

SUDAN

**DIRE HUMAN RIGHTS
SITUATION CONTINUES**

*Amnesty International
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2016*

**AMNESTY
INTERNATIONAL**



CONTENTS

Executive summary	2
Follow up to the previous review	2
The national human rights framework	3
Interim National Constitution.....	3
National Intelligence and Security Services.....	3
Sudan National Human Rights Commission.....	4
Promotion and protection of human rights on the ground	4
Suppression of freedom of expression and association	4
Arbitrary arrests and use of excessive force	4
Freedom of religion.....	5
Armed conflict	6
South Kordofan and Blue Nile	7
Darfur	7
Recommendations for action by the State under review	8
Annex.....	10

EXECUTIVE SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Sudan taking place in May 2016. In it, Amnesty International evaluates the implementation of recommendations made in the previous cycle of the UPR, observing that Sudan rejected a number of important recommendations, and that it has failed to implement those it accepted, including in respect to women's rights, freedom of expression, association and assembly, freedom of religion, and torture and other ill-treatment.

Amnesty International is concerned about the transformation of the National Intelligence and Security Services (NISS) into a regular armed force with no judicial oversight and accountability for abuses, responsible for arbitrary arrests, excessive use of force, and harassment, including against journalists, civil society activists and students. Freedom of religion continues to be undermined by the Sudan's legal system under which conversion from Islam to another religion is punishable by death.

Thousands of people have been displaced by the conflicts in Darfur and other regions and face abuses by all parties to the conflicts.

In the last section, Amnesty International suggests a number of recommendations to the government to address these human rights concerns.

FOLLOW UP TO THE PREVIOUS REVIEW

Among the recommendations made to Sudan during its review in 2011, it agreed to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance,¹ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,² the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,³ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁴ Sudan also committed to reforming the Press and Printed Press Materials Act and the Voluntary and Humanitarian Work Act.⁵ Sudan further voluntarily pledged that "the recommendations which we accept (...) will enjoy our commitment in terms of implementation".⁶

¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Sudan, 11 July 2011, A/HRC/18/16, recommendations 83.6 (Spain), 83.7 (Ecuador), 84.21 (France).

² A/HRC/18/16, recommendations 83.5 (Brazil), 83.6 (Spain), 83.7 (Ecuador), 83.14 (Australia), 84.21 (France).

³ A/HRC/18/16, recommendations 83.5 (Brazil), 83.6 (Spain), 83.7 (Ecuador), 83.8 (Malaysia), 83.9 (Norway, Belgium), 83.11 (Finland), 83.12 (Republic of Korea), 83.13 (Uruguay), 83.14 (Australia).

⁴ A/HRC/18/16, recommendation 84.17 (Austria).

⁵ Human Rights Council, 14th meeting on 10 May 2011. *Report of the Working Group on the Universal Periodic Review*, (A/HRC/18/16).

⁶ Human Rights Council, Report of the Working Group on the Universal Periodic Review,

Sudan also agreed to respect the rights to freedom of expression, association and assembly and to allow human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law. Amnesty International regrets Sudan's failure to date to implement many of these recommendations; on the contrary it continues to suppress freedom of expression, association and assembly, and to arbitrarily arrest political opponents. Newspapers continue to be subjected to closure and censorship, and journalists are harassed and in some cases arrested, where they are at risk of torture or other ill-treatment.⁷

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Sudan is yet to ratify key human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

INTERIM NATIONAL CONSTITUTION

According to Article 27(3) of Sudan's Interim National Constitution (INC),⁸ all rights enshrined in international human rights instruments to which Sudan is a state party are an integral part of the Bill of Rights within the INC. It further stipulates that: "[l]egislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights". However, in August 2014, the UN Human Rights Committee noted: "... despite Article 27 of the Interim National Constitution of 2005, the rights protected by the Covenant have not yet been recognized and given full effect in the national legal framework". The Committee was also concerned about the lack of clarity on the primacy of the Covenant over conflicting domestic law, including the rules concerning personal status, family law and penal law.⁹

NATIONAL INTELLIGENCE AND SECURITY SERVICES

The 2010 National Security Act (NSA) grants extensive powers to the National Intelligence and Security Services (NISS) to arrest and detain individuals for up to 45 days and further authorizes the National Security Council to extend the detention for up to four and a half months. During this period of detention, there is no judicial oversight which increases the risk that those detained may face torture or other ill-treatment, including to extract "confessions". In addition, the NSA grants NISS agents immunity from prosecution or other disciplinary action for any abuses committed during the course of their work.

