



Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

Related to: Sudan

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in Sudan.

Contact person: Andrea Rocca
Head of Protection
andrea@frontlinedefenders.org
+353 (0)1 212 3750

Introduction and key concerns

1. This submission focuses on the situation for human rights defenders (HRDs) in Sudan since the previous UPR cycle and thus covers developments between the years 2011 and 2015. The cases mentioned in this report are provided as examples and represent only a selection of the numerous cases that Front Line Defenders documented.

2. In the last UPR review, in May 2011, Sudan accepted three recommendations specific to the protection of human rights defenders, made by Switzerland, the United Kingdom and Norway. The recommendations urged Sudan to, respectively, “ensure effective protection of journalists and human rights defenders against intimidation, harassment, arrest and detention”, “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”, and “take concrete steps to ensure freedom of the media and investigate any intimidation and arbitrary detention of journalists and human rights defenders with a view to bringing such practices to an end”.

3. Four years on, the government has displayed no intention of working on those recommendations. Ongoing violence by government forces, pro-government militia groups and opposition armed groups forms the backdrop to the work that HRDs continue to carry out in a very challenging and insecure environment. Freedom of expression, association and assembly have been curtailed. Civil society organisations continue to be subject to restrictions by the government, including the denial or withdrawal of registration. HRDs, journalists and student activists are subjected to **intimidation, harassment, arbitrary arrests, incommunicado detention, disappearances and torture** at the hands of Sudanese military and security forces, in particular the National Intelligence and Security Services (NISS). In addition, women's rights organisations are under intense scrutiny, struggle with laws that generally discriminate against women, and women human rights defenders also face **sexual violence** on account of their human rights work.

Denial of registration and forced closure of NGOs

4. The Voluntary and Humanitarian Work Act (2006), adopted by the Sudanese parliament on 20 February 2006, imposes restrictions on registration, annual renewal of licenses, foreign funding as well as the operation of civil society groups. Sudanese civil society have considered the Act to be unconstitutional on the basis that it violates Constitutional guarantees of the right to freedom of association.

5. The Humanitarian Aid Commission (HAC), a regulatory body governing the work of NGOs, has the power to request and retain organisations' documents, including financial reports. NGOs are subjected to investigations to ascertain whether they operate in accordance with the law, and this power has been used arbitrarily to **silence independent human rights groups** raising criticism of the government. In late 2012, the HAC and the Ministry of Culture ordered the **closure** of five local human rights and cultural organisations, including ARRY Organisation for Human Rights and Development (ARRY), the Al Khatim Adlan Centre for Enlightenment and Human Development (KACE), the Sudanese Studies Center (SSC), the Narrative and Criticism Forum (NCF) and Beit Al Finoon. The registration license of the Salmmah Women's Resource Centre, a prominent women's rights organisation, was cancelled on 23 June 2014 and its assets were confiscated.

6. In 2015, pressure on civil society organisations has increased. Since the beginning of the year, over **40 organisations have not been permitted to renew their registration**. HAC carries out regular review of NGO activities to determine whether they comply with the strict guidelines it sets.

Criminalisation of HRDs and harassment by the NISS

7. The NISS has become notorious for carrying out enforced disappearances, arbitrary arrests and incommunicado detentions of HRDs. It has denied holding HRDs who were, in fact, detained within

its premises, or has refused to disclose their whereabouts. The 2010 National Security Act grants the NISS extensive powers to arrest and detain individuals for up to four and a half months without judicial review, and with complete impunity when the detention is arbitrary. HRDs have been held incommunicado for extended periods of time, without access to legal representation, and family visits have been refused without reasons. Detained HRDs have often been held in NISS cells that fall outside the jurisdiction of prison laws and regulations, where they have also suffered ill-treatment and torture (see paragraphs 12 and 16 below).

8. On 6 December 2014, Mr **Amin Mekki Medani**, President of the Confederation of Sudanese Civil Society and former President of the Sudan Human Rights Monitor, was arrested by the NISS and held incommunicado until 21 December 2014. His arrest was part of a government campaign against the 'Sudan Call', signed in the Ethiopian capital Addis Ababa on 3 December 2014 by representatives of political opposition groups as well as civil society, including the Civil Society Initiative represented by Amin Medani. A [trial](#) against Medani on charges of 'undermining the constitutional system' and 'waging war against the state', both of which are punishable by death, began on 23 February 2015 before the Special Anti-Terrorism Court in Khartoum. On 9 April 2015, he was released after the Minister of Justice decided to close the case against him pursuant to his powers under Article 58 of the 1991 Criminal Procedure Law. The case against the chairman of the Sudanese opposition umbrella group – the National Consensus Forces (NCF) – Mr Faruq Abu Eisa was also similarly closed.

