

## **The human rights situation in Sudan**

The undersigned organizations urge the Human Rights Council to extend and strengthen the mandate of the Independent Expert on the Human Rights Situation in Sudan (the Independent Expert). The situation in Sudan remains critical. Two years after the secession of South Sudan, armed conflict continues to devastate large parts of Darfur, Southern Kordofan, and Blue Nile. The government has continued to repress fundamental rights and freedoms including through widespread arbitrary detention of perceived opponents and stifling independent media and civil society.

### **Conflicts in Darfur, Southern Kordofan, and Blue Nile**

In Darfur, intensified violence and abuses forced more than 300,000 people to flee their homes in the first five months of 2013 alone.<sup>1</sup> Government forces and their allied militia and various armed opposition groups continued to clash, particularly in the first half of the year. In Jebel Mara in February and East and South Darfur in April, Sudanese air and ground forces, including allied militia, launched major counter-attacks on civilian areas, killing and injuring dozens and destroying civilian property. The violence displaced tens of thousands of civilians, many of whom have not returned to their villages.

Fighting between predominantly ethnic Arab groups over land and other natural resources surged, causing deaths, injuries, destruction of villages, and massive displacement. The government failed to protect civilians from this fighting, and its forces have participated in the conflicts.<sup>2</sup> In one example, pro-government militia leader Ali Kosheib, charged with war crimes by the International Criminal Court in 2007 and now a commander in the government's Central Reserve Forces, participated in large-scale attacks on ethnic Salamat villages in Central Darfur in April 2013. The attacks destroyed dozens of villages and forced more than 30,000 people to flee across the border to Chad. He remains at liberty.<sup>3</sup>

The government continues to restrict the African Union-United Nations Mission in Darfur (UNAMID) and non-governmental groups from accessing conflict affected areas to provide humanitarian assistance, protect civilians, or monitor the human rights situation.

Despite announcements by the National Special Prosecutor for Darfur, the government has made no tangible progress holding to account those responsible for the most serious human rights violations, including arbitrary arrest and sexual violence.

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<sup>1</sup> UN Security Council, Report of the Secretary-General on the AU/UN Hybrid Operation in Darfur, 12 July 2013, UN Doc S/2013/420.

<sup>2</sup> Amnesty International, "Darfur: Government forces involved in gold mine attacks", 30 January 2013.

<sup>3</sup> Human Rights Watch, "ICC Suspect at Scene of Fresh Crimes," 3 June 2013.

In Southern Kordofan and Blue Nile states, more than a million people have been forced to flee from their homes in the two years since conflict started between government forces and the Sudan People's Liberation Army-North (SPLA-North). Many remain in Sudan but more than 200,000 live in refugee camps in South Sudan or Ethiopia. Human rights groups have extensively documented abuses by government ground forces and indiscriminate bombing in civilian areas, which has killed and maimed men, women, and children; destroyed schools, clinics, and other buildings; instilled fear in the population, disrupted livelihoods and forced people to flee.<sup>4</sup>

The conflict and government bombing continue in both states. In April, fighting near Abu Kershola and Um Berimbata in Southern Kordofan spread to North Kordofan, displacing tens of thousands. Following the fighting, authorities in Khartoum arrested and detained dozens of ethnic Nuba and Darfuri activists suspected of ties to the coalition of armed opposition groups known as the Sudan Revolutionary Front (SRF) and particularly members of the SPLA-North.<sup>5</sup>

Sudan also continues to obstruct humanitarian access to areas controlled by the SPLA-N. While an agreement between the Sudanese government and the SPLA-North has not been reached, both parties to the conflict have an obligation to facilitate humanitarian access, and the Sudanese Government should not interfere with civilians' right to access to basic goods and services.

### **Repression of Civil and Political Rights**

Sudan has increased restrictions on freedoms of expression, association and assembly in what appears to be a concerted effort to shut down independent dialogue. The government continues to use its National Intelligence and Security Services (NISS) and other security forces to arbitrarily detain perceived opponents of the ruling National Congress Party (NCP), censor media and shut down public forums and protests.

For example, in January 2013, the NISS detained six leading members of Sudan's political opposition parties and held them without access to lawyers and appropriate medical care for over 10 weeks before their release without charge. The NISS also detained 32 ethnic Nuba women from Southern Kordofan in November 2012 because of their suspected affiliation with the banned political opposition party Sudan People's Liberation Movement-North, and held them at El Obeid Prison for between five to eight months without access to lawyers or medical care, before their release without charge.<sup>6</sup>

We continue to reiterate our calls to Sudan to reform the National Security Act of 2010 which empowers the NISS with wide powers of arrest and detention for up to four and a half months without judicial review, as well as broad powers of search and seizure, permits incommunicado detention without prompt access to a lawyer, and grants immunity for officials. We have also called for the investigation and

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<sup>4</sup> Amnesty International, "We had no time to bury them — War Crimes in Sudan's Blue Nile State", 10 June 2013; Human Rights Watch, "Under Siege," 11 December 2012.

<sup>5</sup> Human Rights Watch, "Wave of Arrests After Rebel Offensive," 10 July 2013.

