

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the situation of human rights in the Sudan; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Independent Expert on the situation of human rights in the Sudan; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 35/15, 34/18, 32/32, 33/9, 34/5, 39/22 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the excessive use of force by security forces and crackdown against protestors, human rights defenders and journalists in Sudan.

According to the information received:

On 19 December 2018, peaceful protests began against the Government following austerity measures and soaring food and fuel prices. Since December, protests have been taking place in 12 out of 18 states. Demonstrators have called for the President to step down and they protest against his plans to run for an extra-constitutional third term in the 2020 elections. According to official numbers reported by the authorities, 31 individuals have been killed due to excessive use of force by security forces to date. Civil society organizations' reports suggest a higher number of civilians killed.

*Excessive use of force in the context of protests*

On 25 December 2018, security forces, deployed in large numbers across Khartoum, used live ammunition to disperse the crowds, resulting in injuries and fatalities. Snipers were reportedly using civilian infrastructure, including schools, to target protestors.

On 31 December 2018, security forces used rubber bullets to disperse demonstrators in Khartoum.

On 9 January 2019, security forces reportedly followed some protestors into the Omdurman Hospital and fired tear gas and live ammunition inside the premises of the hospital. Similar attacks were reported on the 13 January inside Bahri Teaching Hospital and Haj Al-Safi Hospital.

On 11 January 2019, the National Human Rights Commission issued a public statement condemning the use of force by security forces against the protestors in Sudan. The Commission established a Fact-finding Committee to promptly initiate investigation on the violations since the beginning of the protests on 19 December 2018.

On 17 January 2019, a doctor was reportedly shot dead by security forces in Khartoum while providing emergency care for severely wounded protestors. This has been denied by the National Intelligence and Security Services (NISS) which claims that the doctor was shot by a protestor.

#### *Arrest of opposition members and protestors*

On 9 January 2019, four lawyers were reportedly arrested in Nyala, while they were on their way to the Wali's office to submit a petition against the excessive response by the Government to the ongoing protests.

On 12 January, another 40 lawyers and political activists were allegedly arrested in the same city due to their participation in a sit-in calling for the step down of the President.

On 29 January, the Director of NISS ordered the release of all detainees who had been detained during recent anti-government protests. However, credible reports indicate that a number of individuals are still detained.

Despite the above-mentioned order, we continue to receive allegations of the arrest of political activists and oppositions leaders, in particular from Communist parties, the Arab Baath Party, Sudanese Congress Party and National Umma Party were arrested. The detained are reportedly denied access to lawyers and visits

from families. Reports furthermore indicate the use of torture against several of those detained.

In January, at least ten doctors were arrested, including the spokesperson of the Sudanese Professionals Association and the head of the doctors' syndicate. About 15 engineers were arrested on 23 January for their participation in a peaceful sit-in in front of the Sudan Engineers Syndicate, and over 20 university professors were reportedly arrested.

On 12 February, security forces reportedly arrested a group of university professors and journalists for organizing sit-ins in Khartoum against the excessive use of force. The sit-ins were organized after a call by the Sudanese Professional Association to organize sectorial vigils and demonstrations within the framework of its two-month protest campaign demanding the resignation of the president.

Reports indicate that in the majority of cases, no formal charges have been filed against the detainees. Access to family and lawyers is reportedly denied and there are allegations on torture being used against the detainees. One school teacher reportedly died following injuries sustained under torture. This case has reportedly been investigated by the Investigation Panel established by the Attorney General to investigate on allegations of violations committed as a result of the protests. On 7 February, the outcome of the investigation was announced in a press conference, concluding that the victim was subjected to severe torture which resulted in his death. NISS was requested to present the security officers who were involved in this incident. Allegations on the death of another five detainees inside the NISS facilities in South Kordofan, Khartoum and El Gadarif have furthermore been received.

#### *Restrictions on freedom of expression and media*

Since the beginning of the protests, restrictive measures have reportedly been imposed on the media in Sudan, including a ban on some of the national newspapers and the withdrawal of work permits from Sudanese and foreign journalists. In addition a large number of journalists and media workers have been arrested.

On 26 December 2018, an Alaraby TV correspondent was ordered by the Sudanese authorities to leave Sudan within 24 hours. In addition, several reporters were brutalized by security agents while covering the demonstrations in Khartoum. Journalists were reportedly violently beaten.

On 27 December 2018, in Khartoum, at least 8 journalists, including two women journalists, were arrested by the National Intelligence and Security Service. It has

furthermore been reported that the Editor-in-Chief of Al-Midan newspaper and four other journalists of the newspaper in Kosti, Nyala and Port Sudan have been arrested. Other journalists have been summoned by the National Security Service for covering topics related to the economic crisis in the country.

