

**Briefing
Paper**

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“YOUR LIFE ISN’T WORTH THE PRICE OF A BULLET”

Examining serious human rights violations in
Sudan since 25 October 2021

REDRESS, the SOAS Centre for Human Rights Law, and the Sudan
Human Rights Monitor (SHRM)

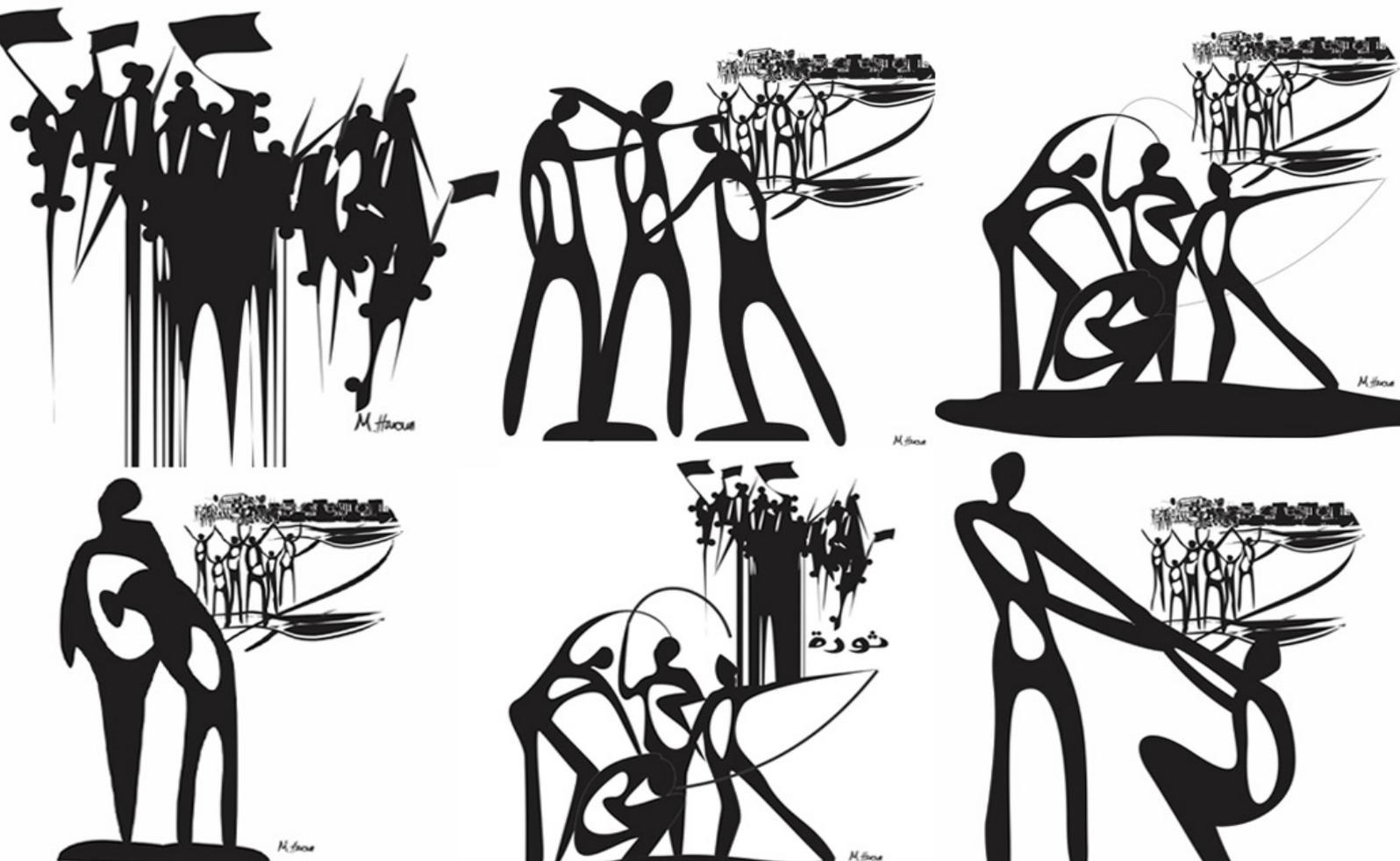


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Executive Summary

The UN Human Rights Council, in its resolution S/32/1 of 5 November 2021 on the Situation of Human Rights in the Sudan, recalled “with appreciation the exemplary, non-violent and popular uprising of the Sudanese people in 2019.”¹ It equally “condemn[ed] in the strongest possible terms the military takeover on 25 October 2021.”² The Council “urge[d] all actors in the Sudan ... to refrain from violence and from committing further human rights violations and abuses,” and called on Sudan “to ensure accountability for those responsible and support for the victims of any such violations and abuse.”³ It also called for “the immediate restoration of [Sudan’s] civilian-led transitional Government and the return to the internationally supported governing principles in the Sudan.”⁴

Nearly eight months later, there is mounting, compelling evidence that the de facto military authorities have not only failed to heed these calls but further aggravated the situation. They have engaged in a concerted, systematic campaign involving various military, intelligence and police forces to crush the peaceful opposition by using excessive, lethal force against protesters; they also continue to arbitrarily arrest and torture opponents. These gross human rights violations, forming part of a deliberate policy, are committed against the civilian population with impunity, and may therefore amount to crimes against humanity.

This briefing paper is based on 35 interviews conducted by the Sudan Human Rights Monitor (SHRM) in Khartoum; some names have been changed to protect the safety and security of interview participants. It provides first-hand evidence of the nature and consequences of ongoing human rights violations for direct and indirect victims and the wider community. Given the difficulties of accessing such evidence, it does not purport to be comprehensive. However, we draw attention to the May 2022 report by Adama Dieng, the United Nations (UN) designated expert on the human rights situation in Sudan, which covers the period from 25 October 2021 to 10 April 2022. Dieng concluded that “[t]he pattern of human rights violations observed since the coup is extremely worrying, including the repeated use of excessive and lethal force by the joint security forces to disperse peaceful protests, widespread arbitrary arrests and detention without respect for due protest, and sexual violence.”⁵ He also highlighted the “serious retrogression in the enjoyment of economic, social and cultural rights [and] increased intercommunal violence in areas of Darfur.”⁶

This paper provides evidence of several incidents in which security forces deliberately attacked, and in some instances, killed young men and women who peacefully exercised their democratic rights. Such use of excessive force against peaceful protesters amounts to violations of the right to life and of the prohibition

1 UN Human Rights Council Resolution S-32/1, adopted on 5 November 2021, available at: <https://undocs.org/en/A/HRC/RES/S-32/1>.

2 *Ibid.*

3 *Ibid.*

4 *Ibid.*

5 Situation of Human Rights in the Sudan, UN Doc A/HRC/50/22 (9 May 2022), para 66.

6 Situation of Human Rights in the Sudan, UN Doc A/HRC/50/22 (9 May 2022), para 66.

of torture and other cruel, inhuman or degrading treatment. It also interferes with their right to assembly and freedom of association. The deliberate targeting of journalists covering protests constitutes a violation of the freedom of the media. The documented targeting of paramedics runs counter to fundamental medical standards, and violates the right to health.

The findings document what has become a centrally planned and systematically implemented assault on the young – most victims covered are/ were in their 20s – and the future of Sudan. It has already taken an immense physical and psychological toll on the immediate victims, their friends, families, and whole communities. Notably, some of them have lodged complaints and pursued legal remedies. However, the lack of responsiveness of the authorities, and indeed ongoing commission of serious violations, demonstrates the complete lack of justice and accountability in Sudan.

