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Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders
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Front Line Defenders (www.frontlinedefenders.org) is 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 particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998. In 2018 Front Line Defenders was awarded the United Nations Prize in the Field of Human Rights.

This submission concerns the situation for human rights defenders in Sudan and covers developments following the political transition in Sudan in April 2019. The research in this submission is based on field missions and regular contacts with human rights defenders.

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INTRODUCTION

Sudan went through major political changes in April 2019 when the Sudanese army deposed President Omar Al-Bashir following massive protests across Sudan. In September 2019, transitional arrangements were agreed between the military and civilian political forces to govern for three years until the country adopts a new constitution and new general elections are held. The newly established transitional government stated its commitment to improve the human rights situation and to reform laws which violated international human rights standards as well as to reform the judicial system. While the general situation of human rights defenders (HRDs) has improved, several challenges continue to threaten their safety and obstruct their work. Front Line Defenders focuses on the situation of human rights defenders during this transitional period taking into consideration the recommendations accepted by the Sudanese government in the last UPR cycle.

I. DEVELOPMENTS SINCE THE LAST UPR

In the last UPR cycle, Sudan supported several recommendations to improve the situation of human rights defenders.¹ Front Line Defenders welcomes the enactment of constitutional, legal and institutional reforms since July 2019 to enhance human rights in Sudan including in the areas of freedom of expression and freedom of association, and the opening space for domestic and international human rights NGOs. For example in November 2019, Sudanese authorities repealed the Public Order Law which had been used regularly to repress women including women human rights defenders (WHRDs). In July 2020, the government amended the Penal Code of 1991 to, among other reforms, increase the penalty of the crime of torture carried out by public officials to imprisonment for up to three years instead of three months. The amendments also abolished the crime of apostasy and criminalized the practice of Female Genital Mutilation (FGM). In February 2021, Sudan ratified the UN Convention Against Torture (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Also, on 8 March 2021, the government announced that Sudan would ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

However, Front Line Defenders remains concerned by the continuation of certain types of abuses including judicial harassment, detention, torture and ill-treatment against human rights defenders, including journalists and women human rights defenders, particularly in the region of Darfur in western Sudan.

II. GENERAL ASSESSMENT AND LEGAL ENVIRONMENT

- LEGISLATION

Although there has been a general improvement in the situation of human rights in Sudan, the legal environment which affects the work of HRDs is still restrictive. Certain repressive laws which have long been used by the Sudanese authorities to curtail the work of HRDs and independent NGOs are still in place. For example, the Press and Publication Act of 2009 restricts the publication of newspapers and journalism practice. The Cybercrime Act imposes severe restrictions on freedom of expression on the internet. A recent amendment of this Act 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

¹ For example, the government supported the recommendation of Ireland to ‘take urgent steps to facilitate the work of human rights defenders and civil society, including through guaranteeing freedom of expression and the media and protection of all persons from intimidation, threats, attacks or reprisals for seeking to cooperate with the United Nations; and through allowing unimpeded humanitarian access to conflict affected populations, with appropriate protection to humanitarian actors’. It also supported the recommendation of Netherlands to ‘protect human rights defenders and journalists from violence and arbitrary arrests, to address impunity for crimes against human rights defenders and journalists and to notify the United Nations Educational, Scientific and Cultural Organization of the status of the judicial inquiry into the murder of journalists’.

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. The enactment of a state of emergency in specific states, including Darfur, on five occasions since 2019 has imposed further restrictions on human rights defenders. Under the state of emergency, members of the security forces can detain human rights defenders without charge.

- IMPUNITY

In the last UPR cycle the government of Sudan supported a recommendation from Norway to protection freedom of expression and to ensure independent investigation takes place when human rights defenders and journalists are attacked. However, members of the Military, the National Intelligence Services (NISS) and police enjoy de facto immunity which obstructs justice and accountability and empowers them to continue committing abuses against HRDs, including the use of torture in prisons and places of detention. Moreover, the spread of state military forces and non-state militias in the different regions has heightened the risk of detention, torture and ill-treatment against HRDs. For example, in August 2020, [Hala Khalid Abugroun](#) was detained for several hours at Khartoum Central Police Station after attempting to report human rights abuses carried out by NISS officers against protesters. She reported being subjected to severe physical abuse.

