportionate, excessive and sometimes-lethal force. In addition, the authorities continue to use mass arbitrary arrests and criminalize public dissent to quell peaceful protests. Despite the egregious nature of the violations, the government has failed to adequately investigate or prosecute members of the security forces, including the NISS, implicated in the extra-judicial killing of peaceful protestors across the country.

**4.2** Sudan's legal framework, including the 1991 Penal Code and the 1991 Criminal Procedure Act, contains a number of statutes with ill-defined provisions that are routinely invoked to curtail the right to protest and demonstrate peacefully. According to Article 124 of the 1991 Criminal Procedure Act, police officers and prosecutors are authorized to disperse and block assemblies likely to result in a riot or disturbance of public peace. Moreover, under Articles 125 and 126 of the Criminal Procedure Act of 1991, the police, the NISS and the armed forces are permitted to dissolve protests and other demonstrations for alleged offences including rioting and disturbing public peace. However, in practice, the NISS has routinely and unwarrantedly invoked these provisions to prevent and disperse assemblies and to arrest protestors by wrongly submitting that an assembly will result in a breach of public order and peace.<sup>14</sup>

**4.3** While the use of force is permitted under Article 129 of the 1991 Criminal Procedure Act and Article 15 of the 2008 Police Act, the NISS has habitually used wanton violence and excessive force to quell protests across the country since 2011. For example, on 23 September 2013 protests arose in Wad Madani. The protests, which escalated into wider calls for the resignation of the President Al Bashir and the formation of a transitional government, quickly spread to other regions of Sudan, including Ahfad University in Omdurman City. The security forces responded with excessive and deadly force, including regularly using tear gas and batons to disperse the protestors. Moreover during the protests, at least 170 people, including 15 children, were reportedly killed, while over 500 more were wounded. At least 800 other protestors and human rights defenders were also reportedly arrested and detained for their suspected role in the demonstrations.<sup>15</sup>

**4.4** Again from June to August 2012, a wave of protests initiated by female students at Khartoum University swept across Sudan evolving into wide scale national demonstrations against austerity measures and the Al Bashir regime. The NISS responded to the demonstrations, which spread to other major cities including Port Sudan, Kassala, Nyala and Gedaref, with indiscriminate and punitive force including

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<sup>14</sup> 1991 Criminal Procedure Act, [http://www.jstor.org/stable/3381514?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/3381514?seq=1#page_scan_tab_contents)

<sup>15</sup> CIVICUS, CIVICUS denounces crackdown on protestors and civil society in Sudan, 8 October 2013: <http://www.civicus.org/index.php/en/media-centre-129/press-releases/1899-civicus-denounces-crackdown-on-protestors-and-civil-society-in-sudan>



through the use of batons, tear gas, rubber bullets and live ammunition against largely peaceful demonstrators, causing deaths and injuries.<sup>16</sup>

**4.5** According to national watchdog groups, during demonstrations in Nyala, South Darfur, on 31 July 2012, 12 protestors, 10 of whom were under 18 years old, were killed when the police and the NISS opened fire on a crowd of demonstrators. While dozens of other protestors suffered severe injuries, protesters were reportedly denied medical attention in hospitals and security officials arrested alleged demonstrators seeking medical treatment. Moreover, while exact numbers have been difficult to collate, it is reported that hundreds of protestors were summarily arrested during the protests, while scores of other activists were arrested from their homes to prevent them from participating in the protests.

**4.6** While various independent civil society and intergovernmental experts have conducted investigations into the excessive use of force and extra-judicial killings committed by the NISS during the course of protests in 2012 and 2014, the Government of Sudan has repeatedly refused to acknowledge or implicate members of the Sudanese security forces in these killings. While the government has established nominal investigative committees, they have failed to conduct thorough, prompt and impartial investigations or publically release their findings or recommendations. Moreover, members of the NISS and other sectors of the security services maintain blanket immunity from persecution for their role in the killings. Article 52 of the 2010 National Security Act states that any act committed by the NISS while pursuing their duties with ‘good intentions’ shouldn’t be deemed a crime. In addition, under Article 45 of the 2008 Police Act, actions taken by police officers do not represent a crime if performed during his or her duties or as a result of official orders. Such codification of immunity from prosecution presents a nearly insurmountable barrier to ensuring accountability for the gross human rights violations committed by security forces in response to the exercise of the right to freedom of assembly.<sup>17</sup>