The assault on protesters is complemented by the targeted arbitrary arrests, torture and ill-treatment of activists. The testimonies presented here show how the security and intelligence services have routinely engaged in violating fundamental human rights that protect freedom, physical and mental integrity, and human dignity. Their purpose is to prevent activists from exercising their rights and to intimidate them and suppress dissent. These security and intelligence services were meant to have no more role in policing on account of their notorious record under the al-Bashir regime. Their participation and concerted activities indicate that the arbitrary arrests, torture and ill-treatment of activists are part of a systematic campaign carried out with impunity. These violations may rise to the level of crimes against humanity.

Our findings and recommendations are unequivocal. The use of excessive, lethal force against protesters and the campaign of arbitrary arrest, torture and ill-treatment must end immediately. Sudan must demonstrate its commitment to human rights protection by freeing all activists who have been arbitrarily detained. It must ensure justice and accountability by launching full impartial investigations and by providing victims with reparation, including urgently needed medical assistance and rehabilitation. The lack of respect for democracy, the rule of law and human rights shown by the coup leaders imperils the peace and security of the country. Any specific measures aimed at ensuring respect for human rights, and at securing justice and accountability must therefore be accompanied by urgent measures to facilitate the political transition to a civilian-led government.

This briefing paper is written with thanks to the Sudanese human rights defenders, survivors, and families of those killed since the coup for sharing their stories.

Recommendations

We urge the members of the UN Human Rights Council and UNITAMS to:

- Adopt a resolution upgrading the position of the Expert on Human Rights in the Sudan to a Special Rapporteur on the situation of human rights in the Sudan;
- Call on the de facto authorities to accord the mandate-holder full access to the country and relevant information;
- Ensure that all negotiations with concerned stakeholders concerning a political settlement be grounded in full respect for human rights protection, with a view towards accountability for all human rights violations that have been committed since the coup of 25 October 2021.

We call on the Sudanese de facto authorities to:

- Immediately stop the deployment of lethal force against peaceful protesters and issue public directives to crowd control police and other forces regarding use of force and firearms in accordance with international standards;
- Immediately release all those detained without charge or trial, including all those arrested and detained on account of their participation in peaceful protests;
- Ensure that all law enforcement and security forces wear identifiable uniforms consistent with their rank, unit, and specific force;
- Conduct a thorough review of police control protocols, practices, and equipment, and publish available codes of conduct specific to all security and intelligence bodies (detailing standards related to the use of force, powers to arrest and detain, engaging the public, and dealing with misconduct);
- Repeal all measures providing exceptional law enforcement powers of arrest and detention to Sudan's security and intelligence services. In this context, urgently initiate a comprehensive security sector reform process to ensure that the security and intelligence services operate in a manner consistent with international standards;

- Expedite trial proceedings of those referred to trial, with full respect to international fair trial standards. Any evidence or confessions extracted under torture must be dismissed (i.e., excluded by concerned judges);
- Undertake a prompt, independent, and effective independent investigation into all human rights violations, particularly the use of lethal force which led to the death of over 100 protesters and injury of thousands;
- Promptly investigate all allegations of torture and ill-treatment in accordance with the standards set out in the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and bring perpetrators to justice;
- Provide adequate, effective and prompt reparation for victims of serious human rights violations since the 25 October 2021 military coup;
- Publicly commit to protection of human rights, particularly the right to exercise freedoms of association, expression, and assembly.

Use of excessive force against protestors

Since 25 October 2021, Sudanese security forces have routinely used excessive and lethal force to suppress peaceful protestors. At least 101 protestors have been killed as of 7 June 2022.⁷ Insider sources within Sudan's military and security services have confirmed to REDRESS that the violent response to protests forms part of a systematic, centralised policy developed at the highest levels of Sudan's military and security apparatus; in particular, these sources have confirmed that a special operational body was set up by the military component of the Sovereign Council members just before the coup.⁸ This special body was tasked with suppressing pro-democracy protests including by targeting specific people for arrest and implementing violent tactics during protests with the aim to further their political agenda.

The use of excessive and lethal force against peaceful protestors runs contrary to Sudan's international legal obligations, including the obligation to protect the right to life. The use of force that is not necessary and proportionate under international law may also amount to a violation of the prohibition of torture and ill-treatment.

The use of excessive force under international law

Since the military coup, Sudanese security forces have used excessive force, including lethal force, a measure which is only permissible as a last resort under international law, and not against peaceful protestors, as has been the case in Sudan. As a result, an estimated 4,500 – 5,000 protestors have been injured⁹ and 101 killed by Sudanese security forces.¹⁰ Some of these injuries caused permanent disabilities, which will seriously impact the survivors' future wellbeing.

Sudan is a party to several international treaties which recognise the right to life and prohibit the use of excessive, including lethal force, against protestors. These include the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, both of which Sudan ratified in 1986.¹¹ The ICCPR affirms that "[e]very human being has the inherent right to life" and that "[n]o one shall be arbitrarily deprived of his life."¹² As such, the right to life is recognized as a non-derogable right and must be protected

7 Central Committee Of Sudan Doctors, Twitter, 7 June 2022, available at: https://twitter.com/SD_DOCTORS/status/1534231048250437633?s=20&t=rtwlcylilKuRCs3rD80aM-A.

8 Additional information available on request to REDRESS.

9 Facebook, Hadhreen, 4 June 2022, available at: <https://www.facebook.com/Hadhreen/posts/1138252893403471>.

10 Central Committee Of Sudan Doctors, Twitter, 7 June 2022, available at: https://twitter.com/SD_DOCTORS/status/1534231048250437633?s=20&t=rtwlcylilKuRCs3rD80aM-A.

11 International Covenant on Civil and Political Rights, 19 December 1966, art. 6; African Charter on Human and Peoples' Rights, 27 June 1981, art. 4.

12 International Covenant on Civil and Political Rights, 19 December 1966, art. 6.

even under a state of emergency.¹³ Further, “[t]he deprivation of life of individuals through acts or omissions that violate” other provisions within the ICCPR are arbitrary in nature. For this reason, the use of force which results in the death of protestors peacefully exercising their right of freedom of assembly is arbitrary in nature.

The use of excessive force against protestors may also constitute a violation of the right to be free from torture and other forms of ill-treatment. As the UN Special Rapporteur on Torture has stated, “[a]ny unnecessary, excessive or otherwise arbitrary use of force by law enforcement officials¹⁴ is incompatible with the absolute prohibition of cruel, inhuman or degrading treatment.”¹⁵ The Special Rapporteur on Torture has further noted that some weapons inherently involve “a high risk of torture and other cruel, inhuman or degrading treatment or punishment.”¹⁶ These weapons may include “fully automatic weapons and high-caliber and high-energy expanding bullets,” and “less lethal weapons, such as certain types of kinetic impact projectiles, electrical discharge weapons, chemical irritants, water cannons and disorientation devices.”¹⁷

The use of such weapons in Sudan is also contrary to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)¹⁸ and the UN’s Guidance on Less-Lethal Weapons in Law Enforcement of 2020.¹⁹ In particular, the Basic Principles provide that “law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury [. . .]” and that “intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”²⁰

International standards further provide that law enforcement officials shall “apply non-violent means” unless “when strictly necessary and to the extent required for the performance of their duty.”²¹ Similarly, the UN Guidance states that that during assemblies (including protests), the use of firearms is always unlawful;

13 International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966, art. 4. The right to life has also been recognized as a rule of customary international law and a norm of jus cogens. Jus cogens norms are peremptory norms in international law, which are recognized by the international community as a whole and to which no derogation is permitted. Jus cogens norms override any rule incompatible with it. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,” A/HRC/26/36 (1 April 2014).