- INTERNET SHUTDOWNS

On different occasions in 2018 and 2019, Sudanese authorities cut the internet partially or fully or restricted connection in response to protests and sit-ins. These steps limited the capability of human rights defenders to collect and disseminate information about human rights violations and provide timely humanitarian assistance to victims of state violence. For example, on 3 June 2019 the authorities shut down the internet in the country for more than two weeks while security forces were violently dispersing a major sit-in in Khartoum. In 2018, Sudanese authorities blocked social media applications and critical news websites, including those providing information about human rights violations, for over four months following the eruption of massive protests against the government.

- FREEDOM OF ASSEMBLY

Popular protests have broken out in several parts of the country on multiple occasions to seek justice for the dozens of protesters that were killed in the 3 June 2019 protest and other protests condemning the delay in establishing key transitional institutions. During these further protests, HRDs and members of civil society organisations sustained injuries from and were subjected to ill-treatment by members of the security forces. In April 2020, Khalid Aguba, a member of the Press Resistance Committee and one of the leaders of these protests, faced an assassination attempt in connection with his critical posts and videos on

Facebook.²

III. JUDICIAL HARASSMENT, ARBITRARY DETENTION AND TORTURE

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. Lubna Abela, a woman journalist was detained in March 2020 and held in police custody while conducting her work. The conditions of her cell, where she was held with other people, lacked any health measures and were not safe given the COVID-19 context. The treatment of WHRDs by the security forces was encapsulated in November 2020 when a policeman stopped [Waad Bahjat](#) while she was broadcasting a Facebook live video documenting an incident where several women were subjected to sexual harassment by police and military officials. She was arrested and subsequently charged with 'defamation', 'insulting a public servant', 'publishing false news', and 'public annoyance'. If found guilty, Waad could be sentenced to prison term of up to one year, a fine or both.

IV. HUMAN RIGHTS DEFENDERS IN DARFUR

HRDs in Darfur continue to face severe risk 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, West Darfur by unknown individuals from armed militant groups following multiple threats on account of his human rights work. Two of the human rights defender's brothers were murdered in the same incident. The human rights defender had produced documentation in which he interviewed eyewitnesses and families of the victims of 2019 attacks on Internally Displaced Persons in Krinding and El Geneina camps. He was also a witness of violent clashes between armed groups on the day of his killing.

Torture of detained HRDs continued to be a major concern in the region. In July 2020, human rights lawyer [Madani Ali Abdel Rahman](#) was subjected to torture by Kutum Military Intelligence officers and police officers in Al-Fasher. He was severely beaten and subjected to electric shocks. The defender was held in arbitrary detention for six days, after being detained while he was on his way to meet the Public Prosecutor. Many HRDs continue to be subjected to intimidation in Darfur. In May 2020, WHRDs and journalists [Lana Awad and Aida Abdel Qader](#) received several phone calls from unknown individuals, threatening them that they would be arrested and tortured by the Military Intelligence Agency, in response to an article the two women published on the government response to COVID-19.

V. RECOMMENDATIONS

Front Line Defenders calls upon the member states of the UN Human Rights Council

² <https://www.alrakoba.net/31384269/%D9%85%D8%AD%D8%A7%D9%88%D9%84%D8%A9-%D9%84%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84-%D8%AE%D8%A7%D9%84%D8%AF-%D8%B9%D8%AC%D9%88%D8%A8%D8%A9-%D8%B9%D8%B6%D9%88-%D9%84%D8%AC%D8%A7%D9%86-%D9%85%D9%82%D8%A7/>

to urge the Sudanese authorities to prioritise the protection of human rights defenders and in doing so 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) 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;
- c) Take urgent and effective measures to protect human rights defenders in conflict areas, and to investigate in the cases of killing, detention and judicial harassment;
- d) Take urgent measures to put an end to the arrest, detention, prosecution, intimidation and torture of human rights defenders, particularly by the NISS, as well as sexual violence against women human rights defenders;
- e) Amend the Voluntary and Humanitarian Work Act (2006) governing associations to ensure the free and independent establishment and operation of civil society organisations, including their right to receive domestic and foreign funding;
- f) Amend the Press and Publication Act of 2009 and the Cybercrime Act, both of which restrict the ability of human rights defenders to carry out their legitimate human rights work online and ensure they are brought in line with international standards;
- g) Refrain from implementing internet blackouts, especially during times of social unrest, as this severely hampers the ability of human rights defenders to document human rights violations and seek assistance for injured parties;
- h) Accept and fully implement UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels.