

<p>Permanent Mission of The Republic of the SUDAN To U.N. Office, Geneva</p>	<p>بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> 	<p>البعثة الدائمة لجمهورية السودان جنيف</p>
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Ref: N/243/12

The Permanent Mission of the Republic of The Sudan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights in Geneva, and with reference to the Office's Note Verbale (UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Sudan G/SO 214 (33-27) G/SO 214 (53-24) SDN 5/2012) dated 3rd August, regarding communication from Special Procedures: Joint Urgent Appeal, has the honour to enclose herewith the response of the Government of Sudan to the said communication.

The Permanent Mission of the Republic of The Sudan avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 27 August 2012

**Office of the High Commissioner for Human Rights
Attn: Orest Nowosad
Fax: 022 917 90 06**

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Sub: communication from Special Procedures: Joint Urgent Appeal

With reference to the letter of the Special rapporteurs of UN System regarding the allegations of human rights violations alleged to took place during the demonstrations in Sudan last June, The Advisory Council for Human Rights of the government of Sudan, would like to respond to those allegations:-

- 1- Most of what was mentioned is totally untrue and politically motivated.
- 2- After the announcement of the new economic policy, demonstrations started in Khartoum and some other federal states of Sudan but, these demonstrations were very limited in their duration and the number of those who participated in it.
- 3- The stance of the government was to allow the people the right to freedom of expression and very clear message was sent to the police and security officers. This was mainly because the right to peaceful assembly and freedom of expression are guaranteed by the Interim National Constitution 2005, as an integral part of the bill of rights.
- 4- As a prove to that the demonstrations that took place in Khartoum, since the first day of the demonstrations the demonstrators were left to express their opinion and protest under the protection of the Police Forces who only intervene when there are possible or actual damage to the individuals or the property of the state or the citizens and where there is a threat to the national security and social stability in the country.
- 5- In Omdurman for instance women demonstrators were protected by the police officers and they submitted their requests and accordingly no casualties took place

- 6- Subsequently, the government has been receiving reports from different sources alleging that thousands of people have been detained during the demonstration, in violation of their right to express their views, such allegation were totally untrue.
- 7- All the government actions and reactions were in accordance with the Interim National Constitution 2005 and the International Covenant on Civil and Political Rights, as the intervention in the enjoyment of these two important rights were really very limited and to the extent that help restoring security and peace.
- 8- Peaceful demonstrations were allowed to take their course, as intervention of the police and security forces was limited to the cases where actual damage or injury to individuals and public as well as private property occurred, and in this regard we would like to report the damages as follow:
 - ✓ 33 officers were injured.
 - ✓ 3 police cars were completely burned.
 - ✓ The front and back glass of 17 police cars were damaged.
 - ✓ Partial damage to the office of the head of police station in Alsaafa area in Khartoum.
 - ✓ Two police stations were also attacked.
 - ✓ One public bus was completely burned and the glass of two buses was damaged.
 - ✓ Gurtaba conference hall was also damaged.
 - ✓ Total damage to a private car.
 - ✓ Two traffic lights were also damaged.
 - ✓ Damage to one teller.
- 9- For the abovementioned reasons and with due process of law, criminal cases were filed against those and the cases were brought before courts of law.
- 10- The NO. of cases filed were 105 against 759 individuals which were arrested by the police and brought before the District prosecutors' offices then to different courts in different areas in Khartoum. Of those 15 were found to be children which were released immediately in accordance with the provision of the law, 122 were released upon personal undertaking, 20 people were found to be innocent and released, while 98 are under trial. The rest were tried and punished according to the Criminal Act 1991.

