

To: His Excellency Mr. António Guterres, United Nations Secretary-General
Her Excellency Ms. Tatiana Valovaya, Director-General of the United Nations Office at Geneva (UNOG)
His Excellency Mr. Federico Villegas, President of the United Nations Human Rights Council

Cc.: Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council, Geneva, Switzerland

1 February 2022

The United Nations should not recognise the representatives of Sudan's de facto military regime as the legitimate representatives of Sudan

Excellencies,

We are writing to express our utmost concern over the Human Rights Council's decision, made on 1 February 2022, to postpone the third Universal Periodic Review (UPR) of Sudan to the following day (2 February 2022) to allow the newly designated representatives of Sudan to prepare for the review in lieu of the civilian-led Transitional Government representatives.

We draw your attention to the legal and political implications of any decision that would be interpreted in a way to legitimise officials appointed by the illegal, *de facto* military regime as representatives of Sudan. We are also alarmed that this could also be used as a precedent in the future.

We understand that the request for a second postponement of Sudan's third UPR review¹ came after the UNOG informed the Council Secretariat that, upon receiving a *Note Verbale* from the Ministry of Foreign Affairs of Sudan, on 27 January 2022, UN protocol services had decided that there had been a change of representative for Sudan.

This interpretation relies on the fact that the head of Sudan's former Transitional Military Council, General Abdel-Fattah al-Burhan, who had since August 2019 been heading the Sovereign Council (one of the two bodies of Sudan's transitional executive branch), remained the Head of State after the military coup of 25 October 2021, including after the 21 November 2021 agreement that brought Abdalla Hamdok back as Prime Minister. After that date, the interpretation goes, since there was no Minister of Foreign Affairs, General al-Burhan had the authority to appoint Acting Ministers and Secretaries of State, which he did by appointing an Acting Minister of Foreign Affairs, Mr. Ali Elsadig Ali. The latter, the interpretation goes, had the authority to remove credentials from Ambassadors appointed during the transition period – which he did with His Excellency Mr. Ali Ibn Abi Talib Abdelrahman Mahmoud, Ambassador and Permanent Representative of Sudan in Geneva since 13 August 2020.

However, this interpretation runs counter to decisions made by UN and African bodies and risks legitimising the *de facto* military authorities by recognising their decisions pertaining to diplomacy and multi-lateral affairs as valid.

We recall the African Union's Peace and Security Council's decision to "suspend, with immediate effect, the participation of the Republic of Sudan in all AU activities until the effective restoration of the civilian-led Transitional Authority."²

¹ Sudan's third UPR was initially to take place in November 2021, during the 39th session of the UPR Working Group. It was postponed to the 40th session of the UPR Working Group and initially scheduled for 1 February 2022. Today's postponement is therefore the second.

² "Communiqué of the 1041st meeting of the Peace and Security Council of the African Union held on 26 October 2021 on the Situation in Sudan," 27 October 2021, <https://www.peaceau.org/en/article/communiqué-of-the-1041th-meeting-of-the->

We further recall that on 5 November, the Human Rights Council held a special session to address the human rights implications of the military coup. With resolution S-32/1, it unanimously “condemn[ed] in the strongest possible terms the military takeover on 25 October 2021 by the Sudanese military against the transitional Government [...], the suspension of transitional institutions and the unilateral imposition of measures that are contrary to the Sudan Constitutional Declaration and the terms of the Juba Peace Agreement.” It also called for the “immediate restoration of [Sudan’s] civilian-led transitional Government and the return to the internationally supported governing principles in the Sudan [...]”³

To avoid misinterpretations, as well as any risks of setting a dangerous precedent, we urge you to officially clarify that any decision made with regard to the third UPR of Sudan in no way bears implications regarding the status of Sudan’s illegal *de facto* military regime. In particular, we urge the Human Rights Council to consider suspending the review of Sudan until representatives of the civilian-led Transitional Government are in a position to prepare for the review and represent the State.

We thank you for your attention to this pressing issue and stand ready to provide you with further information as required.

Sincerely,

1. African Centre for Justice and Peace Studies (ACJPS)
2. Cairo Institute for Human Rights Studies (CIHRS)
3. CIVICUS: World Alliance for Citizen Participation
4. CSW (Christian Solidarity Worldwide)
5. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
6. Global Centre for the Responsibility to Protect (GCR2P)
7. HUDO Centre
8. International Bar Association’s Human Rights Institute (IBAHRI)
9. International Federation for Human Rights (FIDH)
10. Justice Center Sudan
11. Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO)
12. Rights for Peace
13. Strategic Initiative for Women in the Horn of Africa (SIHA)
14. Sudan’s Doctors for Human Rights
15. Sudanese Defenders Center For Legal Aid
16. Waging Peace

[peace-and-security-council-of-the-african-union-held-on-26-october-2021-on-the-situation-in-sudan](#) (accessed on 1 February 2022).

³ Available at <https://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session32/Pages/32ndSpecialSession.aspx>