9. On 21 December 2014, officers from the NISS raided the premises of the Sudan Human Rights Monitor in Khartoum, where a training workshop on the Universal Periodic Review was being held. One of the participants was also briefly detained and questioned.

10. On 16 April 2015 Mr **Adil Bakheit** was arrested by the NISS and charged by the State Security Prosecution with criminal conspiracy, calling for opposition to public authority through the use of violence, publication of false news, offences against the State undermining the constitutional system, waging war against the State, and impersonating a public servant. The charges were based on a workshop on human rights that he conducted on 26 March 2015. NISS officers raided the Tracks Training Centre, where the workshop was being held, and confiscated documents and computers, including Adil Bakheit's laptop. Three staff members of the Centre were interrogated. Adil Bakheit was released on bail on 3 May 2015.

11. Women human rights defenders have suffered sexual violence at the hands of government security forces. In April 2015 a woman human rights defender² was interrogated and sexually assaulted by NISS officers following her arrest in Senja, due to her work in the defence of HRDs who had been subjected to arrest and detention, as well as her political activism.

12. On 12 April 2015 human rights defender Dr **Sandra Kodouda** was forcibly abducted by a group of unidentified men from her car in Omdurman. It later emerged that she was being held, incommunicado, by the NISS. She was released four days later, suffering from a dislocated shoulder and other injuries. She had previously been detained by the NISS in August 2014 on account of her participation in the "No to Women's Oppression" collective, an initiative which has worked to raise awareness of oppression against women and to promote and protect women's rights through peaceful protest and reporting. She was also detained by the NISS in July 2012 after mobilising support for the release of youth activist Mr Rudwan Daoud, who himself had been detained by the NISS in the same month for participating in peaceful political protests.

13. On 8 March 2014, 30 civil society organisations were prevented by the NISS from celebrating International Women's Day in Khartoum.

1 The "Sudan Call" is a declaration on the "Establishment of a State of Citizenship and Democracy", with the aim of ending wars and conflicts, responding to humanitarian issues, examining the economic situation in Sudan, strengthening the rule of law, and initiating a dialogue on democratic transformation.

2 For her personal security, the human rights defender requested to be anonymous in this report.

Killing of human rights defenders

14. On 24 August 2015 human rights defender Mr **Abdullah Abdelkader** was shot and killed, reportedly by members of an armed group, while visiting his hometown El Abbasiya Tagali in South Kordofan State. Abdullah Abdelkader was a judge and human rights defender, and a member of the Sudan Human Rights Monitor. He provided legal aid to victims of human rights violations, particularly in areas affected by armed conflict, including South Kordofan, Blue Nile and Darfur. He was also very active in advocating for and supporting fellow human rights defenders in these regions.

Repression against journalists and independent media

15. Journalists continue to be subjected to arrest, detention and intimidation by the NISS. There are reports that the NISS has forced journalists to provide personal information, including details on ethnicity, political affiliation, and family.

16. In October 2012 Ms **Somaya Hundosa**, a journalist who has written on human rights violations in Darfur and South Kordofan, was abducted near her home and tortured. She reported that NISS officers were behind the abduction. The abductors accused her of opposing the government through her critical reporting. The human rights defender had been questioned at the NISS headquarters two days prior to her abduction, and reported being followed.

17. Media outlets are only permitted to operate within the strict boundaries determined by the authorities and are heavily censored. The 2009 Code of Conduct requires journalists to “defend the interest, unity, survival and integrity of the homeland”, a provision which has forced journalists to exercise self-censorship.

18. In 2013, on the occasion of mass protests in the country, the authorities further restricted media freedom and summoned journalists for **questioning** in order to prevent coverage of the protests. In the same year, at least fourteen journalists were detained following threats and assaults, fourteen independent newspapers were **censored**, access to the **Internet** was **shut off** twice, and the NISS ordered media outlets not to publish articles written by six named journalists because of their critical reporting. In February 2014, NISS confiscated the editions of three Arabic independent daily newspapers from the printing press and **seized** eleven newspapers in less than a week in March 2014.

Recommendations

19. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Sudanese authorities to prioritise the protection of human rights defenders and in doing so to:

- (a) Guarantee in all circumstances that all human rights defenders in Sudan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, and ensure full respect for the UN Declaration on Human Rights Defenders;
- (b) Review the Voluntary and Humanitarian Work Act (2006) governing associations to ensure the free and independent establishment and operation of civil society organisations, including their right to receive domestic and foreign funding;
- (c) Take urgent measures to put an end to the arrest, detention, prosecution, disappearances, intimidation and torture of human rights defenders, particularly by the NISS, as well as sexual violence against women human rights defenders;
- (d) Review and quash the conviction of, and release, all human rights defenders who have been sentenced on grounds of their human rights work and who remain in detention;

- (e) Publicly recognise the positive and legitimate role played by human rights defenders in Sudan;
- (f) Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels.