



## **UPR Submission**

### **Sudan**

**September 2015**

#### **Summary**

Sudan accepted the vast majority of the recommendations following its UPR in 2011 but has failed to implement most of them. Darfur, Southern Kordofan and Blue Nile states are still engulfed in armed conflicts in which countless abuses have been committed against civilians, including deliberate attacks on towns and villages; killings; sexual violence against women and girls; and unlawful destruction of civilian property. The fighting has forced hundreds of thousands of civilians to flee their homes. Sudan continues to severely limit the access of the AU/UN peacekeeping mission to many locations in Darfur, and restricts humanitarian aid access into Southern Kordofan and Blue Nile.

Freedoms of association and assembly are severely restricted, as Sudanese security forces repeatedly used excessive and lethal force against peaceful protesters, such as during the September 2013 anti-austerity protests, when more than 170 civilians were shot dead on the streets of Khartoum and other towns. In the run-up to, during, and after the April 2015 elections, the government continued its crackdown on the media, civil society groups, and opposition parties through arrests and detentions.

Sudan has yet to adopt a new constitution, despite the end of the transition period in the 2005 Comprehensive Peace Agreement, or hold a national dialog with all political parties, as promised. A number of repressive laws including the National Security Act of 2010 contravene human rights norms and authorities continue to apply Sharia law penalties that violate international prohibitions on cruel, inhuman, or degrading punishment.

The government has made no tangible progress in providing accountability for crimes committed in Darfur since 2003, the killing of more than 170 protesters in September 2013, or other serious abuses.

The grave nature of human rights violations in Sudan and the continued disrespect of its international human rights commitment justify the need for specific scrutiny by the Human Rights Council over the situation in Sudan. Human Rights Watch called for the extension of the special procedure mandate on Sudan with appointment of a Special Rapporteur, and for the creation of OHCHR inquiry missions, with expertise in sexual violence, to investigate human rights violations in Darfur, Southern Kordofan and Blue Nile.

#### **Freedom of Assembly and Expression**

During its previous UPR in 2011, Sudan had accepted a recommendation to “respect the rights to freedom of expression, association and assembly” and to “make all allegations of extrajudicial executions (...) the object of effective and independent investigations at the earliest.” However, the Sudanese government has used excessive force to disperse protests on many occasions since 2011. In January 2011, against the background of popular uprisings in the Arab world, Sudanese armed riot police and national security forces used excessive force to disperse demonstrations, and arrested more than 100 people, including nine journalists, during the first two days of protests. Many of the protesters, including two arrested journalists, were subjected to beatings and other forms of ill-treatment.

Again in June and July 2012, security forces used excessive force – including batons, tear gas, rubber bullets, and even live ammunition - to disperse popular youth-led protests, injuring many and arresting hundreds. In September 2013,

security forces used live ammunition against protests that swept the country after the president announced new economic austerity measures and price hikes. At least 170 people were killed and hundreds were injured during the crackdown. Despite promises to investigate, the Sudanese government not carried out independent investigations or provided justice for the victims.

Despite having accepted recommendations to take “concrete steps to ensure freedom of the media and investigate any intimidation and arbitrary detention of journalists” during it previous UPR in 2011, the Sudanese government has increased restrictions on the media since the last UPR. National security officials routinely instruct editors to refrain from publishing criticisms of the government’s policies. The “red lines” include criticisms of the armed forces, economic policy, the situation in Darfur, and the armed conflicts in Southern Kordofan and Blue Nile.

Following the independence of South Sudan, Sudanese authorities banned newspapers with “southern links” including opposition *Ajras al Hurriya*, and barred journalists from traveling to conflict zones. In 2012, authorities censored articles, confiscated newspaper editions, and blacklisted more than 15 journalists for reporting on sensitive topics, including a church-burning incident in April 2012. Security officials have also instructed newspaper editors not to publish articles related to the September 2013 protests, confiscated editions of three newspapers, summoned several journalists for questioning, jammed the reception of international TV stations, and blocked the Internet for one day. In February, 2015, National Intelligence and Security Service (NISS) confiscated the print runs of 14 papers and again in May, 2015, confiscated the print runs of 10 papers, both without providing the reasons.

Sudanese authorities have also continued to crackdown on civil society by arbitrarily denying permission for events; harassing or arresting organizations’ staff; seizing assets; denying renewal of registration or simply closing down the organizations. In December 2012, authorities shut down three civil society organizations and a literary forum. In June 2014 authorities shut down a prominent women’s organization, and December 2014 security raided the Sudan Human Rights Monitor (SHRM) in Khartoum, and cancelled a training workshop for journalists and human rights defenders on shadow reporting for the United Universal Periodic Review. In 2015, authorities also revoked registration for three cultural organizations and cancelled a book fair.