14 The UN Special Rapporteur on torture noted that the terms “State agent” and “law enforcement official” will be used interchangeably to denote any person exercising, de jure or de facto, public authority on behalf of the State, whether of military or civilian status and whether appointed, elected, employed or contracted, including private security personnel.” Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, “Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment,” A/72/178 (20 July 2017).

15 UN OHCHR, “Arbitrary police violence can amount to torture, even in public spaces, UN expert warns,” 13 October 2017, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22235&LangID=E>.

16 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, “Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment,” A/72/178 (20 July 2017), paras. 152 – 157.

17 *Ibid.*

18 OHCHR, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990. See also United Nations General Assembly Code of Conduct for Law Enforcement Officials, UN GA Res 34/169 (17 December 1979), available at: <https://www.ohchr.org/sites/default/files/codeofconduct.pdf>.

19 OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, September 2020.

20 OHCHR, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990. See also Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, UN Doc A/HRC/17/28 (23 May 2011).

21 *Ibid.*

where some force is needed, “only less-lethal weapons may be used” against violent participants and only “as a measure of last resort.”²² The UN Guidance further acknowledges that the use of unnecessary or excessive use of force can amount to “torture or ill-treatment.”²³

The use of excessive force under international law

Contrary to the international standards set out above, Sudan’s laws provide the police and security services with broad powers to use force.²⁴

The Criminal Procedure Act 1991 only limits the use of force to the extent it does not “warrant intentional causing of death,” setting limits—at least on paper— on a shoot-to-kill policy.²⁵ However, in contrast to international law, domestic provisions on the use of force include a broad interpretation of the principle of necessity which permits the use of force on grounds including breach of public peace, and Sudan’s laws fail to explicitly acknowledge the principle of proportionality.²⁶ As a result, the threshold for the use of force under Sudanese law is considerably lower than required by international standards; a failure to codify safeguards in law, regulatory overlap, and expansive immunities for security forces all contribute to the arbitrary and excessive use of force during protests.

The use of force against protestors since 25 October 2021

Since the military coup, despite international and Sudanese legal provisions prohibiting the use of excessive and lethal force, Sudanese “joint” security forces have systematically deployed a range of weapons against unarmed protestors, including chemical irritants such as “skunk water” and tear gas, as well as automatic weapons, anti-aircraft weapons and armour-piercing bullets. These weapons have been deployed at close range, causing hundreds of severe injuries, including amputations, blindness, respiratory illness, and death.²⁷ Such acts, which were carried out by government authorities,²⁸ appear to have been intended to inflict severe pain and suffering for the purposes of intimidation, coercion and punishment and constitute serious violations of the right not to

22 OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, September 2020, para. 6.3.4.

23 *Ibid.*, para. 2.9.

24 In theory, under article 125 of the Criminal Procedure Act 1991, Sudanese officers are obligated to use the “least necessary force” where an assembly fails to disperse. Pursuant to article 129(a), the “officer in charge” has the discretion to use appropriate force and allow police forces the use of firearms “in the absence of the Prosecution Attorney or the Judge” and “for the purpose of arresting offenders, or preventing the occurrence of any offence.” *Ibid.*, art 129(a). Similarly, the SAF may also use military force if deemed necessary for the dispersal of a protest, under article 6(2) of the People’s Armed Forces Act of 2007. See People’s Armed Forces Act of 2007, art. 6(2), available at: <https://redress.org/wp-content/uploads/2021/09/2007-Peoples-Armed-Forces-Act-English.pdf>; Criminal Procedure Act of 1991, art. 125, available at: <https://redress.org/wp-content/uploads/2021/09/1991-National-Criminal-Procedure-Act-English.pdf>. Under the transitional government, the intelligence services’ authority to exercise powers “of the policemen as provided for in the Police Forces Act and the Criminal Procedures Act” was formally repealed. However, in practice GIS forces continue to use force during protests.

25 Criminal Procedure Act of 1991, art 125(4), available at: <https://redress.org/wp-content/uploads/2021/09/1991-National-Criminal-Procedure-Act-English.pdf>.

26 REDRESS, “Human Rights Concerns and Barriers to Justice in Sudan: National, Regional and International Perspectives: A compilation of Sudan Law Reform Advocacy Briefings,” February 2014, available at: <https://www.refworld.org/pdfid/5331852e4.pdf>, p. 25.

27 *See, for e.g.*, Report of the United Nations High Commissioner for Human Rights, “Situation of human rights in the Sudan,” 9 May 2022, UN Doc A/HRC/50/22, paras. 20 – 25.

be subject to torture or cruel, inhuman or degrading treatment or punishment as defined by the UNCAT.²⁹

SHRM interviewed a number of those who sustained injuries since the 25 October military coup. Protestors have been killed or injured as a result of gunshots or tear gas, with intention of preventing and deterring further demonstrations.³⁰ As the following testimonies demonstrate, Sudanese forces have systematically resorted to the use of lethal force against protestors, in breach of international law and their responsibility to comply with the principles of legality, precaution, necessity, proportionality and non-discrimination.³¹

Resistance to the coup

Sarah, a woman in her mid-twenties, woke up in the early morning hours on the first day of the coup (25 October 2021). She was overwhelmed by the feeling there was something wrong. The last messages she had received on 24 October reported credible news about a military coup. She noticed she had no access to the internet, and no phone services. That morning she went to the main road in Khartoum North [Bahri]-Al Haj Yousif district. She joined a peaceful crowd that started assembling and chanting revolutionary slogans. They crossed the bridge to Khartoum. They walked to the army headquarters and arrived at 10 am. Sarah walked over 10 kilometers, but she still led the chant. She stood one meter away from rows of armed men from the security forces.

Sarah told SHRM, “I didn’t care about anything but chanting and expressing my disapproval of the coup. Suddenly I heard the sound of guns cocked [charged] prepared for shooting. I could not distinguish anything after that except for the sound of live ammunition and the smell of tear gas. The security forces attacked us, beating us with whips and sticks, and the protesters scattered, fleeing from the beatings and brutal attack.”³²

Amid the chaos, Sarah fell to the ground. She could only hear footsteps over her head. She was unable to move or even call for help. She was between consciousness and unconsciousness. She was injured on her leg, knees, and feet. Some protestors rescued her and took her to a nearby hospital, where she received medical treatment. “I went home, I have arrived around eight in the evening, and burst into tears. I felt crushed and overwhelmed by the feeling of injustice.” Sarah stayed at home, recovering from her injuries, and was unable to walk for three weeks.

28 SAF soldiers, the police, RSF, and Central Reserve Police (a militarised police unit also known as “Abu Tira”) have figured prominently in the violent crackdown on protests. See, for e.g., Human Rights Watch, “Sudanese Forces Should Stop Abuses Against Protestors,” 29 October 2021, available at: <https://www.hrw.org/news/2021/10/29/sudanese-forces-should-stop-abuses-against-protesters>.

29 According to Art 1 of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, G.A. Res. 39/46, UN Doc 39/46 (10 Dec. 1984) (“[t]he term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”).

30 Interview with Abeer by SHRM on 16 May 2022.

31 OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, September 2020, para 2.3.

32 Interviewed by SHRM on 14 May 2022.

Attacking paramedics

Abeer Dirar, a 29-year-old medical doctor, participated from the beginning of the revolution in December 2018 in the protests against the government of Omar al-Bashir. After the October 2021 coup, she attended the anti-coup protests every week to help treat protesters who were injured during protests. She has been involved in providing numerous protestors with medical treatment, especially women, and she often follows up on their needs directly to hospitals. Sometimes she and her colleagues returned home after 1 am, after ensuring that everyone received the needed medical attention.