## **5. Concerns regarding freedom of expression and access to information**

**5.1** Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Article 39 of the INC also provides for the right to hold opinions and free expression, stating that: “Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.”<sup>18</sup> Nonetheless, since Sudan’s human rights record was first examined under Universal Periodic Review process in 2011, the government has escalated its campaign to systematically monitor

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<sup>16</sup> Reuters, Sudanese Forces use teargas to stop Darfur Protests, 1 August 2015, <http://www.reuters.com/article/2012/08/01/ozatp-sudan-protests-idAFJ0E87008520120801>

<sup>17</sup> National Security Act, <http://www.pclrs.com/downloads/bills/Institutional%20Law/National%20Security%20Act%202010%20UNMIS%20unofficial%20English%20%20Transaltion%20final%20version%202010-02-03%20single%20space.pdf>

<sup>18</sup> Interim National Constitution, <http://www.refworld.org/pdfid/4ba749762.pdf>



and silence all forms of dissent. To this end, Sudanese authorities have regularly invoked restrictive legislation unduly curtailing the exercise of the right to freedom of expression, instituted a policy of widespread censorship of the media and subjected independent journalists to judicial persecution in a flagrant attempt to prevent them from conducting their legitimate work.

**5.2** In July 2013, Parliament approved amendments to Article 4 of the Sudan Armed Forces Act of 2007 empowering military courts to adjudicate a wide range of freedom of expression charges previously under the auspices of civilian courts. Specifically, the amendments permit military courts to oversee prosecution for a number of vaguely defined crimes including undermining the constitutional system, leaking classified information, and the publication of “false news.” The provisions also permit the courts to prosecute “anyone who commits a crime against the state’s security.” Such changes, adopted in the wake of wide scale protests across the country, further dismantle Sudan’s constitutional and international commitments safeguarding freedom of expression.<sup>19</sup>

**5.3** Sudanese authorities have also resorted to restrictive legislation to silence independent reporting of politically sensitive issues. In 2009, Sudan’s Parliament passed amendments to the Press and Printed Materials Act, imposing undue limitations on the media in the interest of national security and public order. Specifically, the law includes several overbroad provisions banning content perceived to encourage ethnic and religious disturbances or incite violence. The law further allows the authorities to hold editors-in-chief criminally liable for content published by their newspapers. In addition, the Act established the National Council for Press and Printed Publications (NCP) to regulate all media outlets and print publications in Sudan. The NCP is authorized to unilaterally suspend the operations of media houses for up to three days without a court order.<sup>20</sup>

**5.4** Since 2011, the authorities have regularly utilized the Press and Printed Materials Act to suspend the publication of newspapers and confiscate editions in a blatant attempt to suppress the free flow of information. For example, in the months surrounding the 2015 national elections, representatives of the NISS routinely confiscated newspaper editions in order to censor reporting of pressing human rights issues. In one instance on 16 February 2015, NISS agents confiscated all editions of 14 newspapers from the printers, without justification.

**5.5** In an apparent attempt to silence independent reporting of protest movements in Sudan since 2011, the government has also severely escalated its punitive campaign to silence critical media reporting on the demonstrations. At least five domestic newspapers, including Al-Intibaha, Al-Watan and Al-Sudani, were confiscated or forcibly suspended during national protests in September 2013. Pan-Arab satellite channels Al-Arabiya and

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<sup>19</sup> Dabanga, Amendments to Sudan’s Armed Forces Act Unconstitutional, 4 July 2013, <https://www.dabangasudan.org/en/all-news/article/amendments-to-sudan-s-armed-forces-act-unconstitutional-opposition>

<sup>20</sup> Press and Printed Materials Act <http://www.refworld.org/pdfid/49e43b282.pdf>

Sky News Arabia have also been forced to close after security officials raided both offices in Khartoum on September 27th.<sup>21</sup>

