

The Cairo Institute for Human Rights Studies (CIHRS), East and Horn of Africa Human Rights Defenders Project (EHAHRDP), Nazra for Feminist Studies, and Arry Organization for Human Rights & Development

Joint written Intervention to the 21st session of the UN Human Rights Council (HRC)

Item 10- Interactive dialogue with the Independent Expert on Sudan

Ongoing crackdown on peaceful demonstrators, Human Rights defenders and journalists

The Cairo Institute for Human Rights Studies (CIHRS), Nazra for Feminist Studies, East and Horn of Africa Human Rights Defenders Project (EHAHRDP), and Arry Organization for Human Rights call the attention of the Human Rights Council to the ongoing and flagrant violations to human rights in Sudan.

We are deeply concerned by the unresolved issues surrounding the independence of South Sudan, including issues of border demarcation and cross-border trade, which are exacerbating the already severe humanitarian situation in the border states of South Kordofan and Blue Nile and the region of Abyei. We also express alarm regarding the fact that the Government of Sudan has denied international NGOs access to the areas affected by the armed border conflict in these regions, thus severely limiting possibilities for monitoring the situation of human rights in these states. Reports of aerial bombings of villages continue to be heard from refugees arriving in South Sudan from the two Border States, and internationally condemned weapons like cluster bombs have been allegedly found in civilian areas bombarded by government forces. Recently, when tensions between the two Sudans intensified in April in the oil-rich area of Higlig, some 4,000 civilians in the area were forced to flee to refugee camps in South Sudan. Indeed, according to the most recent estimates, approximately 665,000 people have been either internally displaced or severely affected by the ongoing conflict in these two states.¹

This continued violence has had the added consequence of preventing farmers from cultivating their crops for two seasons. The resulting food shortage has been exacerbated by new laws passed by the government of Sudan to prohibit all trade in the border areas.² Such policies have in effect created a food embargo imposed by the Sudanese government on South Kordofan, especially in areas controlled by the Sudan People's Liberation Movement-North (SPLM-N), and constitute a violation of Sudan's obligations to protect its citizens. Moreover, restrictions to entry have been imposed on aid agencies, thereby preventing them from providing humanitarian relief to thousands of people trapped in the border regions by fighting between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army-North (SPLA-N). As a result, hundreds of thousands of Sudanese in these states faced severe levels of food insecurity entering the second half of 2012, according to the Famine Early Warning Systems Network of USAID.³

Violence in Darfur similarly continues. Most recently, in early August 2012, a militia attacked the Kassab camp for internally displaced persons (IDPs), looting homes and markets and committing several extrajudicial killings, and the entire population of the camp – some 25,000 people, according to UN statements – was forced to flee to the wilderness where they struggle to survive without shelter. No serious investigations or protection strategies for the IDPs have been carried out, and

¹ See OCHA Sudan Humanitarian Update Second Quarter Report 2012, <http://www.unocha.org/sudan/quarterly-updates>

² The Sudanese parliament approved the law called “countering the aggression against Sudan” on May 7th, 2012 after the conflict with S. Sudan in Heglig, according to which no goods are allowed to pass to through border areas to the south.

³ See FEWS-Net report, http://www.fews.net/docs/Publications/Sudan_OL_2012_07_final.pdf

total numbers of injured and dead among the IDPs remain undetermined. It is clear that the Darfur region remains unstable and rife with tribal and ethnic polarization following a decade of conflict.⁴

We further express increased concern due to the heavy government crackdown on peaceful demonstrations in recent months in many cities across the country, including in the capital city of Khartoum. Ten months ago, in late December 2011, Khartoum University students protested in the Capital in support of the Manasir peoples whose homes and livelihoods had been destroyed by a government project to construct a dam on their homeland; police responded to these protests by attacking the student dorms at night, looting their rooms, and beating and arresting 70 students.