Abeer told SHRM, “I perform paramedic work on injured protesters under challenging conditions – gunfire, tear gas, and violence. I was at the clinic unit at Sherwani Mosque area, with other doctors and paramedics, on 13 January. I was carrying a medical bag. Around 2 pm, I was taking photos using my phone at the railway station on the frontlines facing police officers about 10 meters away. One anti-riot police officer saw me taking pictures, and he shot me with teargas on my right arm. I screamed, and it burned my arm. I was taken for treatment; then they took me to the hospital. I remained at home for two weeks recovering from my injury.”³³

New brutal tactics

On 5 May 2022, the Central Committee of Sudan Doctors (CCSD) announced that 23-year-old Mujtaba Abdel Salam Osman was killed by security agents who used a vehicle to run over protesters.³⁴ On this single day, 73 injuries were reported, including 30 injuries from tear gas canisters and 11 individuals injured after being run over by a vehicle belonging to the police.³⁵ In a statement, the police stated on 6 May that they would establish “a fair and transparent investigation” into the death of Mujtaba Abdel Salam, and condemned the reckless driving into demonstrators.³⁶ As indicated above, Sudanese police operate under broad immunities which bar prosecutions for serious crimes. Provisions in the Police Act 2008 allow these immunities to be waived by the Minister of Interior (or “whoever authorises”) but in practice authorities do not waive them, making the prospect of a “fair and transparent investigation” leading to accountability for violations unlikely. In this case, there has been no additional news about an open investigation or its outcomes, including the identification of individual perpetrators.

Among those injured was Fatah, an 18-year-old carpenter from the May district in South Khartoum (sometimes called the Southern Belt area, also referred to in the past as the Green Belt area). Fatah participated in the peaceful protests, telling SHRM, “[w]e started from Bashadar station, three kilometers south of central Khartoum, and there was an attack from the police at that location; they tried to disperse the gathering. They fired a considerable amount of tear gas, but we managed to move from Bashdar, heading towards the palace

33 Interview with Abeer by SHRM on 16 May 2022.

34 Central Committee of Sudan Doctors, “Field report,” 5 May 2022, available at: <https://www.theccsd.org/post/-5-817>.

35 *Ibid.*

36 Khartoum State Police, Facebook, 6 May 2022, available at: <https://web.facebook.com/kspolice/>.

37 Interview with Fatah by SHRM on 9 May 2022.

at 1 pm. We are seven to eight thousand protestors of different ages; even the elderly were present.”³⁷

The protestors reached the Sherwani Mosque area (less than 1500 meters from the Presidential Palace), where they encountered a joint security force consisting of the riot police, the Central Reserve Police (CRP, sometimes referred to as Abu Tira),³⁸ and General Intelligence Service (GIS) agents in plainclothes.

Fatah continued, “[t]hey obstructed our route and began to attack us by firing tear gas, sound bombs, and rubber bullets. They also used police dogs to threaten us. We tried to [react to] them by throwing stones.” Fatah and other protestors remained in the area for three hours; at around 5 pm, the protestors decided to withdraw from the Sherwani Mosque area. During the protestors’ withdrawal, the police used their vehicles to chase them and run over protestors. Fatah was on the east side near Sherwani Mosque when a police car hit him.

“I passed out, and I didn’t feel a thing. I woke up only in the hospital... I couldn’t move any part of my body except my hands. After a while, I could move the upper part of my body, but I could not move the lower part. I was injured around 4:30 pm when I woke up it was 9:00 pm, the injury was in the pelvis, but there is no fracture, only bruises all over my body.”

Fatah could not move or stand on his feet for two days and still feels severely numb on his legs. He cannot move normally unless he leans on crutches or someone. This was not the first time Fatah sustained injuries during a protest; he has been injured eight or nine times since 25 October 2021, including after being struck with sound grenades, tear gas, and rubber bullets. Despite his suffering, Fatah insists on participating in upcoming demonstrations against the acting authorities.

Fatah intends to file a legal case against the police officer who struck him with the car, on the basis of information he has about the specific police unit responsible; he told SHRM, “I would file a complaint against him and demand my right and that the law would take its course.”³⁹ He has not yet taken legal action.

Causing permanent disability

Gasim, an engineer in his early 30s, was severely injured on 17 November 2021 while participating in a peaceful protest. His injuries have significantly affected his ability to work and walk. He told SHRM, “On 17 November 2021, we gathered at Wad Al Bashir [in Omdurman] and started marching along Al Arada street. The police began to attack us before reaching Al-Tigany Al-Mahy Mental Health Hospital. The forces at that location consisted of the anti-riot police and the Central Reserve Police. The police used live ammunition; I saw three soldiers wearing the police blue camouflage uniform about 80 meters from us. They were shooting at us with live ammunition. In the first quarter of an hour, two people were killed by bullets in the head and

38 REDRESS, “Sudan: Central Reserve Police,” March 2022, available at: <https://redress.org/wp-content/uploads/2022/03/Briefing-Central-Reserve-Police.pdf>.

39 Interview with Fatah by SHRM on 9 May 2022.

five injured. I ran towards the side road off Arada street into Al Abasaia district. These soldiers shot at me while I was running into a side road. The bullet hit my upper right thigh. The bullet damaged my bones. After my injury, other protesters took me to Waad Hospital for treatment.”⁴⁰

Gasim’s MRI report on 14 February, taken during a follow-up appointment following his injury in November, noted metallic shrapnel and fractured bones in his upper thigh.⁴¹ Following his injuries, Gasim is no longer able to work as a construction engineer and has lost his income. Gasim stated that he will file a legal case against the anti-riot police and demand restitution.

Targeting journalists

Ali Farsab is a 32-year-old journalist based in Khartoum. On 17 November 2021, his newspaper tasked him with covering the protests in Khartoum North (Bahri). Peaceful protestors gathered at the junction between Al Muna Street and Al Azhari Street; security forces fired live ammunition and teargas at the gathered protestors.

Ali told SHRM, “I ran to the west side of the road and lay down behind a cement block. A young man was hiding next to me, he was hit on his head, he was killed immediately, and another one behind me was shot and injured. There was a police officer about 10 meters away; he yelled ‘catch him.’ Then a dozen of police officers descended on me and beat me with whips, sticks, and kicked me with their boots; they are from the anti-riot police, the paramilitary Central Reserve Police and security agents in plain clothes were involved in the violence against me.”⁴²

Ali sustained injuries to his right hand and on his head. Despite his injuries, he was arrested and detained at the police station in Khartoum for three days without receiving medical attention. He was released on 20 November 2021 after the intervention of the emergency lawyers.

Ali believes that police forces subjected him to torture and ill-treatment, and denied him access to medical treatment, because of his status as a journalist. One of the police officers told him, “You don’t know your interests, and you should not oppose al-Burhan [the head of the military and the Sovereign Council]. Your life isn’t worth the price of a bullet.”⁴³ As a result of his injuries, Ali stopped working as a journalist until the end of December 2021. He resumed his work after he recovered from his injuries in January 2022. He has not taken any legal action in response to the violations he was subjected to.

