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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



Attacks against Freedom of Association and Assembly in the Sudan

This statement is concerning the violation of the right to freedom of association and assembly in the context of the demonstrations taking place in the Sudan. Excessive actions and measures to disrupt and prevent civilians from gathering and demonstrating have taken place and adversely affected the lives of many. To date, accountability and justice for victims has not been realized.

Background:

On 19 December 2018, the Sudanese population began protesting actions taken by the government of Sudan concerning the country's economic crisis, which led to a significant increase in prices and a shortage of basic services. The protests started in Atbara and spread across several cities in the country including the capital of Khartoum. Following several days, the demands of the protestors escalated beyond the economic issues to seeking a change in government by demanding that President Omar Al-Bashir, who has been the president of the Sudan for 29 years, step down.

At numerous demonstrations police and security forces intervened and used tear gas, rubber bullets, and even live ammunition to disperse the crowds. Over 50 people have reportedly been killed as a result and hundreds have been detained. Many more people fear reprisals as reports indicate that security forces have taken measures to further silence the protestors. Among the protestors that have faced such human rights violations and abuses are civil servants and members of the opposition parties.

Freedom of Association and Assembly in the Sudan

The right to freedom of assembly and expression is guaranteed under the Interim National Constitution of the Republic of Sudan (2005) as well as the International Covenant on Civil and Political Rights (ICCPR) to which Sudan is a State party.

During the First Cycle of the UPR Review, the report of the Working Group pointed out that United Nations Mission in Sudan (UNMIS) had noted the suppression of freedom of expression, association, and assembly due to the application of the 2010 National Security Act (NSA). The 2010 NSA grants special powers of arrest and detention to the National Intelligence and Security Services (NISS) without judicial review. Additionally, the 2009 Press Act and the 1991 Criminal Procedure Act are among other laws failing to protect the rights of the Sudanese population and instead threatening their fundamental freedoms. It should be noted that in 2010 the government of Sudan accepted the recommendation to:

Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law.

Despite this commitment the government of Sudan has failed to protect these rights and instead has continued efforts to diminish civil society space in Sudan. For instance, the National Security Service (NSS) in December 2012 prevented a group of civil society organisations from submitting a complaint to the National Commission on Human Rights (NCHR) against the government of Sudan. The Independent Expert on Sudan noted that this move by the Government prevented the organisations' right to protest and was also a hindrance to the NCHR in receiving petitions from the public. In 2013, security forces used live ammunition against peaceful protestors in Khartoum and Wad Madani amongst others. It was reported that 185 participants, including at the least 15 children, were among the victims killed by the gunfire and on the eve of the one-year anniversary of this tragedy

authorities pre-emptively rounded up approximately 60 activists¹. Amidst key situations such as elections or demonstrations security services pre-emptively arrested opposition activists and political figures.

Civil society is the base for the protection and promotion of human rights in a democratic society, thus preventing fundamental freedoms such as the right to freedom of association and peaceful assembly collapses the building blocks of a democratic society.

Current Situation

The protests that began on 19 December 2018 in Sudan have escalated in terms of message and magnitude. It is, however, with deep regret that the repressive response by the government, police authorities, and security forces has also increased. As soon as the protests escalated to demonstrations across the country, police and security were already using rubber bullets, tear gas, and live ammunition to disperse the crowds. Such actions violate the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and are deemed as excessive use of force. On the ground sources have revealed that since the start of the protests already 54 people have been killed and 656 people have been arrested as of 3 February 2019. Regrettably, the numbers have increased since. Furthermore, as of 10 February 2019 the number of women arrested stood at 134. The information and names compiled was from open sources and is verified using different triangulation techniques and in cooperation with networks and contacts in Sudan.

Additionally, reports indicate that hundreds have been kidnapped from their homes or workplaces by the security militias during demonstrations. Moreover, some detainees are subjected to inhuman treatment, harassment, and torture. Many of the participants and those who have been victim to rights abuses during the demonstrations are students, teachers, doctors, lawyers, engineers, pharmacists, farmers as well as members of political parties.

In early February the protests against al-Bashir's government continued. In Khartoum, hundreds of teachers also protested the death of a fellow teacher in detention, Ahmed al-Kheir, and were met by police forces that fired tear gas at the hundreds of teachers. According to family sources 36-year old al-Kheir was tortured to death by security forces while in detention. He was arrested along with three other detainees who also suffered severe injuries and are being kept in hospital. However, the Darfur Bar Association (DBA) reported that two other detainees, Omar Adam and Hassan Talga, died in the NISS detention centres in Southern Kordofan.²

Fears of reprisals by many of the protestors and witnesses have become quite common, especially considering the number of protestors that have been arrested and detained. Moreover, there have been incidents that clearly demonstrate that security forces are taking extra measures to silence witnesses and intimidate civilians from the ongoing protests. In a statement on 17 January 2019, the United Nations High Commissioner for Human Rights, Ms. Michele Bachelet, expressed deep concern upon information received that security forces followed protestors to the Omdurman Hospital, in Omdurman, and fired tear gas and live ammunition inside the premises of the hospitals. Additional reports indicated similar grave offenses in two other hospitals, Bahri Teaching Hospital and Haj Al-Safi Hospital located in Khartoum North.

Conclusion

The situation of the human right to freedom of association and assembly in Sudan goes beyond the protests that began on 19 December 2018. Freedom of expression, association, and peaceful assembly has been a long-standing serious issue in the country since its independence in 1956 and many of its citizens have often lacked these basic freedoms. Worse still, the fear of reprisals further limits and restricts the spread of information about

¹ <https://freedomhouse.org/report/freedom-world/2016/sudan>

² <http://sudantribune.com/spip.php?article67008>

the situation and in turn impedes the opportunity or will to hold meetings and demonstrations with others about their concerns and/or demands.

The High Commissioner has warned that “a repressive response can only worsen grievances”. Repressive actions also perpetuate various human rights violations; thus, we call on the government of the Sudan to take all necessary measures to immediately halt all abuses committed by the police and security forces and to bring the perpetrators to justice. All operations of law enforcement must comply with relevant international standards. This includes the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) (1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

The Human Rights Council and the international community must stand by and support the people of Sudan who are exercising their right to freedom of association and assembly. Moreover, justice must be sought for victims’ families, those in detention, and the many who have been the subject of reprisals as a result of peaceful protest.

Recommendations to the government of the *Sudan*

- Immediately halt all actions, especially excessive use of force, that threaten the lives of peaceful protestors in Sudan;
- Take all necessary measures to prevent arbitrary deprivations of life by Sudan’s law officials and to guarantee freedom of access to justice and fair trial and to remit adequate reparations to victims of the protests;
- Dispose all national laws that threaten the freedom to associate and peacefully assemble and put in place measures, draft policies, and enact laws that promote and protect Sudanese citizen’s right to freedom of association and assembly;
- Provide adequate human rights education and training to authorities, police forces, and security services.

To the *Human Rights Council and International Community*

- Urge the Sudanese government and authorities to cooperate with UN experts to establish a State where human rights are central and the rule of law is upheld;
- Pressure the Sudan to hold perpetrators to account and remit adequate reparations to victims of the protest.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Association Maonah for Human Rights and Immigration, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Iraqi Solidarity Association in Stockholm NGO(s) without consultative status, also share the views expressed in this statement.