More recently, in mid-June, 2012, increasing discontent among Sudanese students and the ending of government subsidies on food and fuel grew into waves of popular demonstrations calling for regime change and greater freedoms. The Sudanese authorities again responded to demonstrators' demands through suppression, including campaigns of arbitrary arrests carried out against students and youth leaders, human rights defenders, civil society and political activists, and opposition leaders. Indeed, an estimated 1,500 protestors were arrested, and detainees frequently reported being subjected to torture and other forms of ill-treatment while being held by the Sudanese National Security Services (NSS). In suppressing demonstrations, the Sudanese police and security forces frequently beat and harass protesters, and female demonstrators, who play a major role in mobilizing the population, are particularly targeted for sexual and verbal abuse⁵. In this context, over 100 female demonstrators have been detained; among them are 14 women human rights defenders who were held for two months.

Further use of excessive force by Sudanese police against demonstrations has included the use of clubs to beat protestors, rubber bullets and tear gas fired at close range, and in some cases live ammunition used against protestors. Recently, this use of force reached a new extreme when at least 10 people, many of them high school students, were killed when police opened live fire on demonstrators in Nyala in Southern Darfur after demonstrators took to the streets on July 31 protesting against rising prices of fuel and other costs of living. Police also shot heavy machine guns into the air, leading to the injury of several civilians in their homes. However, as a culture of impunity pervades Sudan, the government did nothing to hold members of the police or its security forces accountable for such crimes and continues to protect members of these forces from prosecution and punishment.

As with freedom of assembly in Sudan, freedom of expression falls under constant attack by the Sudanese authorities. Censorship has been performed for years by National Security Services (NSS), but in early 2012 the NSS started confiscating newspapers after they had been printed in order to incur greater financial losses on the papers and imposes a culture of self censorship. On January 2, Rai Alshab, a Sudanese opposition paper affiliated with the Popular Congress Party, was closed by NSS, just months after it had begun publishing again following a previous raid. Similarly, on January 13, Alwan daily newspaper was closed under Article 24 of the National Security Act.

Furthermore, journalists and internet activists, including social media users and bloggers, have been detained, tortured, and harassed, including Faisal Mohamad Salih, a journalist and human rights defender who was first detained on May 8 and held for several hours every day for eleven consecutive days. At least 18 other writers and journalists have been prohibited from publishing, and in general papers are banned from discussing sensitive subjects such as the president and the armed movements against the government.⁶

⁴ See OCHA Sudan Humanitarian Update second Quarter report 2012.

⁵ For more information, see www.cihrs.org/?p=3098&lang=e

⁶ See press releases by the Sudanese Journalists Network, January 2012 to June 2012.

In light of this dire situation facing human rights in Sudan, CIHRS, EHAHRDP, Nazra for Feminist Studies and ARRY call upon the Human Rights Council to:

- Extend the mandate of the Independent Expert on the state of human rights in Sudan for another 2-year term and return the mandate of Sudan at the Human Rights Council under agenda item 4
- Strengthen the mandate of the Independent Expert and ensure that the mandate-holder has all the support needed to fully carry out the mandate.
- Urge the government of Sudan to fully cooperate with the mandate of the Independent Expert.
- Take the necessary actions to prevent Sudan, along with other countries with similarly deplorable human rights records, from becoming member states of the Human Rights Council.

We further call upon the government of Sudan to:

- End all violence against civilians and grant full access for humanitarian agencies to the conflict areas in the South Kordofan and Blue Nile states, specifically into areas controlled by SPLM-N;
- Engage in productive negotiations to achieve political solutions to the conflict with armed opposition movements and to resolve all outstanding issues regarding the independence of South Sudan;
- Facilitate the work of the Independent Expert, and implement his previous recommendations;
- End impunity and fully cooperate with the International Criminal Court;
- Conduct independent investigations into the use of excessive force against peaceful protestors, including the use of live ammunition against demonstrators, as well as into poor detention conditions and ill-treatment of detainees;
- Ratify the Convention Against Torture and immediately put an end to the practice of torture by state agents against all detainees, including political prisoners, human rights defenders, and captured rebel fighters;
- Respect its obligations to protect its own peoples, including to protect their fundamental freedoms, which include but are not limited to the freedoms of expression, assembly, and association;
- Amend national legislation, particularly the National Security Act, the Press and Printing Act, and the Volunteer and Humanitarian Act, to ensure that such legislation complies with international standards for the protection of fundamental freedoms;
- Immediately cease the harassment, detentions, and torture of journalists, and abolish restrictions imposed on newspapers.