

STATEMENT
UPR Pre-session on Sudan
Delivered by Front Line Defenders

This statement is delivered on behalf of Front Line Defenders (www.frontlinedefenders.org) , an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has participated in the UPR process since the first cycle 2011.

The Minister of Justice formed a national mechanism for implementation, reporting and follow up to international and regional human rights mechanisms. The national consultation with civil society started on June 2021 with civil society in different states of Sudan. On 10th of August the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Sudan, in collaboration with the Ministry of Justice's National Mechanism for Human Rights, organized a consultation meeting to share the draft report with civil society organizations and allow them an opportunity to provide their feedback and recommendations.

This statement addresses the situation of human rights defenders (HRDs) in Sudan and developments following the political transition in Sudan in April 2019; this includes (1) the legal environment which affects the work of HRDs, (2) judiciary harassment, arbitrary detention and torture and (3) the situation of HRDs in Darfur.

1. General Assessment and Legal Environment for HRDs

A. Follow-up to the last review

Sudan's government received recommendations from Ireland, Czech Republic, France, Norway and Germany regarding the protection of HRDs, reforming legislations to secure freedom of expression, association and assembly.

Although there is an improvement in the general situation of human rights in Sudan, the legal environment which affects the work of HRDs is still restrictive and the repressive laws which have long used by Sudanese authorities to curtail the work of HRDs and independent NGOs are still in place such as Voluntary Act 2006, HAC regulations 2013 Press and publication Act 2009 and Cyber crime act 2020.

B. New development since the last review

In 2021 the transitional government ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If this was followed by reforming the laws to be in line with the Convention, there would have been positive changes in the human rights situation and situation of HRDs.

Restrictions and violations against journalists have continued including detention, torture and death threats as in cases of **Hafiz Haroun Aida Abdelgader** and **Lana Awad**.

A recent amendment of Cyber crimes Act 2008 increased the punishment for defamatory online posts from two to five years imprisonment and a fine. Moreover, in July 2020 the armed forces

appointed a Cybercrime Military Commissioner working under the military prosecutor to monitor and document “insults” to the army. Additionally, the Voluntary and Humanitarian Work Act of 2006 continues to impose numerous restrictions on the registration of new civil society organizations and the renewal of their registration as well as their funding.

C. Recommendation

We therefore urge the transitional government to:

- a) Guarantee in all circumstances that all human rights defenders in Sudan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment and physical violence and ensure full respect for the UN Declaration on human rights defenders
- b) Amend the Press and Publication Act 2009, Cyber crimes act 2022 and Voluntary act 2006, to ensure that all amendments are in line with the international human rights standards.

2. Judicial Harassment, Arbitrary Detention and Torture

A. Follow-up to the last review

During the previous review many countries gave recommendations regarding reforms of the judiciary system, and concrete measures to improve the independence of the judiciary, as well as efforts to address the prevention of torture and inhumane treatment.

B. New development since the last review

Acts of judicial harassment and arbitrary detention against HRDs, especially WHRDs, have continued in Sudan despite the political transition. Some detained HRDs, including WHRDs and journalists, were subjected to torture and ill-treatment. The treatment of WHRDs by the security forces was encapsulated in November 2020 when a policeman stopped **Waad Nahjat** while she was broadcasting a Facebook live video documenting an incident where several women were subjected to harassment by police and military officials. She was arrested and subsequently charged with 'defamation', 'insulting a public servant', 'publishing false news', and 'public annoyance’.

C. Recommendation

To end Judicial harassment, arbitrary detention and torture we asked the transitional government to

- a) Urgently review its criminal justice system, establishing the judiciary reforming commission, amend the domestic law to conform with the UN Convention against Torture.
- b) Ensure that immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders are carried out, with a view to publishing the results and bringing those responsible to justice in accordance with international standards.

3. Human Rights Defenders in Darfur

A. Follow-up to the last review

Tribal clashes and drawdown of UNAMID contribute to insecurity in Darfur, increase violations and attacks against HRDs in Darfur, including killings, detention and torture.

In the last Universal Periodic report the government of Sudan supported recommendation to protect the human rights in Darfur, and to conduct transparent investigation of allegations of human rights violations and hold perpetrators accountable.

B. New development since the last review

The transitional government in response to the drawdown of UNAMID, developed a national plan for the protection of civilians to enhance security in Darfur, until now there is no recognizable measure taken on the ground to implement this plan. HRDs in Darfur continue to face severe risks aggravated by the ongoing armed disputes between tribes and the security instability in the region, in which HRDs are often caught up. For example, in January 2021, human rights defender **Faisal Yousef Mohamed** was killed in his house in El Geneina city. On 22 June 2021 the journalist and HRD **Abd Elmonuem Madebo** was kidnapped by the Sudan Liberation Forces Alliance and beaten and tortured and left under harsh weather conditions for hours.

C. Recommendation

To improve the situation of human rights in Darfur we therefore ask the transitional government to

- a) Fully implement the Sudan National plan for the protection of civilians in Darfur.
- b) Carry out independent investigation into the allegation of violations against HRDs in Darfur.