Sudan, Addendum, 16 September 2011, A/HRC/18/16/Add.1, paragraph 10.

⁷ Amnesty International: Sudan – Entrenched repression: Freedom of Expression and Association under Unprecedented Attack (Index: AFR 54/1364/2015).

⁸ The Interim National Constitution entered into force in July 2005.

⁹ Human Rights Committee, 111th session (19 August 2014), *Consideration of reports submitted by States parties under article 40 of the Covenant*, (CCPR/C/SDN/4), para. 7

In January 2015, the Sudanese parliament approved a controversial amendment to Article 151 of the INC that regulates the role of the NISS to read: “The National Intelligence and Security Service is a regular force whose mission is to oversee internal and external national security operation. The security service works to combat all political, military, economic and social threats as well as terrorism and trans-national crimes.” The amendment has the effect of transforming the NISS into a regular armed force able to engage in military operations, in addition to its powers of arrest and detention.

SUDAN NATIONAL HUMAN RIGHTS COMMISSION

In 2012 the Sudan National Human Rights Commission (SNHRC) was established by the government. Amnesty International welcomes this positive step by the government. However, the SNHRC structure and mandate should be compliant with the Paris Principles, especially in terms of adequate funding, genuine independence, transparent and consultative appointments processes, and effectiveness in investigating human rights violations across the country.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

SUPPRESSION OF FREEDOM OF EXPRESSION AND ASSOCIATION

The National Intelligence and Security Service (NISS) continues to harass and censors the print media, including arbitrary confiscation of publications. In 2014, eighteen newspapers repeatedly had their editions confiscated; by the end of that year, the authorities had confiscated newspapers 52 times.¹⁰ In 2015, at least 20 newspapers have had their publications confiscated and 21 journalists have been interrogated by the police and the security services.¹¹

Suppression of Sudanese civil society has also increased. In December 2012, five national civil society organizations were shut down, followed, in June 2014, by the closure of the Salmmah Women's Resource Centre. In January 2015, the NISS shut down three civil society organizations on the basis that they were violating their registration licence, including the Mahmoud Mohamed Taha Cultural Centre, the National Civic Forum, and the Sudanese Writers' Union.¹²

ARBITRARY ARRESTS AND USE OF EXCESSIVE FORCE

The NISS has committed numerous human rights violations, including arbitrary arrests and detentions without charge or trial of political activists. Senior political opposition leaders are also frequently arrested by the authorities.

- In January 2013, a number of political opposition figures were arrested and

¹⁰ Amnesty International report 2014/15: *The state of the world's human rights* (Index: POL 10/0001/2015).

¹¹ Amnesty International, *Sudan: entrenched repression - Freedom of Expression and Association under Unprecedented Attack* (Index: AFR 54/1364/2015).

¹² Amnesty International, *Sudan: entrenched repression - Freedom of Expression and Association under Unprecedented Attack* (Index: AFR 54/1364/2015).

detained without charge by NISS accused of holding illegal meetings outside the country.¹³

- In May, June and August 2014, three leading opposition political party leaders were arrested and detained: al Sadiq al-Mahdi and Mariam al-Sadiq al-Mahdi, leader and deputy leader of Sudan's National Umma Party (NUP), and Ibrahim al-Sheikh, leader of the Sudanese Congress Party (SCP).¹⁴
- On 6 and 7 December 2014, Dr. Amin Mekki Medani and Farah Al Agar, both human rights activists, and Farouk Abu Issa, leader of the National Consensus Forces, were arrested by the NISS for having signed and supported the "Sudan Call".¹⁵

The security forces also continue to use excessive force to disperse student protests and gatherings.

