



General Assembly

Distr.: General
12 May 2023

Original: English

Human Rights Council

Fifty-third session

19 June–14 July 2023

Agenda Item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Situation of human rights in the Sudan

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report has been prepared pursuant to Human Rights Council resolution 50/1, in which the Council requested the High Commissioner, with the assistance of the designated Expert on human rights in the Sudan, to present a comprehensive report on the situation of human rights in the Sudan to the fifty-third session of the Council. The present report covers the period from 11 April 2022 to 14 April 2023, depicts the key human rights challenges faced by the Sudan and contains recommendations to address them.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction and methodology

1. In its resolution S-32/1, the Human Rights Council requested the High Commissioner to designate an expert on human rights in the Sudan. On 16 December 2022, the High Commissioner designated Radhouane Nouicer (the Expert).
2. The present report (which follows the previous report, presented in May 2022¹), is submitted pursuant to Human Rights Council resolution 50/1, in which the Council requested the High Commissioner, with the assistance of the Expert, to submit a comprehensive report on the situation of human rights in the Sudan. The present report covers the period from 11 April 2022 to 14 April 2023.
3. As requested by the Council in resolution 50/1, at its fifty-second session the Council received an oral update on the situation of human rights in the Sudan from the High Commissioner, with the assistance of the Expert.²
4. On 2 March 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Expert sent a note verbale to the Ministry of Foreign Affairs of the Sudan to seek information for the report. No information was received as of 10 April. The report was shared in advance with the authorities for factual comments on the observations and findings.
5. The Expert visited the Sudan, from 28 January to 2 February 2023, with the support of the authorities.³ He met with government authorities, United Nations entities, members of the diplomatic corps, civil society representatives and victims and witnesses of human rights violations. He followed up on actions taken by the authorities to implement the recommendations made by his predecessor and the commitments made to the High Commissioner during his visit in November 2022.⁴ The Expert's visit informed the High Commissioner's oral update to the Human Rights Council on 3 March 2023.
6. The present report is based on information gathered by the Expert with the assistance of the United Nations Joint Human Rights Office in the Sudan,⁵ including through interviews with over 100 victims and eyewitnesses, site visits and analysis of evidence, including medical evidence, photographs and video footage.

II. Legal framework

A. International legal framework

7. The international legal framework has not changed materially since the report of May 2022 was issued.

B. National legal framework

8. The main change to the national legal framework since the report of May 2022 was issued is that the nationwide state of emergency imposed on 25 October 2021 by the Chair of the Sovereign Council, Lieutenant General Abdel Fattah Al-Burhan, was lifted by him on 29 May 2022.⁶

¹ [A/HRC/50/22](#).

² See <https://www.unognewsroom.org/story/en/1686/sudan-human-rights-council-oral-update-continuity>.

³ See <https://www.ohchr.org/en/press-releases/2023/01/sudan-new-un-human-rights-expert-make-first-official-visit>.

⁴ See <https://www.ohchr.org/en/statements/2022/11/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit-sudan>.

⁵ [A/HRC/48/46](#), para. 1.

⁶ Temporary decree No. 1 of 29 May 2022.

9. According to the decree lifting the state of emergency, other decrees issued during the state of emergency remained in force, including the decree dissolving the trade unions, professional organizations and their steering committees, including the Bar Association.⁷ All political decrees issued during the state of emergency also remain in force, including those dissolving the Council of Ministers and freezing the work of the committee for the dismantling of the 30 June 1989 regime and the recovery of public funds (the Dismantling Committee).

C. States of emergency

10. The International Covenant for Civil and Political Rights, which Sudan has ratified, allows a State party to impose a state of emergency in certain circumstances, during which certain human rights can be derogated from.⁸ However, any measures derogating from a State party's obligations must be limited to the extent strictly required by the exigencies of the situation and States should demonstrate the necessity of such measures. This requires that States parties provide justification for their decision to proclaim a state of emergency and any measures imposed. They must implement those measures in good faith, for legitimate purposes, without discrimination.

11. The Emergency and Protection of Public Safety Act, 1997 (emergency legislation) provides that during a state of emergency, law enforcement activities can be performed by the joint security forces⁹ that have the power to arrest and detain, following a decision of a "competent authority" (the President of the Republic, a state governor (*wali*) or delegated entity).

12. Emergency Decree No. 3/2021 of 24 December 2021 granted exceptional law enforcement powers to the regular forces and the General Intelligence Service. It also granted them temporary immunity from prosecution for all acts committed in the performance of their duties and impeded judicial oversight over arrests and detentions. Although the state of emergency was lifted by Lieutenant General Al-Burhan in May 2022, there has been no official announcement as to whether this decree remains in force.