- 11- As far as the National Security is concerned, only 115 persons were arrested of whom 31 were released immediately and 84 were released later after completion of the investigation. Right now no person is in detention, including Mr. Mohammed Salah Mohammed.
- 12- To the surprise of the government, the rapporteurs who are supposed to support the rule of law in member states cited names of people arrested and accused according to specific sections of the Criminal Law 1991. This means that they were not arbitrarily detained but are facing criminal charges with due process of law, hence it should not be subject of complaint per se, in order to avoid interference in cases before the courts.
- 13- At the end of the letter the rapporteurs wittingly and inadvisably questioned the legal bases for the arrest of people whose names are cited, and we responded by saying that there were prima facie evidence against them and that they committed acts in violation of the Criminal Act of 1991 namely; calling for opposition to public authority through the use of violence not through peaceful means; participation in a terrorist and criminal organization; disturbance of public peace, damaging public and private property. All actions by, the District Attorney Prosecutors, the Police and the security forces taken during these incidents were taken in accordance with our obligations under the ICCPR articles, 9, 10, 14, 19, 20 and 21. And also in accordance with the Interim National Constitution 2005, the bill of rights.
- 14- In order to ensure speedy process of people arrested by the police, district attorneys were present in or within a close proximity of the demonstration and then dealt 24 hours with all arrested. Therefore almost all the arrested were released within 30 minutes to 3 hours of their arrest.
- 15- As for the unfortunate incident that took place in South Darfur we would like to clarify as follows:
- a) The government is aware of its obligations towards its citizens even if some of them are working against the stability in that region and in the country as a whole.
 - b) The government of Sudan condemned the incident itself before the international or national community including the First Vice President and the Ministry of Interior also sent a very strong message that any one responsible will be accountable according to the laws.

- c) The incident that took place in Darfur was not a peaceful demonstration; armed groups used armaments during the demonstrations that require immediate response to protect the lives of the people in the area.
- d) The demonstrations started on 30th of July 2012 and the reason was the non availability of fuel and the increase in its price. A number of students joined.
- e) The demonstrators burned one fuel station; two police points and the education administration office, one pharmacy, some traffic lights as well as some cars were destroyed. One citizen was also injured on that day.
- f) Incidents of looting and stealing of the property of the merchants in the big market were also reported.
- g) The total amount of the damage exceeds (1,350,000) SDG
- h) There is very strong evidence that some members of the armed groups tried to take advantage of the peaceful demonstrations for their own political agendas and they were carrying armaments and of course as mentioned in e-h, fair minded person can truly say that these are peaceful demonstrations.
- i) The numbers of fatalities were not 12 as reported, they are though unfortunate but 7, the number of those arrested was 21, and the wounded were 17. From the police side there were 74 wounded and 3 of them were in a very critical health situation.
- j) The government of Sudan expected a neutral and substantive stance from the special rapporteurs who should be standing from the same distance between the government and the demonstrator in at least considering the injuries among the police forces, because they are also victims.
- k) According to the Sudanese laws, the Use of Force Statue , section (11), make it very clear that: first of all the police officer in charge makes an oral or written announcement to request an end to the non- peaceful assembly or gathering and must repeat this announcement three times. Second; if the gathering refused to listen and after the end of the period specified in the announcement, police officers can use tear gas to disburse the crowd, and third; they are authorized to use weapons after the issuance of a new announcement that fire arms will be used with the permission of a judge or a prosecutor attorney.

- l) An investigation committee was established by an order of the *Wali* (Governor) of South Darfur State to investigate the incident, the injuries, and the damages to the private and public property and to submit a report.
- m) In a further development a criminal investigation committee was also established by an order of the Minister of Justice, The Attorney General, Decision 42/2012, chaired by the Prosecutor General of the government of Sudan and composed of 4 legal counsels.
- n) It's a well established principle of international law that sovereign independent states should be given a room and a chance to remedy any human rights violations that took place within its territory before concerns are raised by actors.

Finally, the government of Sudan would like to assure you that it is aware of its obligation and that it will spare no efforts in protecting the rights of citizens and residents enshrined in our constitution and to bring anyone to justice if he violates the rights of any.

Geneva, 27th August 2012