- On 31 July 2012, at least 10 people, predominantly high school students, were killed when security services and paramilitary police opened fire during a demonstration against fuel prices and the cost of living in Nyala, Darfur.
- On 6 and 7 December 2012, four Darfuri students from Al Jazeera University in Wad Madani were found dead in a canal near the university. They had been arrested by NISS officers following protests at the university. The bodies reportedly bore signs of beatings, suggesting torture or ill-treatment.¹⁶
- On 23 September 2013, protests broke out in a number of cities in response to government cuts to fuel subsidies. The security services, including the police, the NISS and the paramilitary Central Reserve Forces, used unnecessary or excessive force from the moment the demonstrations began, including the use of live ammunition. Amnesty International and African Centre for Justice and Peace Study documented 185 deaths involving the Sudanese Armed Forces using excessive force against protestors.¹⁷

FREEDOM OF RELIGION

While Sudan's legal system allows and promotes the conversion of Sudanese people from Christianity and other religions to Islam, it makes proselytizing by Sudanese Muslims a crime punishable by flogging. Conversion from Islam to any other religion is considered apostasy and is punishable by death.

¹³ Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Mashood A. Baderin, A/HRC/24/31, 18 September 2013.

¹⁴ Amnesty International Urgent Action, *opposition leader detained without charge* (Index: AFR 54/019/2014).

¹⁵ Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Aristide Nononsi, A/HRC/20/60, 28 August 2015.

¹⁶ Amnesty International report 2013: The state of the world's human rights (Index: POL 10/001/2013).

¹⁷ Amnesty International and African Centre for Justice and Peace Studies: *Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan* (Index: AFR 54/020/2014).

There is widespread suppression of non-Muslim and Muslim minority groups as well as violations of freedom of religion in Sudan.

- In August 2013, Meriam Yahya Ibrahim was convicted and sentenced to death on charges of adultery and apostasy. She was detained along with her son and gave birth to her daughter in Omdurman prison while in shackles. She was released on 23 June 2014 after her sentence was reversed by a court of appeals following international outcry.
- Two Christian pastors were arrested and detained by the authorities in December 2014 and January 2015 due to their rightful exercise of their religion. The two pastors were charged with eight offences, including waging war against the state and undermining the constitutional order, which carry the death penalty, and six other offences which carry flogging sentences. They were sentenced to time served and released on 5 August 2015.¹⁸
- Amnesty International has also documented the arrest and detention of 12 Christian female students by the Public Order Police on 25 June 2015. While two of them were released, the other 10 were charged with “indecent dress” under Article 152 of the 1991 Criminal Act, which carries the punishment of flogging. Eight of the girls were later freed, while the remaining two girls appealed their sentences. The appeal court overturned their sentence, and dropped the charges in October 2015.¹⁹

ARMED CONFLICT

The continuum of human rights violations in Sudan stretches from the conflict areas to clampdown on peaceful political dissent in the rest of the country. These two modes of operations are clearly interlinked in the case of activists from Darfur and other conflict areas in Sudan.

During the 2011 UPR, Sudan received 13 recommendations in relation to the conflict in Darfur as well as five recommendations which urged Sudan to maintain peace in accordance with the Comprehensive Peace Agreement”.²⁰ Only a few weeks later, on 20 May, the conflict erupted in Abyei area, on 6 June 2011 in South Kordofan, and after four months, on 2 September, in Blue Nile.

In recent years, the conflicts in Darfur, South Kordofan and Blue Nile have forced the displacement of over half a million people. Violations of international human rights and humanitarian law continue to be committed by all parties to the conflicts with impunity. In all three regions, civilians continue to bear the brunt of the

¹⁸ Amnesty International, Sudan – Further information: Two pastor sentenced to time served, released: Reverend Yyat Michael and Reverend Peter Yen, 6 August 2015 (Index: AFR 54/2237/2015).

¹⁹ Amnesty International, Urgent Action, Sudan: Eight Girls Free, one other risks flogging (Index: AFR 54/2302/2015); Amnesty International, Sudan: 10 Christian Women at risk of flogging for indecent dress, 12 July 2015.

²⁰A/HRC/18/16, recommendations 83.53 (United Kingdom), 83.54 (Zimbabwe), 83.55 (Democratic People’s Republic of Korea), 83.57 (Canada), 83.58 (Spain), 83.59 (Uruguay), 83.60 (Mauritania), 83.61 (Qatar), 83.72 (Italy), 83.118 (Syria), 83.125 (Austria), 83.126 (Norway), 83.157 (Kuwait), 83.51 (Kuwait), 84.6 (Somalia), 84.7 (Somalia), 83.19 (Singapore), and 84.1 (Djibouti).

fighting. There have been numerous reports of indiscriminate aerial bombardments and ground attacks launched by the Sudanese Armed Forces (SAF) and pro-government militias in civilian areas, killing and injuring many and destroying civilian property. In all three areas, the provision of humanitarian assistance continues to be hindered by the Sudanese government, leading to a rapidly deteriorating humanitarian situation.