13. Granting general immunity from prosecution to the regular forces and the General Intelligence Services breaches international human rights law, which requires the State to take measures to prevent human rights violations during a state of emergency and to investigate and, as appropriate, prosecute violations which have occurred. In the present case, the immunity of security forces personnel implicated in human rights violations can be lifted if requested by the Attorney General.

14. Over the reporting period, states of emergency have been imposed, or renewed, at the state level,¹⁰ usually following outbreaks of intercommunal violence. In at least three instances, persons arrested during states of emergency were held for extended periods without charge, trial or access to lawyers, in line with the authority granted by the Emergency and Protection of Public Safety Act, 1997. In West Darfur, 203 individuals were arbitrarily detained under emergency powers, most of whom were arrested in July 2022. They were sentenced to at least six months in prison without trial or legal representation and were held in Ardamata prison in El Geneina or sent to Al Huda prison in Khartoum or Port Sudan prison.

15. Following advocacy by the High Commissioner and the Expert during their visits, all but one of those detainees were released in December 2022 and January 2023. The last was released in February 2023. However, on 3 March 2023, 26 youths were reportedly sentenced to one year in prison without charge or trial in El Geneina, West Darfur, based on the

⁷ Ibid.

⁸ Article 4.

⁹ The Sudanese Armed Forces and their agencies (military police and military intelligence), the Rapid Support Forces and the police (the unified police, the riot police, the security police and the Central Reserve Police).

¹⁰ Including in Blue Nile, West Darfur, North Darfur, Central Darfur, South Darfur, West Kordofan and South Kordofan.

emergency legislation. In Blue Nile, between November 2022 and January 2023 at least 28 people were detained based on the emergency legislation and sentenced to between one and three months in prison without trial or legal representation.

16. The principle of legality in criminal law and the right to be tried using established legal procedures cannot be derogated from, even during states of emergency. After concerns were raised by the High Commissioner and the Expert, on 23 February 2023 the Cabinet Minister issued a decree to form a committee to review the emergency legislation, ensure its compliance with international human rights standards, review the powers given to the regional governors and the power of the arrest provisions. The committee was due to report by 23 March 2023 but as of 30 March had not concluded its work.

17. As a State party, Sudan cannot invoke article 4 of the International Covenant on Civil and Political Rights to justify acting in violation of peremptory norms of international law, for example by imposing collective punishments through arbitrary deprivation of liberty or by deviating from the fundamental principles of fair trial, including the presumption of innocence. Such acts also contribute to a lack of confidence in the justice system and the authorities more generally.

III. Political context

18. Political talks continued between civilian and military parties, facilitated by the Trilateral Mechanism (United Nations Integrated Transition Assistance Mission in the Sudan/African Union/Intergovernmental Authority on Development (UNITAMS/AU/IGAD)) and others, including the Quad (Saudi Arabia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America).

19. On 5 December 2022, the military leadership and over 40 political parties, the signatory armed movements of the Juba Agreement for Peace in the Sudan (Juba Peace Agreement), trade unions and professional associations signed a political framework agreement. The agreement provides for a 24-month transitional period under “a fully democratic civilian authority”, starting from the date of appointment of a Prime Minister and ending with general elections. It outlines arrangements for a transitional authority comprising a transitional legislative council, a sovereign body, a council of ministers, judicial councils and independent commissions. It proposes the formation of fully civilian institutions, representing a departure from the previous constitutional arrangements, which were based on a civilian-military partnership. The agreement includes strong language on human rights, including women’s rights, and accountability, but sets aside justice and transitional justice as one of five outstanding issues for further consultation, together with security and military reform, implementation of the Juba Peace Agreement, dismantling the 30 June 1989 regime and resolution of the crisis in East Sudan.

20. The political framework agreement faced opposition from the resistance committees, which opposed negotiations with the military, and Islamist factions loyal to the former regime. Other political forces remained outside the agreement.¹¹

21. The final phase of the political process was launched in Khartoum on 8 January 2023. Consultations on the five outstanding issues started on 9 January and continued through March. Recommendations from the consultations included human rights commitments.

22. On 19 February 2023, following a workshop in South Sudan, an updated implementation matrix for the Juba Peace Agreement was signed in a ceremony attended by Lieutenant General Al-Burhan and signatories of the Juba Peace Agreement.