<sup>6</sup> Amnesty International, "Sudanese women held without a trial", 19 February 2013.

prosecution of those found responsible for ill-treatment and torture. To date, we are not aware of any prosecution of NISS officers despite wide reporting of ill-treatment and torture, especially in relation to the protests of June -August 2012.<sup>7</sup>

Security forces also continued to use excessive force to disperse student protests and gatherings. In May 2013, nine students sustained gun-shot wounds when the police, the NISS and an armed pro-government student group fired live ammunition into a crowd of unarmed students on the main campus of El Fashir University, North Darfur.<sup>8</sup> In December 2012, four students were found dead in an irrigation channel (*tura*) on the campus of Al Jazeera University, following joint action by the Central Reserve Police and the NISS, joined by an NCP-affiliated student militia, to break up a student meeting concerning tuition fees for Darfuri students. The authorities have repeatedly failed to announce the outcome of investigations into such incidents.

Three civil society organisations and one literary forum were forcibly shut down by the NISS in December 2012. Other civil society groups have also been obstructed with long delays in registration and disruption of activities by security forces. For example, in March 2013 the NISS in Khartoum shut down a workshop convened by the Al Ayaam Center for Cultural and Development Studies (ACCDS) on constitutional reform.<sup>9</sup>

Sudanese authorities have continued to stifle independent print and electronic media. In the past year, the NISS ordered pre- and post-print censorship of newspapers, blocked websites and harassed or threatened journalists with prosecution for work considered to fall outside of “red lines” drawn by the ruling NCP. In the 8 months between September 2012 and April 2013, the NISS prohibited the distribution, or confiscated copies of printed issues of at least 10 newspapers. In April, it reinvigorated a longstanding policy of pre-print censorship wherein authorities visit media houses on the eve of publication to censor articles.<sup>10</sup>

Authorities have increased restrictions on freedom of religion, specifically targeting Christian minorities. Authorities have shut down Christian educational institutes and harassed and arrested employees and church members. Four Christian education institutes were closed down and had their assets seized on 15 January 2013.<sup>11</sup>

At the same time, authorities have continued to implement *Shari'a* law corporal punishments that violate the international prohibition on torture and cruel, inhuman or degrading punishments, including regular flogging, and on 14 February 2013 government doctors implemented a penalty of cross amputation.<sup>12</sup>

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<sup>7</sup> African Centre for Justice and Peace Studies (ACJPS), “Excessive force, mass arbitrary detentions, ill-treatment and torture used to crack down on popular protests in Sudan”, 27 July 2013, <http://www.acjps.org/?p=1060>.

<sup>8</sup> ACJPS, “Sudanese police, security forces and student militia group fire live ammunition at Darfur students; nine students sustain gun-shot wounds”, 22 May 2013.

<sup>9</sup> ACJPS, Sudan Human Rights Monitor, March-April 2013.

<sup>10</sup> Complete list of incidents on file with ACJPS. See also, ACJPS, Sudan Human Rights Monitor, <http://www.acjps.org/?cat=6>.

<sup>11</sup> *Ibid.*

<sup>12</sup> Redress, ACJPS, Physicians for Human Rights and Human Rights Watch, “Sudan: Doctors Perform Amputations for Courts”, 27 February 2013, <http://www.acjps.org/?p=1317>.

We thus urge the Human Rights Council to:

- condemn the human rights violations in Darfur, Southern Kordofan and Blue Nile, as well as the government's continued use of indiscriminate bombing in all three states, attacks on civilians, and other abuses by government forces and allied militia;
- establish an independent investigation into ongoing human rights violations in Southern Kordofan, Blue Nile, and Darfur, and report back to the Human Rights Council promptly;
- urge Sudan to grant humanitarian agencies access to Southern Kordofan and Blue Nile states, in compliance with international human rights and humanitarian law obligations;
- express concern over the continued restrictions of basic civil and political rights, and the continued harassment of critics of the government, including the practice of arbitrary detention, torture and ill-treatment, preventing meaningful public dialogue on critical issues at a time when Sudan is preparing to adopt a new constitution and for national elections in 2015;
- urge Sudan to reform its repressive National Security Act of 2010 and other laws granting immunity to officials, seriously investigate allegations of human rights violations and hold perpetrators to account;
- renew the special procedure country mandate on Sudan for at least three years under Item 4 with a clear mandate to monitor and report twice a year to the Human Rights Council and the General Assembly on violations of human rights in all parts of Sudan.

**Signatory organizations:**

- 1.African Centre for Justice and Peace Studies**
- 2.Amnesty International**
- 3.Arry Organization for Human Rights**
- 4.Cairo Institute for Human Rights Studies**
- 5.Darfur Bar Association**
- 6.Darfur Relief and Documentation Centre**
- 7.East and Horn of Africa Human Rights Defenders Project**
- 8.Human Rights and Development Organization**
- 9.Human Rights Watch**
- 10. International Federation for Human Rights**

**11. International Refugee Rights Initiative**

**12. Socio-Economic Rights and Accountability Project Lagos**

**13. Sudan Democracy First Group**