SOUTH KORDOFAN AND BLUE NILE

The armed conflict persists between the SAF and the armed opposition group Sudan People's Liberation Movement North (SPLM-N) in Southern Kordofan and Blue Nile. In a recent report Amnesty International definitively confirmed that government forces have committed war crimes against the civilian population of South Kordofan.²¹ Moreover, between January and April 2015, the SAF dropped 374 bombs in 60 locations across South Kordofan.²² Since 2011, the SAF has bombed 26 health facilities, including hospitals, clinics and health units. Only two hospitals are currently operating to serve a population of 1.2 million people.

In Blue Nile State, the war broke out in September 2011, causing waves of refugees to flee to South Sudan and Ethiopia. Currently the UNHCR estimates that there is about 134,000 refugees from Blue Nile in South Sudan.²³ According to a report by the African Centre for Justice and Peace Studies, as of April 2015, the government has launched a full-fledged campaign of forcible relocation of the Ingessana people of Blue Nile suspected of being sympathetic to the armed opposition SPLM-N. These "suspect" villagers were forcibly relocated from their home areas in Bao locality to other localities in the state where they have no local roots or connections.²⁴

DARFUR

The war in Darfur is in its 13th year. Although large-scale fighting between government forces and armed groups have subsided, sporadic clashes, acts of banditry, inter-communal violence and restrictions to freedom of movement and political liberties persist throughout Darfur.²⁵ According to the UN, in 2014 the fighting in Darfur led to the displacement of 450,000 individuals, "more than in any single year since the height of the conflict in 2004". In 2015, 223,000 individuals were displaced.²⁶ In total, the number of internally displaced persons in

²¹ Amnesty International, *Don't we matter? Four years of unrelenting attacks against civilians in Sudan's South Kordofan State* (Index: AFR 54/2162/2015)

²² Amnesty International, *Don't We Matter?: Four Years of Unrelenting Attacks against Civilians in Sudan's South Kordofan State*, (Index: AFR 54/2162/2015)

²³ UNHCR latest update on 31 July 2015:
<http://data.unhcr.org/SouthSudan/region.php?id=25&country=251>

²⁴ Report by the African Centre for Justice and Peace Studies (ACJPS): *Attacks on Civilians by Sudanese Armed Forces and Sudanese Peoples' Liberation Movement – North in Blue Nile*, 1 May 2015, <http://www.acjps.org/attacks-on-civilians-by-sudanese-armed-forces-and-sudanese-peoples-liberation-movement-north-in-blue-nile/>

²⁵ Human Rights Council, *Report of the Independent expert on the situation of human rights in the Sudan, Aristide Nononsi*, A/HRC/20/60, 28 August 2015.

²⁶ In January and February 2016, intense fighting erupted between Sudan Liberation Army and SAF in Jebel Marra area displacing 37,000 people. OCHA Sudan, *Humanitarian Bulletin Issue 06*, 01-07 February 2016.

Darfur has reached 2.5 million.²⁷

The government's deployment of the Rapid Support Forces (RSF)²⁸ led to two brutal counter-insurgency campaigns in 2014 and 2015. The RSF attacked civilians, burned and looted homes, raped and beat villagers and unlawfully killed an unknown number of civilians. During both campaigns, the RSF received aerial support and fought alongside SAF ground troops and other paramilitary and militia groups.

The UN High Commissioner for Human Rights report on *Impunity and Accountability in Darfur for 2014* noted: "The failure of accountability mechanisms has contributed to a climate of impunity which remains a major concern in Darfur."²⁹

In December 2014, the Sudanese government re-launched *Operation Decisive Summer*, attacking villages in Jebel Marra and East Jebel Marra by air and land. In their 19 January 2015 report, the UN Panel of Experts on Sudan characterized the government strategy in Darfur as one of "collective punishment of villages and communities from which the armed opposition groups are believed to come or operate" and "induced or forced displacement of those communities", with "direct engagement, including aerial bombardment, of the [armed rebel] groups when their location can be identified".³⁰

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Sudan to:

Normative and institutional framework:

- Ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and their Optional Protocols;
- Repeal the constitutional amendment introduced by Parliament in January 2015 to Article 151 of the 2005 National Interim Constitution which transforms the NISS into an armed force with powers to arrest and detain.