#### **Recommendations:**

- End unnecessary or excessive force against peaceful protesters; instruct security forces to follow the *UN basic principles on use of force and firearms by law enforcement officials*, in all operations policing public protests or gatherings; hold abusive security forces to account.
- Set up an independent public inquiry into the killings of over 170 protesters in Khartoum and other cities in Sudan in September 2013, ensure that those responsible are held into account, and provide reparations to the victims and their families;
- Uphold international and constitutional obligations with respect to freedoms of expression and association, by ending undue restrictions on civil society organizations and censorship of the media;
- Reform or repeal the National Security Act 2010, the Press and Printing Act 2009, Voluntary and Humanitarian Work Act 2006, and Criminal Act 1991 which carry provisions used to restrict the rights to freedoms of expression and assembly

#### **Arbitrary Detention and Torture**

During its previous UPR in 2011, the government of Sudan had accepted to adjust the National Security Act (2010) and other legislations to be compatible with the CPA, but rejected other recommendations to repeal it. The National Security Act 2010 gives the National Intelligence and Security Service (NISS), the intelligence service of Sudan, broad powers of arrest and detention for up to four and a half months without judicial review, well beyond the international standard. Amendments to the constitution in January 2015 further empowered the NISS by designating it as a regular

force with a broader mandate to combat a range of political and social threats and taking precautionary measures against them.

The service is known for its abusive tactics, including torture, against real or perceived political opponents. In the wake of protests in 2011, 2012 and 2013, for example, Human Rights Watch documented torture and abuse of political detainees. The detainees were often released only after signing a promise not to participate in protests.

During its previous UPR in 2011, Sudan rejected all recommendations calling for an amendment of the 2010 National Security Act to ensure that the NISS operate in line with human rights obligations.

#### **Recommendations:**

- Take all necessary measures, including instructing the police, armed forces and security personnel to end all mistreatment of detainees, making clear that there is never a justifiable reason for mistreatment
- Investigate all allegations of torture, ill-treatment and death in detention, and promptly take steps to appropriately discipline or prosecute any NISS officials, police and other officials responsible for the abuse.
- Repeal the National Security Act (2010);
- Release all individuals arbitrarily detained by the National Intelligence and Security Services;
- Ratify the Convention against Torture and other Cruel, Inhuman or Degrading and Treatment or Punishment and its Optional Protocol, which allows independent, international experts to conduct regular visits to places of detention.

#### **Armed conflict and human rights**

##### *Darfur*

Although the Sudanese government accepted recommendations to “end the deliberate and indiscriminate attacks against civilians in Darfur and prosecute those responsible for these attacks” and to “end all indiscriminate attacks against civilians and other violations of international humanitarian and human rights law, especially in Darfur,” the situation has markedly deteriorated since 2014 with the deployment of the Rapid Support Forces, a Sudanese government force consisting largely of former militias.

Rapid Support Forces have carried out numerous ground attacks against dozens of villages in South and North Darfur, targeting areas where they accused the population of sympathizing with rebels. They burned homes and shops, looted livestock, killed and robbed civilians, and forced tens of thousands of residents to flee. Government forces were also implicated in the rape of scores of women in the town of Tabit, in North Darfur, in October 2014. The government refused to allow UNAMID peacekeepers to access the town or allow international investigators to investigate the alleged mass rapes.

The government continues to block UNAMID peacekeepers from moving freely and fulfilling their mandate to protect civilians in Darfur, despite the intensification of violence and abuses. In December 2014, it shut down the AU/UN mission’s human rights liaison in Khartoum, and expelled a high-ranking UN humanitarian official. Chronic security threats to peacekeepers have also undermined the AU/UN mission’s effectiveness.

##### *Blue Nile state and Southern Kordofan*

Fighting between Sudanese government forces and the armed opposition, the Sudan People’s Liberation Army-North (SPLA-N), began in June 2011 following disputed elections in Southern Kordofan, and quickly spread to Blue Nile state.

The Sudanese government’s indiscriminate aerial bombing of civilians in Southern Kordofan and Blue Nile violates basic principles of international humanitarian and human rights law. It has killed and maimed hundreds of women,

men and children and caused hundreds of thousands to flee their homes. In both states, the government of Sudan has used explosive weapons in air attacks on towns and villages, and has maintained an aid blockade that has seriously aggravated dire humanitarian as well as security conditions facing civilians in both states.

In Southern Kordofan, Human Rights Watch documented more than 100 civilian casualties, 26 of whom were children, in 2014 and 2015 from aerial bombardment or by unexploded ordnance and other explosive remnants of war. There is also evidence that government aircraft deliberately targeted hospitals and other humanitarian facilities in a bombing campaign in 2014.