**5.6** A number of journalists exposing human rights violations or discussing sensitive topics have been arrested and detained to prevent them from continuing their work. On 23 October 2014, Al-Nur Ahmad Al-Nur, a leading Sudanese journalist with pan-Arab newspaper Al-Hayat and the Sudanese daily Al-Tigheer, was arrested in Khartoum. After initially being taken to NISS headquarters, Mr Al-Nur was transferred to Kober prison and later released without charge October 30<sup>th</sup>.<sup>22</sup> In a similar case, Madeeha Abdella, editor-in-chief of the Sudan Communist Party newspaper, Al-Midan, was charged on 13 January 2015 under the penal code with “conspiracy,” “undermining the constitutional order” and “publishing false information.” The charges appear to have been provoked by an interview Ms Abdella conducted with military commanders of the Sudan People’s Liberation Movement-North (SPLM-N), a separatist movement based in North Kurdufan state. Ms Abdella, who was released on bail on 14 January, faces the death penalty if convicted.<sup>23</sup>

## **6. (F) Recommendations to the Government of the Republic of the Sudan**

CIVICUS calls on the Government of Sudan to create an enabling environment for civil society to operate in accordance with international human rights law, including UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

### **6.1 Regarding restrictions on freedom of association**

- Procedural and administrative obstacles for civil society organizations under the Voluntary and Humanitarian Work Act of 2006 (the Act) should be abolished;
- Provisions of the Act which unwarrantedly limit the scope of permissible activities and objectives for CSOs should be amended;

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<sup>21</sup> CIVICUS, CIVICUS denounces crackdown on protestors and civil society in Sudan, 8 October 2013.

<http://www.civicus.org/index.php/en/media-centre-129/press-releases/1899-civicus-denounces-crackdown-on-protestors-and-civil-society-in-sudan>

<sup>22</sup> IOL, Journalist Freed in Sudan, 30 October 2014 <http://beta.iol.co.za/news/africa/journalist-freed-in-sudan---family-1772717>

<sup>23</sup> CIVICUS and ANND, Sudanese civil society faces crackdown ahead of elections say international NGOs, 2 February 2015. <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2177-sudanese-civil-society-faces-crackdown-ahead-of-elections-say-international-ngos> <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2177-sudanese-civil-society-faces-crackdown-ahead-of-elections-say-international-ngos>

- Provisions of the Act requiring mandatory registration and which endow the government with wide discretion to dissolve or sanction CSOs should be amended;
- Provisions of the Act which require official approval to secure and utilize foreign and domestic funding should be amended;
- All civil society groups which have been arbitrarily and unduly sanctioned or deregistered should be immediately reinstated.
- Unwarranted raids on civil society groups and unjustifiable disruptions to legitimate, conferences, seminars and other activities organized by CSOs should be stopped.

## **6.2 Regarding the arbitrary detention and harassment of civil society activists, journalists and human rights defenders**

- Civil society members, journalists and human rights defenders should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated;
- All human rights defenders including, journalists and bloggers detained for exercising their right to freedom of opinion and expression should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment;
- Efforts should be made to amend or repeal the National Security Act to ensure the effective realization of all due process rights enshrined in the ICCPR.

## **6.3 Regarding restrictions on freedom of assembly**

- The 1991 Penal Code and the 1991 Criminal Procedure Act should be amended in order to fully guarantee the right to freedom of assembly;
- All persons detained for exercising their right to freedom of peaceful assembly should be released;
- Article of the National Security Act and the 2008 Police Act codifying immunity from persecution for member of the NISS and other security officials should be repealed;
- All instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated;
- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his

annual report (2012) which calls for simple notification rather than explicit permission to assemble.

#### **6.4 Regarding restrictions on freedom of expression, access to information, intimidation, harassment and attacks on journalists:**

- Provisions criminalizing legitimate forms of freedom of expression, notably the Newspaper and Sudan Armed Forces Act and the Press and Printed Materials Act, should be suitably amended or repealed;
- Provisions of the Sudan Armed Forces Act which empower military courts to adjudicate a wide range of freedom of expression offences previously adjudicated under the auspices of civilian courts should be abolished;
- Provisions of the Press and Printed Materials Act which impose undue limitations on the media in the interest of national security and public order also be removed;
- All media outlets unwarrantedly closed should be reinstated;
- The authorities must cease the practice of confiscating and censoring print media.

#### **6.5 Regarding access to UN Special Procedures mandate holders**

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Independence of Lawyers and Judges.