²⁷ Herve Ladsous, Under-Secretary-General for Peacekeeping Operations, 17 March 2015: *Darfur security, humanitarian situations 'deteriorated significantly'*, <http://www.un.org/apps/news/story.asp?NewsID=50355#.Vq9YY7KLSUK>

²⁸ A government force, under the command of the National Intelligence and Security Services (NISS), and consisting largely of former militias created in mid-2013.

²⁹ The United Nations High Commissioner for Human Rights: *Impunity and Accountability in Darfur for 2014 report*, August 2015.

³⁰ UN Security Council. Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council, 19 January 2015, http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/31.

Sudan National Human Rights Commission

- Ensure that the Sudan National Human Rights Commission complies with the Paris Principles and that it has adequate funding, independence, and a transparent and consultative appointment process, to enable it to effectively investigate and publicly report on human rights violations across the country.

Suppression of freedom of expression and association

- Amend the National Security Act 2010, the Press and Printed Press Materials Act 2009, the Voluntary and Humanitarian Work Act 2006, and the Criminal Act 1991, to ensure that no provisions in these unduly restrict the rights to freedom of expression, association and assembly;
- End all harassment and arbitrary arrests of political activists, human rights defenders, and journalists;
- Explicitly prohibit torture and other ill-treatment in national legislation and in practice, and incorporate a clear and comprehensive definition of torture in national legislation in line with international standards.

Arbitrary arrests and use excessive force

- End all harassment and arbitrary arrests of political activists, human rights defenders, and journalists;
- Explicitly prohibit torture and other ill-treatment in national legislation and in practice, and incorporate a clear and comprehensive definition of torture in national legislation in line with international standards;
- End impunity of security forces responsible for the killing of scores of protesters in Khartoum and other cities in Sudan in September 2013, including by instituting an independent public inquiry into the killings and ensuring the responsible persons are held accountable.

Freedom of religion

- Repeal all legislation that allows for the application of corporal punishment, including flogging, amputation and other cruel punishments, such as stoning;
- Revise the 1991 Penal Code and abolish the penalization of apostasy.

Armed conflicts

- Immediately end all attacks directed at civilians and civilian objects, as well as all indiscriminate aerial bombardment and other indiscriminate military attacks in South Kordofan, Blue Nile and Darfur;
- Allow unrestricted, independent humanitarian access to all areas of South Kordofan, Blue Nile and Darfur for the purposes of providing food, health services, support to the education system and other assistance to civilians affected by the conflict;
- Launch prompt, independent, impartial and effective investigations into all violations of international human rights and humanitarian law in order to bring to justice those suspected of criminal responsibility.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE³¹

Human rights council: serious situation in Sudan warrants decisive response - joint NGO letter (Index: AFR 54/2425/2015).

Don't We Matter?: Four Years of Unrelenting Attacks against Civilians in Sudan's South Kordofan State (Index: AFR 54/2162/2015).

Entrenched repression: Freedom of Expression and Association under Unprecedented Attack (Index: AFR 54/1364/2015).

Excessive and Deadly: The use of force, arbitrary detention and torture against protestors in Sudan (Index: AFR 54/020/2014).

Civilians under attack in southern Kordofan (Index: AFR 54/011/2014).

We can't endure any more: the impact of inter-communal violence on civilians in central Darfur (Index: AFR 54/002/2014).

'We had no time to bury them': war crimes in Sudan's Blue Nile state (Index: AFR 54/011/2013).

10 years on: violations remain widespread in Darfur (Index: AFR 54/007/2013).

Civilians caught in unending crisis in southern Kordofan (Index: AFR 54/009/2013).

Sudan's civilians in crisis: indiscriminate attacks and arbitrary arrests pervade southern Kordofan (Index: AFR 54/051/2012).

'We can run away from bombs, but not from hunger': Sudan's refugees in south Sudan (Index: AFR 65/001/2012).

End stoning, reform the criminal law (Index: AFR 54/035/2012).

No end to violence in Darfur: arms supplies continue despite ongoing human rights violations (Index: AFR 54/007/2012).

Destruction and desolation in Abyei (Index: AFR 54/041/2011).

Insecurity persists for the displaced in southern Kordofan (Index: AFR 54/020/2011).

³¹ All of these documents are available on Amnesty International's website:

<https://www.amnesty.org/en/countries/africa/sudan/>