

STATEMENT
UPR Pre-Session on Sudan
Geneva, 6-7 October 2021
Delivered by: REDRESS

1 – Presentation of the Organisation

This statement is delivered on behalf of REDRESS, an international human rights NGO based in the United Kingdom and The Netherlands that pursues legal claims on behalf of survivors of torture to obtain justice and reparation for the violation of their human rights. REDRESS represents Sudanese clients at the African Commission on Human and Peoples’ Rights and has worked in Sudan for over two decades on various issues related to torture, enforced disappearance, and other human rights violations.

REDRESS prepared a joint submission for Sudan’s review with partners at the People’s Legal Aid Centre (PLACE), a Sudanese human rights organisation based in Khartoum.

2 – Plan of the Statement

This statement addresses issues concerning (1) torture prevention in Sudan and (2) accountability, including obstacles to accountability and progress made.

3 – Statement

i. Torture Prevention

A. Follow-up to the second review

Since Sudan’s political transition in early 2019, a joint civilian-military government has made important strides with respect to the prevention of torture and some initial steps towards encouraging accountability. While we welcome these positive developments there are still significant reforms needed to implement the prohibition of torture and ill-treatment in practice.

This statement addresses both prevention and accountability.

Firstly, with regard to the prevention of torture and ill-treatment, the government made a series of legislative amendments in July 2020 that explicitly prohibited the torture of an “accused person,” increased the penalty for torture from three months to three years, and recognised that torture can be inflicted both physically and psychologically. In August 2021, Sudan’s transitional government formally acceded to and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance (Convention on Enforced Disappearance), key recommendations made by many countries during the second UPR.

We welcome these efforts as positive steps towards establishing a clear prohibition of torture in Sudan. However, other legislative shortcomings remain, and Sudanese authorities continue to apply criminal law provisions that prescribe punishments that amount to torture such as amputation, cross-amputation, and floggings. Similarly, Sudan’s legal system still lacks adequate procedural safeguards against torture or the necessary monitoring mechanisms to prevent torture and ill-treatment.

Following the second UPR the government also accepted recommendations to carry out prompt, independent and thorough investigations of alleged acts of torture. The transitional government has initiated some specific investigations into discrete acts of torture and ill-treatment, but many violations remain uninvestigated; other investigations which have been initiated remain stalled for unclear reasons, such as the inquiry into violations which occurred on 3 June 2019, when government forces violently dispersed a sit-in protest and committed widespread acts of torture, enforced disappearance, and sexual violence.

B. Recommendations/Questions

We therefore urge that the prevention of torture and ill-treatment is a prominent issue in the upcoming UPR. We recommend that Sudan's transitional government:

- a. Amend all relevant legislation to properly criminalise torture in conformity with internationally recognised definitions, such as Article 1 of the UNCAT;
- b. Establish a fully independent oversight body or national preventive mechanism vested with sufficient resources and mandated to investigate allegations of torture and ill-treatment in line with best practices, including through regular visits to detention centres and public reporting on ongoing abuses.

ii. Accountability

A. Follow-up to the second review

Secondly, with regard to accountability for the victims of human rights violations, Sudan's transitional government has taken some initial steps such as signing two Memoranda of Understanding with the International Criminal Court (ICC) and establishing several committees to investigate and prosecute past violations.

However, the transitional government has not implemented previous recommendations to ratify the Rome Statute of the ICC and has yet to fully cooperate with the ICC pursuant to UN Security Council Resolution 1593, including by surrendering [to the Court those] individuals subject to ICC arrest warrants, including Omar al-Bashir. Similarly, many barriers to accountability remain in place. These include substantive and procedural immunities for police officers, security force members and collaborators, and members of the armed forces.

Other aspects of the Juba Peace Agreement which are relevant to accountability efforts remain unimplemented, including provisions calling for the creation of a special court on crimes in Darfur and the establishment of a reparations programme.

B. Recommendations/Questions

To close the accountability gap, we recommend that the Government:

- a. Repeal legislative provisions providing immunity for any officials, including the Rapid Support Forces, police, and the armed forces.
- b. Fulfil obligations, pursuant to UN Security Council resolution 1593, to fully cooperate with the ICC, and ensure unfettered access to Darfur and other areas of concern for ICC investigators.