40 Interview with Gasim by SHRM on 10 May 2022.

41 Copy of MRI scan report on 14 February from Dokki Scan received by SHRM.

42 Interview with Ali Farsab by SHRM on 12 May 2022.

43 Interview with Ali Farsab by SHRM on 12 May 2022.

Extrajudicial killings

As indicated above, several international treaties to which Sudan is a party, including the ICCPR and the African Charter on Human and Peoples' Rights protect the right to life. The deaths of protestors, including those described in the following section, at the hands of Sudanese security forces likely constitute extrajudicial killings, and have been conducted on a systematic basis. As such, they may rise to the level of crimes against humanity.

Extrajudicial killings under international law

Extrajudicial killings are a violation of the right to life as protected by a number of international treaties, including the ICCPR and the African Charter on Human and Peoples' Rights.⁴⁴ Extrajudicial killings can be defined as the deliberate killing of an individual by a State agent, or with the consent of a State agent, without a previous judgment affording all judicial guarantees (such as a fair and unbiased procedure).⁴⁵

The Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2014 noted: “[t]he right to life is often described as a fundamental human right; a right without which all other rights would be devoid of meaning.” The right is recognized in a variety of widely ratified global and regional treaties and other instruments. Article 6(1) of the ICCPR provides that “every human being has the inherent right to life [which] right shall be protected by law. No one shall be arbitrarily deprived of his life.”⁴⁶

In the context of protests, international standards state that “[i]n principle shooting indiscriminately into a crowd is not allowed and may only be targeted at the person or persons constituting the threat of death or serious injury.”⁴⁷ The failure to follow this and other applicable international standards, and killings that result from this failure, constitute an arbitrary deprivation of the right to life and may be considered extrajudicial killings.

44 See, for e.g., International Covenant on Civil and Political Rights, 19 December 1966, art. 6; African Charter on Human and Peoples' Rights, 27 June 1981, art. 4.

45 Under US domestic law, an extrajudicial killing is defined as “[a] deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” Torture Victim Prevention Act of 1991, Pub. L. No. 102 – 256, 106 Stat. 73 (1992). See also European Convention for the Protection of Human Rights and Fundamental Freedoms, article 2(1), stating “[n]o one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by laws”; International Covenant on Civil and Political Rights, 19 December 1966, art. 6; Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, UN Economic and Social Council Res. 1989/65.

46 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,” A/HRC/26/36 (1 April 2014), para. 42.

47 OHCHR, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990. See also Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, UN Doc A/HRC/17/28 (23 May 2011) (noting in para. 60 that “[t]he guiding principle in respect of the lethal use of force or firearms is defence of one’s own life or that of others. The only circumstances warranting the use of firearms, including during demonstrations, is the imminent threat of death or serious injury, and such use shall be subject to the requirements of necessity and proportionality”).

Beyond the obligation to protect the right to life, States have a further duty to prevent, investigate, prosecute, and punish violations to the right to life, and provide victims with an effective remedy. The responsibility to prevent demands that States take all the necessary measures, including adopting legislation and procedures, to prevent incidents of arbitrary deprivation of life.⁴⁸ As for the obligation to investigate and prosecute, the State shall investigate incidents involving the unlawful deprivation of life and prosecute perpetrators where appropriate.⁴⁹ These include allegations of excessive use of force and use of lethal force, even when the risk of deprivation of life did not materialize.

Several other international instruments provide guidance regarding the obligation to investigate and prosecute, including the UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (better known as the Minnesota Protocol). The Minnesota Protocol lays out a set of standards applicable to States' obligation to conduct effective investigations into potential "unlawful death or suspected enforced disappearance."⁵⁰ It further clarifies that the duty of the State to investigate is triggered "where it knows or should have known of any potentially unlawful death, including where reasonable allegations" have been made.⁵¹

As violations since the 25 October 2021 make apparent, Sudanese law and practice are not in conformity with these international legal standards.⁵²

Testimonies: extrajudicial killings since 25 October 2021

As indicated above, security forces implicated in serious human rights violations include the regular police, the anti-riot police, CRP,⁵³ GIS, Rapid Support Forces (RSF), and the Sudanese Armed Forces (SAF). There is a long history of violations by these forces, including in the context of protests; on 3 June 2019, for example, security forces violently dispersed a sit-in outside of the army headquarters, killing at least 120 people.⁵⁴

In nearly all cases,⁵⁵ Sudanese authorities have failed to investigate cases of extrajudicial killings during protests

48 Human Rights Committee, "General Comment No. 36: Article 6 Right to Life," 3 September 2019, para. 13.

49 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, UN Doc A/HRC/17/28 (23 May 2011) at para. 63 (finding that "[w]here "killing has occurred, the [UN Code of Conduct for Law Enforcement Officials] requires that a report be made promptly to the competent authorities in every instance in which a firearm is discharged [and] disciplinary action should be taken where applicable").

50 OHCHR, "The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions," 2017, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

51 Ibid., para. 15.

52 See pgs. 7-9 of this briefing.

53 REDRESS, "Sudan: Central Reserve Police," March 2022, available at: <https://redress.org/wp-content/uploads/2022/03/Briefing-Central-Reserve-Police.pdf>.

54 REDRESS, "Impunity in Sudan over Enforced Disappearances during the 'Khartoum Massacre' Brought before the UN," 3 June 2022, available at: <https://redress.org/news/impunity-in-sudan-over-enforced-disappearances-during-the-khartoum-massacre-brought-before-the-un/>.

55 In 2021, the Special Court convicted a former NISS agent of premeditated murder and crimes against humanity for the murder of Hassan Mohammed Omar who was killed during a mass protest in Khartoum in 2018. This was the first conviction of its kind by the Court. Dabanga, "Former Sudan security agent sentenced to hang for student's December 2018 murder," 28 June 2021, available at: <https://www.dabangasudan.org/en/all-news/article/former-sudan-security-agent-to-hang-for-student-s-december-2018-shooting>.

or bring the perpetrators to justice.⁵⁶ This failure to investigate and punish the perpetrators constitutes a violation of Sudan's domestic and international obligations.

The following testimonies, drawn from interviews conducted by SHRM in Khartoum, illustrate the pattern of extrajudicial killings and the failure of Sudanese authorities to take immediate investigative action.

Ahmed Al-Amin Kanuna

Saad witnessed the killing of 28-year-old Ahmed Al-Amin Kanuna on 30 December 2021 afternoon. Saad joined an anti-coup protest in Omdurman during that day, told SHRM, “[w]e were running away from soldiers belonging to [the] Sudan Armed Forces near the Youth Palace in Omdurman. Suddenly I heard a huge bang, and when I looked around, I saw someone near me falling down with his skull shattered, and his brain scattered on the ground. I saw a bullet [Doshka bullet] hole in his head. I was shell-shocked. Since that day, I have had hallucinations from that honorific scene.” Saad later recognized the protestor as Ahmed Al-Amin Kanuna.

A social media video clip from the day which was widely circulated showed a young man with blood pouring from his head, with onlookers visibly shocked. A nearby demonstrator attempted to transport brain tissue using his slippers. The young man in the video was Ahmed Al-Amin Kanuna, a 28-year-old from Umm Badda Block 28 in Omdurman; his killing has since garnered significant attention on Sudanese social media.

The day after the protest, Ahmed's family found his body in the Omdurman hospital morgue, and subsequently struggled to obtain permission from the police and the Omdurman Public Prosecution office to bury him.⁵⁷ Ahmed's family has not yet taken legal action to obtain justice for the death of Ahmed Al-Amin Kanuna due to a lack of trust in the legal system.

Asim Hasbu

Asim Hasbu, a 22-year-old from the Mayo District (south of the Green Belt area in Khartoum),⁵⁸ was shot and killed on 31 March 2022.⁵⁹ Statements from his family and friends indicate that Asim was a talented footballer, popular community leader, and a leading figure among his area's resistance committee. Asim was also a close friend of Gasim Turis, who was killed on 25 October 2021; 10 days before his death, Asim wrote on Facebook that “[i]t is much better to die with your dignity than die frightened and humiliated.”⁶⁰

56 REDRESS, “Impunity in Sudan over Enforced Disappearances during the ‘Khartoum Massacre’ Brought before the UN,” 3 June 2022, available at: <https://redress.org/news/impunity-in-sudan-over-enforced-disappearances-during-the-khartoum-massacre-brought-before-the-un/>.

57 Al Jareeda, Facebook, 5 January 2022, available at: <https://www.facebook.com/watch/?v=1129356331226566>.

58 The South Belt area consists of Mayo, Al-Azhari, Al-Salama, Soba Aradi; the majority of the district's residents (over 1 million people) are originally from the conflict areas of Darfur, South Sudan and South Kordofan.

59 Ayin Network, “A bullet betrayed his dreams - Asim Hasbu,” 14 April 2022, available at: <https://www.youtube.com/watch?v=K258ofp-sURc>.

60 Philosophy News, “Asim Hasbu, The Smiling Martyr,” 8 April 2022, available at: <https://philosophynews.net/28873>.

Ahmed witnessed the shooting of Asim Hasbu. Ibrahim took part in a protest that started at Bashdar, three kilometers south of central Khartoum. The protest route from the day showed that protestors intended to reach the Presidential Palace. Ahmed was very close to Asim Hasbu, who was just a few meters behind him; Ibrahim told SHRM, “[o]n March 31, I participated in the protests. We reached Sherwani Mosque and protestors started to [respond to] the police [by throwing rocks and returning teargas canisters]. This lasted for two hours. We then arrived at Stack Lab junction. Then the anti-riot police and the Central Reserve police started to fire tear gas and live ammunition at us. I saw someone was shot at the Stack Lab junction. When I looked, it was Asim Hasbu injured on the left side of his chest by a bullet. The paramedic took him to Al Jawada Hospital, but he was pronounced dead there.”⁶¹

Asim’s brother told SHRM, “[h]is family forgave his killers, and they left the matter on the hand of God [Allah] to judge their deeds.”⁶² He further added “[m]y brother insists on protesting and wants to be part of the change in the country. I think he believes that people have rights, and they want to claim it.”

Ali Hubaldeen

Ali Hubaldeen’s mother told SHRM that Ali Hubaldeen, a 27-year-old manual worker was “[v]ery committed to change in Sudan. On 9 January, during protests in Khartoum North [Bahri], he was shot by a tear gas canister that severed his spinal cord on the neck area. A police officer from the anti-riot squad shot him around 4 pm at Al Muna road in Khartoum North.”⁶³

Ali Hub Aldeen’s brother witnessed the shooting of his brother. He told SHRM: “[i]n the afternoon, I met Ali in Omdurman [Alarbeen street]. We went together to participate in the Khartoum North [Bahri] protests. During [interactions with] with the police, at the last stages of the demonstrations, before retreating, we were the only remaining five people, including Ali. We ran from the police and entered a side road off El Mauna Street [the main highway that runs across central Bahri from North to South] near Khartoum North [Bahri] Teaching Hospital. I was standing next to Ali. The police shot me in my leg and shoulder with gas canisters, which caused minor injuries. At that location, the police shot at us eight times using a tear gas canister. Ali tried to protect me, but during his attempt he was hit on the neck by a gas canister. I’m a nurse, so I administered first aid and recovery techniques to revive him. But his injury was severe; we took him to the nearby Khartoum North [Bahri] teaching hospital, where he was pronounced dead.”⁶⁴

Regarding ongoing legal processes, Ali Hub Aldeen’s mother told SHRM, “[a]fter one week, we started the legal process. We called on the prosecution office to investigate the incident. I’m a lawyer. I have filed a case against the director of police in Khartoum North, the Sudan police director, the minister of interior, and the military council. I told them the soldier that shot my son belonged to anti-riot police in Khartoum North. They are a small

61 Interview with Ibrahim by SHRM on 9 May 2022.

62 Interview with Asim’s brother by SHRM on 9 May 2022.

63 Interview with Ali Hub Aldeen’s mother by SHRM on 10 May 2022.

64 Interview with Ali Hub Aldeen’s brother by SHRM on 10 May 2022.

unit whose members should be easy to identify. The police refused to give us Form 8⁶⁵ to file the case. The prosecutors are not helpful and procrastinate in processing the case. They fear the police. I stopped pursuing the process because I don't trust the current judiciary system.”⁶⁶

Ali Hub Aldeen's mother also told SHRM that she believes that justice is not about prosecuting low-ranking soldiers or officers and sentencing them to death. Instead, she wants to sentence to death the ugliness in the country — the cruelty, injustice, suppression and dictatorship — but not the killers of her son.

65 In cases of injuries, for the purposes of legal proceedings, Form 8 is needed; the form is usually a one-page document which provides limited information about medical evidence. However, Form 8 can only be issued in police stations and some public hospitals and clinics, preventing many victims from completing it and corroborating their testimony during later criminal proceedings. *See, for e.g.*, United Nations High Commissioner for Human Rights, Access to Justice for Victims of Sexual Violence: Report of the United Nations High Commissioner for Human Rights, 29 July 2005, available at: <https://www.ohchr.org/sites/default/files/Documents/Countries/darfur29july05.pdf> (noting that “Form 8 only requests limited information . . . and does not allow for a comprehensive medical report to be written by the doctor. In the majority of cases the full extent of the injuries are not documented . . .”).

66 Interview with Ali Hub Aldeen's mother by SHRM on 10 May 2022.

Arbitrary arrests and enforced disappearances

Arbitrary arrests and detention under international and Sudanese law

Among other international and regional treaties, the ICCPR and the African Charter on Human and Peoples' Rights guarantee the freedom of liberty and security of the person. The ICCPR, in particular, provides that "[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law" (eg, in the "enforcement of criminal laws").⁶⁷

The ICCPR further stipulates that anyone who is arrested "shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."⁶⁸ In addition, arrested individuals "shall be brought promptly before a judge . . . and be entitled to trial within a reasonable time or to release."⁶⁹ The court shall decide "without delay" on the lawfulness of the detention and order his or her release in the event the detention is not lawful.⁷⁰

The UN Human Rights Committee has also stated that the "deprivation of liberty must not be arbitrary, and must be carried out with respect for the rule of law."⁷¹ In particular, the Human Rights Committee has held that "arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the [ICCPR] is arbitrary, including . . . freedom of assembly (art. 21) [and] freedom of association (art. 22)."⁷² Further, "[a]rrest or detention on discriminatory grounds . . . is also in principle arbitrary."⁷³

Sudanese law provides that detainees shall be treated in a way that preserves "the dignity of the human being."⁷⁴ It further stipulates that detainees shall have the right to contact their family and their lawyer, shall have access to appropriate medical care while in detention and shall have "the right to meet the Prosecution Attorney, or the magistrate."⁷⁵ However, provisions on the treatment of detainees under the Criminal Procedure Act do not contain the judicial guarantees provided for under international law, namely the right to be informed of the

67 International Covenant on Civil and Political Rights, 19 December 1966, art. 9(1).

68 International Covenant on Civil and Political Rights, 19 December 1966, art 9; African Charter on Human and Peoples' Rights, 27 June 1981, art. 6.

69 International Covenant on Civil and Political Rights, 19 December 1966, art. 9.

70 *Ibid.*

71 Human Rights Committee, "General Comment No. 35: Article 9 Liberty and Security of Person," 16 December 2014.

72 *Ibid.*

73 *Ibid.*

74 Criminal Procedure Act of 1991, available at: <https://redress.org/wp-content/uploads/2021/09/1991-National-Criminal-Procedure-Act-English.pdf>, art 83.

75 *Ibid.*

reasons for arrest and any charges brought against him or her, to have prompt access to counsel, and to be brought promptly before a judge within 48 hours (28 hours in cases involving juveniles), who should make a judicial determination of his or her arrest.⁷⁶

Enforced disappearance under international law

Enforced disappearance is considered an “aggravated form of arbitrary detention.”⁷⁷ The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which Sudan ratified in August 2021, defines enforced disappearance as “the arrest, detention or abduction of an individual by state authorities or their agents followed by a refusal to acknowledge the deprivation of liberty or by concealing the fate or whereabouts of the person, which places the person outside the protection of the law.”⁷⁸ Enforced disappearances are considered continuous offences which begin “at the time of the abduction” and continue until the State admits the detention or releases information on the fate or whereabouts of the individual.⁷⁹ There is no minimum time limit for a disappearance to qualify as an enforced disappearance; “short-term” disappearances can result from the unacknowledged deprivation of liberty which puts the individual concerned outside the protection of the law even for a limited amount of time.⁸⁰

Sudan has yet to incorporate measures consistent with the ICCPED needed to prevent and protect against enforced disappearances, such as amending the Criminal Code 1991 to make “enforced disappearance” a standalone crime carrying appropriate penalties.

Violations since 25 October 2021

Since the 25 October 2021 coup, members of the SAF, police, GIS, and other security forces have carried out scores of arrests of protestors, journalists, civilian political leaders, and other human rights defenders. Total numbers of those detained since the coup remain unknown, though between 25 October 2021 and 10 April 2022 the UN independent expert and the Joint Human Rights Office in Khartoum documented the arrest and detention of 1,293 people “linked to the coup or protests against the coup,” including 157 children.⁸¹

Such activities constitute arbitrary detentions and could amount in some cases to enforced disappearances, particularly when the whereabouts of those detained is not disclosed and they are kept in incommunicado detention. The creation of a special operational body – which has been confirmed by confidential sources to

76 Human Rights Committee, “General Comment No. 35: Article 9 Liberty and Security of Person,” 16 December 2014.

77 Human Rights Committee, “General Comment No. 35: Article 9 Liberty and Security of Person,” 16 December 2014.

78 International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, art 2.

79 Working Group on Enforced or Involuntary Disappearances, “General Comment on enforced disappearance as a continuous crime” A/HRC/16/48 (2010).

80 See Report of the WGEID (A/HRC/42/40), 30 July 2019, para. 90; Committee on Enforced Disappearances (“CED”), Views approved by the CED under article 31 of the Convention for communication No. 1/2013; *Yrusta v. Argentina*, CED/C/10/D/1/2013, para. 10.3. For more information on patterns of enforced disappearance in Sudan, see REDRESS, “The Forgotten Victims: Enforced Disappearance in Africa,” 2021, available at: <https://redress.org/wp-content/uploads/2021/08/Report-The-Forgotten-Victims-Enforced-Disappearance-in-Africa.pdf>.

81 Report of the United Nations High Commissioner for Human Rights, “Situation of human rights in the Sudan,” 9 May 2022, UN Doc A/HRC/50/22, para. 27.

REDRESS – authorized at the highest level the detention and interrogations of protestors, which demonstrates the systemic nature of the arrests.

Many of these arrests were conducted under an emergency order (Emergency Order No 3) issued under the state of emergency imposed on 25 October 2021.⁸² The order, which is now no longer legally in force after the lifting of the state of emergency on 29 May 2022,⁸³ authorised the arrest of any person who “participates in a crime related to [the state of emergency].”⁸⁴ Most concerning, the emergency order reversed important reforms made by the transitional government, including the stripping of GIS’ arrest and detention authorities.⁸⁵

Under the emergency order, many of those arrested were detained without the possibility of release on bail; other detainees reported that they were subjected to torture and other forms of ill-treatment.⁸⁶ In many cases, individuals were denied access to lawyers and/or medical treatment.

Some detainees, including minors, have been charged under various provisions of Sudan’s Criminal Code 1991 and subjected to summary trials. Others have been detained without charge.⁸⁷ Following the lifting of the state of emergency on 29 May 2022,⁸⁸ though at least 63 people were quickly released, including those interviewed below,⁸⁹ an estimated 130 prisoners remain detained in Soba Prison, according to the Emergency Lawyers Committee and a SHRM human rights monitor.⁹⁰ In addition, 21 prisoners who were reportedly transferred from West Darfur to Al Huda Prison in Omdurman in April 2022 remain detained, after having been arrested on 25 October 2021. Currently, 11 protestors are facing criminal charges and imprisoned at Kober Prison in Khartoum.⁹¹

Detainees have been held in a number of lawful and unlawful detention centres, including Soba Prison (south of Khartoum), Debak Prison in North Khartoum, and Port Sudan Prison in the Red Sea state. Conditions of detention in these prisons are notoriously inadequate. The US Department of State in its 2021 “Country Reports

82 Emergency Decree No. 3 (2021), available at: <https://redress.org/wp-content/uploads/2022/03/Emergency-Decree-No-3-2021.pdf>.

83 Sudan News Agency (SUNA) reported on 29 May 2022 the lifting of state of emergency and the release of political detainees. SUNA wrote, “[t]he President of the Transitional Sovereignty Council (TSC) General Abdel Al-Fattah Al-Burhan issued today a decree lifting the state of emergency throughout the country. The state of emergency is lifted in the context of providing conducive environment for a fruitful and meaningful dialogue that achieves stability for the transitional period.” Al-Burhan had declared a state of emergency across the country after he seized power on 25 October 2021. The decree also ordered the release of all detainees under the state of emergency. Sudan News Agency, “State of emergency lifted,” 29 May 2022, available at: <https://suna-sd.net/read?id=740436>.

84 Emergency Decree No. 3 (2021), available at: <https://redress.org/wp-content/uploads/2022/03/Emergency-Decree-No-3-2021.pdf>.

85 In July 2020, article 51 of the National Security Act—which in theory set out the rights of those arrested, detained and in custody of the intelligence service—was repealed following reforms made by the transitional government, in accordance with the other legal reforms stripping the GIS of its powers of arrest and detention. Article 51 did not provide sufficient protection for a detained person, notably lacking the right to be brought before an independent judicial authority within 24 hours of arrest, the right to a medical examination of all detainees, and for a comprehensive record to be kept of all interrogations. See National Security Act, 2010, art. 51, available at: <https://redress.org/wp-content/uploads/2021/09/2010-National-Security-Act-English.pdf>.

86 See REDRESS, Darfur Bar Association, PLACE, and the Emergency Lawyers Group, “Taken from Khartoum’s Streets: Arbitrary arrests, incommunicado detentions, and enforced disappearances under Sudan’s emergency laws,” March 2022, available at: <https://redress.org/news/new-joint-briefing-highlights-ongoing-arbitrary-arrests-and-enforced-disappearances-in-sudan/>.

87 *Ibid.*

88 See Sudan News Agency, “State of emergency lifted,” 29 May 2022, available at: <https://suna-sd.net/read?id=740436>.

89 Reuters, “Some protestors freed in Sudan after emergency law lifted,” 30 May 2022, available at: <https://www.reuters.com/world/africa/some-protesters-freed-sudan-after-emergency-law-lifted-2022-05-30/>.

90 SHRM interview with a lawyer from the Emergency Committee, 13 June 2022.

91 SHRM interview with a lawyer from the Emergency Committee, 13 June 2022.

on Human Rights Practices: Sudan” stated that “prison conditions throughout the country remained harsh and life-threatening; overcrowding was a major problem, as was inadequate health care.”⁹²

Some individuals have also been detained in two Central Investigation Department (CID)⁹³ facilities in Khartoum and Bahri, where families and lawyers are regularly denied access to detainees.⁹⁴ Other detainees have been held for extended periods in various police stations throughout Khartoum and Sudan.⁹⁵

A lawyer and a member of the Emergency Lawyers Committee told SHRM that they sent a petition and met with the Attorney General and Sudan’s Chief Justice regarding ongoing illegal arrests and detentions; they both denied any knowledge of the incidents of the arbitrary arrests.⁹⁶

SHRM reached out to the families of former and current detainees to obtain testimonies concerning conditions of detention. Below are examples from those detained in Dabek Prison, located 85 kilometers north of Khartoum. At the time that the testimonies were taken, all were detained without charge, denied contact with their families, a lawyer of their choice, and adequate medical care. They were all released without charge after 29 May 2022, when the state of emergency was lifted.

Dabek Prison Detainees

Abbas is a 22-year-old small businessman from Khartoum North [Bahri]. He was detained on 10 April 2022 at around 10 pm from Khartoum North by a group of masked men in civilian clothes driving pickup trucks.⁹⁷ He was detained in Khartoum North police station for five days. Some witnesses who were with Abbas saw him being beaten at the police station.

Abbas was transferred to Soba Prison on 15 April, after which he was transferred to Dabek prison (located 85 kilometers north of Khartoum) with a group of detainees on 10 May 2022. His family was not allowed to visit him. The prison authority denied all their visit requests.⁹⁸ Furthermore, in April 2022, media reported that “the Dabek prison authorities . . . refused to give emergency lawyers records of the numbers and names of detainees, for reasons justified as “orders issued by higher authorities.”⁹⁹ Abbas was released without charge after 29 May 2022.¹⁰⁰

93 The Central Investigation Department (CID) is a police branch specialising in investigating major crimes. It is sometimes referred to as the Federal Investigation Police.

94 Human Rights Watch, “Sudan: Hundreds of Protestors Detained, Mistreated,” 28 April 2022, available at: <https://www.hrw.org/news/2022/04/28/sudan-hundreds-protesters-detained-mistreated>.

95 See REDRESS, Darfur Bar Association, PLACE, and the Emergency Lawyers Group, “‘Taken from Khartoum’s Streets:’ Arbitrary arrests, incommunicado detentions, and enforced disappearances under Sudan’s emergency laws,” March 2022, available at: <https://redress.org/news/new-joint-briefing-highlights-ongoing-arbitrary-arrests-and-enforced-disappearances-in-sudan/>.

96 Interview with lawyer from the Emergency Lawyers Committee by SHRM on 28 May 2022.

97 The pattern of arrest described here is typical of the Sudanese security forces, who typically use Toyota pickup trucks. See, for e.g., The Economist, “How Sudan’s warlords buy their gun trucks,” 30 April 2020, available at: <https://www.economist.com/middle-east-and-africa/2020/04/30/how-sudans-warlords-buy-their-gun-trucks> (“[t]he Toyota Hilux is a sturdy vehicle . . . the vehicle of choice for anyone who wants to create a “technical”—a pickup truck with a machine gun mounted on the back”).

98 Interview with Anas’ mother by SHRM on 16 May 2022.

Adam is a 19-year-old secondary school student in his final year of study. SAF Military Intelligence (SAF MI) officers arrested him on 5 April 2022 near Banet Junction in Omdurman. An individual who was detained with Adam but released earlier told Adam's mother that he had seen signs of torture on Adam's face and neck due to beatings.

Adam's mother told SHRM, "[f]or three days, we did not know where he was being held. On the third day, we received information from someone in our neighborhood that the detainees had been held at the Central Omdurman Police Station. But the head of the Central Omdurman police refused to receive them, and then we learned through the media that the security authorities transferred them to Soba Prison. We are only allowed to send him written messages in Soba Prison. We are not allowed to see him. A few days later, we learned he was transferred to Dabek Prison with other detainees. Every Sunday and Thursday, we travel to Dabek Prison; but we are not allowed to see him. We only communicate through written messages. Dabek Prison [authorities] did not allow lawyers to meet [Adam and other detainees], despite their efforts. We learned that some staff from the UN Office of the High Commissioner in Khartoum visited them on 15 May 2022."¹⁰¹ Adam was released without charge from Dabek Prison on 29 May 2022.¹⁰²

Soba Prison Detainees

Soba Prison is a relatively new prison in Sudan; it began operating in June 2021 and is located 15 kilometers southeast of Khartoum in the Soba suburb. The prison can accommodate 3,600 people.¹⁰³

SHRM interviewed some of those detained and released from Soba Prison. **Hamad**, a 19-year-old student from Umbada in Omdurman, told SHRM, "I was arrested on 24 January 2022 from our house by a joint security force; they took me to Soba Prison. The prison service is horrible; I saw about ten children in Soba Prison. I was denied contact with lawyers and was allowed to contact my family after one week. I was released after two months without charge on 23 March 2022."¹⁰⁴

Salim, a 41-year-old businessman from Al-Haj Yousif in Khartoum North [Bahri], reported to SHRM, "I was arrested and detained on 22 January 2022 from my house by GIS agents. Although I was shot and wounded on the shoulder [during] the 17 January 2022 protests, and I had an operation on 21 January 2022, GIS agents insisted to detain me and take me to Soba Prison. In Soba Prison, the director released me the next day as my wound was still bleeding, and there are no health services in the jail. During my detention, I was denied contact with [my] family and lawyers."¹⁰⁵

99 Al Taghyeer, "Hemedti denies political detainees presence in prisons," 17 April 2022, available at: <https://www.altaghyeer.info/en/2022/04/17/hemedti-denies-political-detainees-presence-in-prisons/>.

100 Confirmed by a SHRM human rights monitor in Sudan.

101 Interview with Moataz's mother by SHRM on 16 May 2022.

102 Confirmed by a SHRM human rights monitor in Sudan.

103 See Sudan News Agency, "The Minister of Interior inaugurates the state prison in Soba with a capacity of (3600) inmates," 17 June 2021, available at <https://suna-sd.net/read?id=715315>.

104 Interviewed by SHRM on 14 May 2022.

105 Interviewed by SHRM on 14 May 2022.

Conclusion

As this briefing has demonstrated, the violations which have occurred since 25 October 2021 have been carried out on a systematic, consistent basis by a variety of Sudanese security and intelligence forces. These forces have a long history of participation in serious human rights violations, for which there has historically been no justice or accountability. The same cannot be permitted to be true of the violations that have taken place across Sudan over the past eight months.

Many of the violations described in this briefing could rise to the level of international crimes for which there should be no immunity, including the possible crimes against humanity of murder, torture, rape and sexual violence, and enforced disappearance. Victims and their families must be afforded access to effective justice in Sudan, and international actors should continue to keep a close eye on both the developing human rights situation in Sudan and the measures reportedly put in place by the de facto authorities to remedy any violations.

Front cover art credit: Mohamed Hassan Haroun