On 14 January 2019, reports indicate that NISS detained 28 journalists for several hours ahead of a planned sit-in to protest the pre-publication censorship on Sudanese newspapers.

On 22 January, the work permits of Sudanese and foreign journalists of Al Arabiya, Al Jazeera and Andalou news agency were withdrawn.

On 5 February, a woman journalist and other journalists from Al Tayyar newspaper were interrogated following a complaint filed by the security service following the publication of leaflets supporting the protest movement and calling for President al-Bashir to step down. The woman journalist is facing charges of defamation of public officials and giving false information. The two dailies, Al Tayyar and Al-Jareeda, have been banned by the security services since end of December.

On 9 February, reports indicate that a group of journalists were released as per the orders issued by the President on 6 February. However, several journalists are still in detention.

Internet blocking of social media platforms has furthermore been put in place by the Ministry of Telecommunications. Sudanese internet provider Zain-SDN was found to have the most extensive blocking scheme, covering all key social platforms, followed by MTN, Sudatel and Kanartel.

We express serious concern over the violent repression of protests across various cities in Sudan, especially with regards to the use of live ammunition causing a number of deaths and injuries. We further express concern regarding the arrests, detentions and allegations of torture of a large number of individuals, including political opponents and journalists, for the mere exercise of their rights to peaceful assembly and expression. We are additionally concerned about the apparent targeting of health care personnel for fulfilling their ethical duty of providing impartial health care and about the use of live ammunition and tear gas inside schools and hospitals.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to draw attention to articles 6, 7, 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) acceded by Sudan on 18 March 1986, which guarantee the right to life, the prohibition of torture, the right to liberty and security of person, the right to a fair and public hearing before an independent and impartial tribunal, the right to freedom of opinion and expression, the right to freedom of peaceful assembly and the right to freedom of association, respectively.

We would further like to draw your Excellency's Government's attention to the Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies (A/HRC/31/66), which states that "States have an obligation not only to refrain from violating the rights of individuals involved in an assembly, but to ensure the rights of those who participate or are affected by them", including the right to bodily integrity (A/HRC/31/66, para. 13). Furthermore, the report states that "the principle of legality requires that States develop a domestic legal framework for the use of force, especially potentially lethal force, that complies with international standards (see A/HRC/26/36, para. 56). The normative framework should specifically restrict the use of weapons and tactics during assemblies, including protests, and include a formal approval and deployment process for weaponry and equipment" and that "the use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality" (A/HRC/31/66, paras. 51 & 57).

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials. The Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Medical assistance should be provided as soon as possible when necessary.

We would like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 5(a) and (b), which state that everyone has the right to promote and to strive for the protection and

realisation of human rights and fundamental freedoms at the national and international levels, that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms and that everybody has the right, individually and in association with others, to meet and assemble peacefully and to form, join and participate in non-governmental organisations, associations or groups.

We would like to draw the attention of your Excellency's Government to the report of the Special Rapporteur on Torture (A/72/178) which states that "any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts established international legal principles governing the use of force by law enforcement officials and amounts to cruel, inhuman or degrading treatment or punishment."

Finally, we would like to draw attention to articles 2(2) and 12 and of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded by Sudan on 18 March 1986, which enshrine the rights to physical and mental health and to non-discrimination of any kind, including on political grounds. States are obliged to refrain from interfering directly or indirectly with the enjoyment of the right to health (CESCR General Comment No. 14, para. 33) and shall not limit access to health services as a punitive measure (CESCR General Comment No. 14, para. 34). In particular, resolution 37/194 of the United Nations General Assembly on the Principles of Medical Ethics stipulates that States shall not punish persons for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom, under any circumstances.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information or comments you may have about the above-mentioned allegations.
2. Please provide the details, and where available, the results, of any investigation and judicial or other inquiry undertaken in relation to the above allegations of extrajudicial killings of civilians and attacks against

journalists. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please provide information about the reasons for using fired tear gas and live ammunition inside hospitals, and explain how this is compatible with international human rights law.
4. Please provide information about the legal bases of the arrests and detentions of the above-mentioned individuals, whether any charges have been brought against the individuals detained and how these arrests and detentions are compatible with international legal standards.
5. Please indicate what measures have been taken to ensure that human rights defenders, journalists and other media workers are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment, and prosecution of any sort.
6. Please provide information on the steps taken to investigate the allegations of harassment against journalists and to provide any necessary protection to them.
7. Please provide information regarding allegations of excessive use of force by law enforcement officials during protests, and its compatibility with international standards. Please provide information on any investigations that have taken place or are planned into these allegations.
8. Please provide information about the measures taken to protect health care personnel who fulfill their ethical duty of providing impartial health care. Please also explain the legal grounds for the arrest of ten doctors and how the arrest is compatible with the duty of States not to punish persons for carrying out ethical medical activities regardless of the person benefiting therefrom.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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