Sudan has repeatedly dropped cluster bombs on civilian areas, including in 2012 and 2015 in the Nuba Mountains. Cluster munitions are indiscriminate weapons banned under the Convention on Cluster Munitions, which Sudan has yet to ratify, but which in any event should never be used near civilian areas.

The bombing campaign has created an education crisis in rebel-held areas of Southern Kordofan. Since 2011, 22 schools have been targeted, which has forced students and teachers to move away from permanent structures and conduct school in grass shelters next to rocky hills for safety.

Moreover, Sudan has blocked aid from entering the rebel-held areas in both states. The denial of aid has led to malnutrition and the lack of basic health and education services.

**Recommendations:**

- Issue clear, public orders to all government forces to stop attacks on civilians.
- Immediately halt deliberate or indiscriminate attacks against civilians, disarm and disband the abusive Rapid Support Forces and rein in militias, and release individuals detained without charge.
- Immediately grant unhindered access to international humanitarian groups, journalists and human rights monitors including an international commission of inquiry or investigative team to investigate the alleged abuses in all three conflict zones.
- Investigate the use of cluster bombs by Sudanese army and promptly join the 2008 Convention on Cluster Munitions.

**Women's Rights**

Sudan has not ratified the Convention on the Elimination of All Forms of Discrimination against Women, even though it accepted a recommendation to do so.

Authorities continued to apply Sharia law sanctions that violate international prohibitions on cruel, inhuman or degrading punishment, such as flogging. Such penalties are applied disproportionately to women and girls, as they are more often charged with adultery or violations of public morality rules proscribing dress code and public behavior.

Sudanese women are routinely arrested and tried for wearing trousers or refusing to cover their hair. In 2014, a pregnant woman was sentenced to death for the crime of "apostasy," and to 100 lashings for adultery. She had married a Christian man from South Sudan and was jailed with her young son for months before international attention. In 2012 authorities sentenced a woman to stoning for adultery.

**Recommendations:**

- Ratify the Convention on the Elimination of All Forms of Discrimination against Women, thereby accepting the internationally accepted minimum standards pertaining to women's human rights.

- Categorically abolish penalty of death by stoning as it violates international human rights standards, including prohibitions on torture and cruel and unusual treatment.
- Reform other laws that unfairly punish women and girls and impose corporal punishment, such as the public order and adultery crimes.

### **Sexual Violence**

Although Sudan accepted a recommendation in its last UPR to take further measures to prevent and combat all forms of violence against children and women, including training law enforcement officials to deal with sexual violence cases, sexual violence continues in an environment of impunity, especially in Sudan's conflict zones.

Allegations of mass rape in Tabit, North Darfur, first surfaced in a November 2, 2014 report by Radio Dabanga, a Netherlands-based station. Sudan denied the report and refused UNAMID peacekeepers access to the town. Soon after, it gave the peacekeepers brief access, but security forces prevented them from carrying out a credible investigation. Human Rights Watch research corroborated the allegations of 221 rapes.

The government's Rapid Support Forces, which have attacked civilians across Darfur, have also perpetrated sexual violence crimes, particularly in Jebel Mara, Central Darfur.

Sudanese security forces have also used sexual violence against women in Blue Nile state. Refugees who fled abusive conditions in Blue Nile in late 2014 told Human Rights Watch they had either experienced or witnessed sexual assaults by Sudanese forces, particularly during home raids or house-to-house searches.

### **Recommendations:**

- In Darfur, immediately allow UNAMID, humanitarian agencies, and human rights organizations unfettered access to Tabit, Jebel Mara, and other conflict areas where there have been allegations of sexual violence.
- Conduct prompt, impartial and independent investigations into alleged abuses and hold perpetrators to account.
- Ensure provision of comprehensive and non-discriminatory health services to women and girls who have experienced sexual violence.

### **Accountability**

2015 marks the 10-year anniversary since the United Nations Security Council referred the situation in Darfur to the International Criminal Court, which has issued arrest warrants for five individuals, including Sudanese President Omar al-Bashir, for charges of war crimes, crimes against humanity and genocide. Sudan has refused to cooperate with the court in any of the cases.

Al-Bashir remains a fugitive, but his international travel has been restricted. A number of anticipated trips abroad have been cancelled, rescheduled, or relocated amid diplomatic and public outcry. Activists in Africa have gone to domestic courts to compel his arrest and protested in the streets against his presence in their countries, while local judges have issued orders for him to be taken into custody.

### **Recommendations:**

- Fully cooperate with the ICC and ensure President al-Bashir and other suspects appear at the ICC to face the charges against them.
- Ratify the Rome Statute of the International Criminal Court.