

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

Ref.: AL SDN 5/2022  
(Please use this reference in your reply)

3 August 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 43/16 and 44/5.

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 armed militia against human rights defenders in West Darfur, Sudan that resulted in the killing of three human rights defenders, **Youseif Yagoub Ahmed, Mohamed Ibrahim Yahya** and **Mohamed Eldai Musa**. The three were active in documenting human rights violations in the Jebel Moon region of West Darfur.

**Mr. Yagoub Ahmed**, was 35 years old, a graduate of AL-Neelein University, a member of the Darfur Human Rights Monitors Network (DHRMN), and he worked as a nutrition specialist with World Concern, a Christian relief and development non-governmental organization.

**Mr. Mohamed Ibrahim Yahya** was a 27-year old graduate of Sudan University for Technology, a member of the DHRMN covering community health, a teacher and a member of the Reading for Change group, which advocates for rights and democracy in Sudan.

**Mr. Mohamed Eldai Musa**, was a 28-year old member of the DHRMN and of a grassroots resistance network in West Darfur, which organized civil disobedience campaigns against the ousted regime of Omar al-Bashir.

According to the information received:

On 5 March 2022, armed militia allied with Arab nomadic groups attacked the villages of Sallee'ah, Karka, Um Kharoba and Um Jumina in the Jebel Moon region of West Darfur. The three human rights defenders were working in Sallee'ah when shooting broke out at the entrance to the village, and Mr. Yahya heard that Sudanese intelligence agents said that his father, a mosque leader in a nearby town, had been kidnapped by armed militia, and that his mother was also missing. He, together with Mr. Ahmed, Mr. Musa and some 13 other activists set off to investigate the situation when they were caught in an ambush by militia and shot at.

Mr. Ahmed and Mr. Musa were killed immediately by live bullets to the head and chest. On 6 March 2022, Mr. Yahya died of wounds to his chest.

The militia also reportedly stabbed and dragged the dead bodies and took pictures of them which were later posted on Facebook pages, leading to the

suspicion that the militia were backed by elements with access to the Internet, specifically the official Rapid Support Forces, a regular military force, which has been active in controlling peaceful protest demonstrations, often with lethal effect. The Facebook pages have since been deleted.

It is believed that the three human rights defenders were deliberately targeted and singled out for killing because of their work in documenting human rights violations, including the violent clashes on that day. They belonged to Misseriya, a local tribe, and were known in the area for their humanitarian and human rights work.

The incidents of 5 March 2022 were documented in a report by the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), which said that 12 local tribesmen were killed and seven injured in clashes that erupted on 5 March when armed Arab nomads attacked Jebel Moon villages and stole livestock. The incident was a continuation of a major conflict over land that began in November 2021 between Arab nomads and Misseriya Jebel tribesmen and that claimed dozens of lives and caused widespread destruction and displacement.<sup>1</sup>

While we do not wish to prejudge the accuracy of these allegations, we are concerned that the killings of Messrs. Ahmed; Yahia and Musa were linked to their work in monitoring the outbreak of violence and human rights violations. We are also concerned by the alleged desecration of the bodies of the human rights defenders, seemingly carried out with impunity.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigations and judicial or other inquiries into the killings of Messrs. Ahmed; Yahia and Musa. and please explain whether they comply with relevant international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death. If no investigations have been carried out, please explain why.
3. Please indicate what measures have been taken to ensure that human rights defenders can operate in an enabling environment and can carry out legitimate activities without fear of danger to their lives.

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<sup>1</sup> <https://reliefweb.int/attachments/0c676335-7be2-3f7a-a116-3988ef3dcdae/Sudan%20-%20Intercommunal%20conflict%20%20Jebel%20Moon%2C%20West%20Darfur%20Flash%20Update%20No.%2003%20%2814%20March%202022%29.pdf>

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

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(s) responsible for the alleged violations.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw attention to articles 6.1, and article 21 of the International Covenant on Civil and Political Rights (ICCPR) acceded to by Sudan on 18 March 1986, which guarantees the right to life.

We wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights.

Paragraph 1 of article 6 of the Covenant provides that no one shall be arbitrarily deprived of life and that this right shall be protected by law. Accordingly, States parties have a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life; and must also exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State.

In particular, States parties are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials. This includes putting in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures to ensure that law enforcement actions are adequately planned to minimize risks to human life, mandatory reporting, review and investigation of lethal incidents, and supplying forces responsible for crowd control with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force.

All operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and law enforcement officials should undergo appropriate training designed to inculcate these standards so as to ensure, in all circumstances, the fullest respect for the right to life.

An important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates. They must always be independent, impartial,

prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future.

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.