

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 4/2023
(Please use this reference in your reply)

18 October 2023

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 52/4 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of human rights defenders in El Geneina, West Darfur, and threats of sexual violence against women human rights defenders in the region.**

Mr. **Khidir Sulieman** was a human rights defender and Head of the human rights organisation Afkar. He was also a member of the Darfur Bar Association and had worked for the International Institute for Democracy and Electoral Assistance in Darfur.

According to the information received:

On 11 June 2023, Mr. Sulieman was killed while trying to leave his home in El Geneina. He had received death threats from militia members prior to the fatal attack.

At least five other human rights defenders, including lawyers and members of the Darfur Bar Association, as well as human rights monitors, were killed in El Geneina in the two weeks prior to the attack on Mr. Sulieman. Many were attacked in their homes alongside their family members after receiving threats, with several of the killings attributed to the Rapid Support Forces (RSF).

In July 2023, a woman human rights defender was killed after she was targeted at her home in El Geneina by RSF members. Across June and July 2023, at least two women human rights defenders were forced to flee the region after being threatened with sexual violence, including rape, with one of the women human rights defenders explicitly told she would be targeted if she continued to report on human rights violations.

We condemn and express extreme concern at the killing of Mr. Sulieman and other human rights defenders in El Geneina. We underline our grave concern that the defenders may have been individually targeted as a result of their work documenting human rights violations and supporting victims in the context of the widespread violence resulting from the ongoing power struggle in the Sudan. We further condemn the alleged threats of sexual violence made against women human rights defenders in El Geneina, with the severity of the risks demonstrated by the reported killing of their

fellow woman human rights defender in July. We emphasize our strong fear that other human rights defenders in the country, in particular women human rights defenders in marginalised areas, may be at high risk of attack, and urge your Excellency's Government to take immediate measures to protect them and their families.

We remind that States must ensure effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats and must take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life including if appropriate through special measures such as the assignment of around-the-clock police protection.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

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 information as to steps taken by your Excellency's Government to ensure a full and effective investigation into the killing of Mr. Sulieman, in compliance with its obligations under international human rights law, in particular article 6 of the International Covenant on Civil and Political Rights. Please also provide information as to the current status, or, where available, the results of any such investigation, along with any steps towards prosecution which may have resulted from it.
3. Please clarify whether any investigation conducted into the killing of Mr. Sulieman has been guided by the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, commonly known as the Minnesota Protocol.
4. Please provide information on steps taken by your Excellency's Government to protect human rights defenders in all parts of Sudan in the context of the current conflict in the country. Please provide specific information on the steps taken to protect women and women human rights defenders from threats of sexual violence.

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 mentioned allegations, we would like to refer your Excellency's Government to articles 6 and 9 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Sudan on 18 March 1986, which guarantee the rights to life and to liberty and security of person.

In reference to the right to life as enshrined in article 6 of the ICCPR, we would like to recall General Comment no. 36 of the Human Rights Committee, wherein the Committee underlined that the duty to protect the right to life requires State parties to take “special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence” and that such persons “include human rights defenders”.¹ The Committee also highlights that State parties to the Covenant have an obligation, “where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.”² Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent. States are also under the obligation to prevent the occurrence of similar violations in the future.

Article 9 of the ICCPR, recognises the right to security of person, which concerns freedom from injury to the body and the mind, or “bodily and mental integrity”.³ The right obliges State parties to take appropriate measures to protect persons against foreseeable threats to life or bodily integrity, including where these threats proceed from non-State actors. Similarly to article 6, article 9 places an obligation on states to respond appropriately to patterns of violence against specific categories of victims, such as intimidation of human rights defenders and violence against women.⁴

Concerning the allegations of the threats of sexual violence against women human rights defenders, we would like to strongly recall the Resolution concerning the protection of women human rights defenders adopted by the General Assembly in the context of its 68th session in 2014 (A/RES/68/181).

We would further like to recall the recent report of the Special Rapporteur on the situation of human rights defenders, presented at the 46th session of the Human Rights Council in February 2021, on the killing of human rights defenders, and refer your Excellency's Government to the recommendations to States contained therein.

We would also like to refer to the fundamental principles set forth in 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, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and

¹ Human Rights Committee, *General Comment No. 36*, CCPR/C/GC/36, para 23

² *Ibid.*, para 27

³ Human Rights Committee, *General Comment No. 39*, CCPR/C/GC/35, para 3

⁴ *Ibid.*, para 9

realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would further wish to stress the following articles of the Declaration:

- article 9, paragraph 5, which holds that States shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction; and
- article 12, paragraph 2, holding that States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration.