

Annex: Human rights developments since September 2019 (compiled by ACJPS)

Since September 2019, several developments have occurred in accordance with commitments set out in Sudan's Constitutional Document, 2019. Human rights violations have continued to take place, including in conflict and former conflict areas.

On 23 September 2019, Prime Minister Abdallah Hamdok appointed seven members of the National Investigation Committee mandated to investigate the 3 June 2019 atrocities.¹ The Committee was granted three months to complete its work, as well as prosecutorial powers. Mr. Nabil Adib, a prominent Sudanese human rights lawyer, was appointed head of the Committee. However, several concerns have been raised as to the Committee's mandate and work, including lack of gender and victim representation, limited expertise of the committee members in handling sexual violence cases, and the scope of the Committee's investigations.² Media reports indicate that the Committee was granted a second three-month extension, following a request from Mr. Adib stating that the first extension (March-May 2020) was ineffective due to the outbreak of COVID-19.

On the first-year anniversary of the 3 June massacre, UN human rights experts expressed concern over delays in ensuring justice and reparations for victims and their families and underscored the importance of delivering justice and providing effective remedies to Sudan's transition to a democratic society.³

In November 2019, Sudan's Attorney General initiated investigations against several prominent members from the former regime. The individuals summoned for interrogation include Omar Al-Bashir, Aly Othman Mohamed Taha, Owad Algaz, and Ali al-Haj. The National Prosecution Office has also formed several investigation committees to look into various human rights violations, including extrajudicial killings, torture and enforced disappearances, as well as corruption, committed under the Bashir regime. On 14 December 2019, Al-Bashir was sentenced to two years detention in a reform facility after a court found him guilty of corruption.⁴

In February 2020, Sudanese authorities indicated their willingness to cooperate with the International Criminal Court (ICC), including ensuring that ICC suspects appear before the Court and reiterating commitments to justice.⁵ Despite these positive remarks, a clear strategy on aiding accountability and cooperation with the ICC remains unclear. The surrender of Ali Kushayb, also known as Ali Muhammad Ali Abd-Al-Rahman, to authorities in the Central African Republic is the first and only execution of a warrant of arrest in the Darfur investigation to date.⁶ This landmark development has renewed hope that justice for the victims of the Darfur atrocities is possible.

¹Article 7(16) of the 2019 Constitutional Charter grants the Prime Minister the power to "form a national, independent investigation committee . . . to conduct a transparent, meticulous investigation of violations committed on 3 June 2019, and events and incidents where violations of the rights and dignity of civilian and military citizens were committed." Available at Constitution Net, "Sudan Constitutional Declaration August 2019," <http://constitutionnet.org/vl/item/sudan-constitutional-declaration-august-2019> (accessed on 1 September 2020).

² Human Rights Watch, "Sudan's New Investigation Committee Raises Concerns; Revisions Needed to Ensure Independent, Credible Inquiry," 24 September 2019, <https://www.hrw.org/news/2019/09/24/sudans-new-investigation-committee-raises-concerns> (accessed on 1 September 2020).

³ OHCHR, "Sudan: Khartoum massacre victims and their relatives still waiting for justice one year on," 3 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25919&LangID=E> (accessed on 1 September 2020).

⁴ Reuters, "Former Sudan president Bashir sentenced to two years in detention for corruption," 14 December 2019, <https://www.reuters.com/article/us-sudan-politics-bashir/former-sudan-president-bashir-sentenced-to-two-years-in-detention-for-corruption-idUSKBN1YI087> (accessed on 1 September 2020).

⁵ Human Rights Watch, "Sudan Opens Door for ICC Prosecutions; Ex-President Bashir May Finally Face Trial for Alleged Darfur Crimes," 12 February 2020, <https://www.hrw.org/news/2020/02/12/sudan-opens-door-icc-prosecutions> (accessed on 1 September 2020).

⁶ FIDH, African Centre for Justice and Peace Studies, and Sudan Human Rights Monitor, "Transfer of Ali Kushayb to ICC: A Significant Step Toward Accountability in Darfur," 10 June 2020, <https://www.acjps.org/transfer-of-ali-kushayb-to-icc-a-significant-step-toward-accountability-in-darfur/>; Human Rights Watch, "ICC: Sudanese Fugitive in Custody Ali Kosheib; First Suspect Held for Government-

The amendments approved by the Sovereign Council in July 2020 have been viewed as a long-awaited step in the direction of improving the human rights situation in the country. The amendments include the criminalisation of female genital mutilation (FGM) and repealing of movement restrictions on women travelling with children that required them to obtain consent from a male guardian. Other reforms include banning of the “infliction of torture” and forced confessions and abolishing the crime of apostasy, which was punishable by death. The amendments also repealed provisions that prevented cooperation with the ICC. Despite these positive reforms, several problematic laws that are discriminatory and restrict the enjoyment of rights and freedoms remain in force.⁷

The humanitarian situation in Darfur and Eastern Sudan remains critical. Over the past months, there have been reports of violence, including targeted attacks against civilians and internally displaced persons (IDPs), sexual violence, and destruction of property. Between 29 and 31 December 2019, 72 persons were killed and 109 others injured during a raid by a group of armed Rizeigat herdsmen in the Krinding camp for IDPs in Al-Geneina, West Darfur. The group of herdsmen raided the camp to avenge the death of their relative, who had been shot dead by a young Masalit tribesman during a fight at Rgurgu market located on the main road between the cities of Al-Geneina and Zalingei. The majority of the population in the Krinding camp is from the Masalit tribe. Reliable information states that about 50 people dressed in Rapid Support Forces (RSF) uniforms, traveling in five Land Cruiser vehicles, participated in these attacks. About 15 members of the Sudanese police forces, some from the Masalit tribe, exchanged gunfire with the armed militias. A local commission of inquiry was established on 2 January 2020 to investigate the attack.⁸

On 24 April 2020, armed militias attacked civilians in Tamur Jameel village, North East Zalingei, Central Darfur state, killing two civilians and injuring five. It was also reported that seven women were raped during the attack.⁹ About 70 houses and tens of shops at the local market were burnt to the ground and more than 100 livestock were looted. Hundreds of civilians were displaced to the Hameedia IDP camp in Zalingei town.

Between 2 and 4 June 2020, four incidents of attacks on civilians in five villages in the states of Central, North, and South Darfur left ten people dead and 18 injured, including an eight-month-old baby.¹⁰ On 25 July 2020, a tribal clash in West Darfur left 61 people dead and 52 injured, including five minors.¹¹ In August 2020, tribal clashes broke out between the Nuba tribe of African ethnicity and Bane Amir tribe of Arab ethnicity in Port Sudan, Red Sea state (Eastern Sudan). As a result, 33 people were killed and 77 injured. The two groups have a history of conflict.¹²

There is an urgent need to disarm both militias and civilians if there is to be lasting peace in the country. The government also needs to strengthen their vetting processes within the security and paramilitary forces and to develop plans for security sector reform with the full participation of political and civil

Backed Crimes in Darfur,” 9 June 2020, <https://www.hrw.org/news/2020/06/09/icc-sudanese-fugitive-custody> (accessed on 1 September 2020).

⁷ Jehanne Henry, “Sudan’s Law Reforms a Positive First Step; Problematic Laws, Practices Still a Challenge,” 16 July 2020, <https://www.hrw.org/news/2020/07/16/sudans-law-reforms-positive-first-step> (accessed on 1 September 2020).

⁸ African Centre for Justice and Peace Studies, FIDH, and Sudan Human Rights Monitor, “West Darfur: Investigation Into Krinding Camp Massacre Is Urgently Needed,” 31 January 2020, <https://www.acjps.org/west-darfur-investigation-into-krinding-camp-massacre-is-urgently-needed/> (accessed on 1 September 2020).

⁹ African Centre for Justice and Peace Studies, “Sudan: Armed militias attacks Tamur Jameel village, North East Zalingi in Central Darfur state,” 4 May 2020, <https://www.acjps.org/sudan-armed-militias-attacks-tamur-jameel-village-north-east-zalingi-in-central-darfur-state/> (accessed on 1 September 2020).

¹⁰ African Centre for Justice and Peace Studies, “Darfur: Sudanese authorities must urgently put in place measures to protect civilians from arbitrary attacks by armed militias,” 15 June 2020, <https://www.acjps.org/darfur-sudanese-authorities-must-urgently-put-in-place-measures-to-protect-civilians-from-arbitrary-attacks-by-armed-militias/> (accessed on 1 September 2020).

¹¹ African Centre for Justice and Peace Studies, “Sudan: Urgent call to the Transitional Government to ensure the safety and protection of all Sudanese,” 6 August 2020, <https://www.acjps.org/sudan-urgent-call-to-the-transitional-government-to-ensure-the-safety-and-protection-of-all-sudanese/> (accessed on 1 September 2020).

¹² African Centre for Justice and Peace Studies, “Eastern Sudan: A tribal conflict leaves 33 dead and 77 Injured,” 25 August 2020, <http://www.acjps.org/eastern-sudan-a-tribal-conflict-leaves-33-dead-and-77-injured/>; Al Jazeera, “Sudan beefs up security in port city after deadly tribal clashes,” 13 August 2020, available at: <https://www.aljazeera.com/news/2020/08/sudan-beefs-security-port-city-deadly-tribal-clashes-200813085248115.html> (both accessed on 1 September 2020).

society actors and oversight by the relevant regional and international bodies, in accordance with international human rights law and best practices.

Due to the instability in the Darfur and Eastern Sudan region, residents in various towns participated in protests demanding an improvement in the security situation, protection of property, dismissal of officials affiliated with the former regime, and justice, among others.¹³ On 30 June 2020, protests took place in Khartoum, Darfur and East Sudan demanding faster reforms and reiterated demands for *freedom, peace and justice*.¹⁴

¹³ African Centre for Justice and Peace Studies, “North Darfur: Urgent call to the Transitional government to investigate the killing of 12 peaceful protesters and injury of 14 others in Kotoum city,” 16 July 2020, <http://www.acjps.org/north-darfur-urgent-call-to-the-transitional-government-investigate-the-killing-of-12-peaceful-protesters-and-injury-of-14-others-in-kotoum-city/>; Amnesty International, “Sudan: Promptly investigate protester killings at Fata Borno,” 14 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/sudan-promptly-investigate-protester-killings-at-fata-borno/>; Radio Dabanga, “New protests erupt in eastern Sudan and Darfur,” 17 July 2020, <https://www.dabangasudan.org/en/all-news/article/new-protests-erupt-in-eastern-sudan-and-darfur>; Reuters, “Sudan peace talks offer little hope for protesters in Darfur,” 29 July 2020, <https://www.reuters.com/article/us-sudan-politics-darfur-analysis/sudan-peace-talks-offer-little-hope-for-protesters-in-darfur-idUSKCN24U27Y>; The Guardian, “Darfur protesters call for action to end attacks on civilians by armed militias,” 8 July 2020, <https://www.theguardian.com/global-development/2020/jul/08/darfur-protesters-call-for-action-to-end-attacks-on-civilians-by-armed-militias> (all accessed on 1 September 2020).

¹⁴ Al Jazeera, “One killed in Sudan as thousands rally for faster reform,” 1 July 2020, <https://www.aljazeera.com/news/2020/06/sudan-protesters-return-streets-demand-reforms-200630154320885.html>; Deutsche Welle, “Protesters hit Sudan streets calling for political reforms,” 1 July 2020, <https://www.dw.com/en/protesters-hit-sudan-streets-calling-for-political-reforms/a-54006307>; Reuters, “One Killed in Sudan as Thousands Rally for Faster Reform,” 30 June 2020, <https://www.voanews.com/africa/one-killed-sudan-thousands-rally-faster-reform> (all accessed on 1 September 2020).