23. The signing of a final political agreement, anticipated on 1 April 2023, then postponed to 6 April, remains pending as disagreements persist on aspects of security and military reform. On 8 April, the High Commissioner urged all parties to redouble efforts towards

¹¹ The Sudan Liberation Movement/Minni Minnawi faction, the Justice and Equality Movement and others.

restoration of a civilian-led Government and avoid further delays in signing the political agreement.¹²

IV. Patterns of human rights violations

A. Excessive use of force and unlawful killings

24. While the number of violent incidents has decreased in the reporting period, the joint security forces have continued to use excessive force in response to protests, especially in Khartoum, Khartoum North and Omdurman.¹³ The protests, coordinated by local resistance committees,¹⁴ have taken place at least twice a week since June 2022. Some have been on a large scale. On 6 April 2023, thousands of people took part in protests in cities across the country.

25. Between 11 April 2022 and 12 March 2023, 32 people were killed in the context of protests, including 11 children.¹⁵ Nineteen were killed by live ammunition, four died as a result of injuries caused by live ammunition, two were shot in the head or neck and two in the chest. Three died of injuries from being hit by tear gas canisters, one person died from a head injury after being hit with a gun, while one person died after being run over by a security force vehicle. This means that at least 125 individuals have been killed in protests since 25 October 2021.

26. Between 11 April 2022 and 21 March 2023, over 3,966 individuals were injured in the protests. Of these, 78 were injured by live ammunition, over 76 by rubber-coated bullets, 1,533 by tear-gas canisters, 191 by stun grenades, 17 by stones fired from a weapon and 493 from tear-gas inhalation. Over 600 people were injured in the upper part of the body, including chest, neck, head and eyes. The security forces fired tear-gas canisters and stun grenades many times directly at protesters, often at close range. Medical reports showed that over 30 per cent of the injuries were caused to the head and upper body; for example, on 19 December 2022 an 18-year-old girl was hit in the face by a tear gas canister fired by the joint security forces at close range. On 24 November 2022, eyewitnesses described a riot police officer in dark blue camouflage uniform shooting a 20-year-old male protester from 20 metres away. He was hit in the abdomen and died in hospital.

27. Medical reports, video footage and eyewitness statements reveal the use of firearms against protesters, including AK-47 assault rifles and machine guns, in violation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (principles 9, 13, 14) and contrary to the standards set out in Human Rights Committee general comments No. 36 (2018) and No. 37 (2020).

28. In mid-October 2022, eye-witness statements and medical reports showed that the joint security forces had started using “Oplen weapons” (used to fire tear-gas canisters and modified to fire stones and projectiles) at protesters, causing death and injuries. On 25 November 2022, a 20-year-old male protester died from head injuries caused by stones fired during a protest two days earlier. On 24 November 2022, a 19-year-old male protester died after being hit in the abdomen by stones fired.

29. During a meeting with the Expert, officials denied that the security forces had used violence against protesters. This was despite contradictory video and medical evidence. Police officials have reported the killing of at least two security officers and the injury of others, plus damage to police vehicles and stations, allegedly by protesters. The Acting Minister of the Interior told the High Commissioner in November 2022 that not all protesters

¹² See <https://www.ohchr.org/en/press-releases/2023/04/sudan-un-human-rights-chief-alarmed-rising-tensions-urges-intensified>.

¹³ Armed men in plain clothes, believed to be members of the joint security forces, also participated.

¹⁴ Popular committees emerged in 2013 to lead civil obedience against the former regime. They led the 2019 revolution and have continued to organize protests against the military.

¹⁵ One girl and 10 boys.

were peaceful. The United Nations Joint Office observed that some protesters threw stones and tear-gas canisters (previously fired at them) at the joint security forces.

30. Some categories of people who enjoy special protection under international law were subjected to unnecessary use of force by the security forces. On 25 October 2022, an ambulance transporting injured protesters in Omdurman was reportedly attacked by the security forces with sticks and stones. The driver suffered broken ribs. On 13 December 2022, a 27-year-old female journalist was injured by a tear-gas canister fired from close range as she was covering a peaceful protest in Sherwani, Khartoum.

31. On 28 February 2023, a police officer shot dead a 17-year-old boy during a protest in Sharq Al Nile, Khartoum. On 1 March, a police officer was arrested and his immunity from prosecution was lifted. The case was referred for prosecution. A police spokesman called the incident an individual and irresponsible act.

B. Arbitrary arrest and detention, torture and ill-treatment and enforced disappearance

32. The last two political detainees were released on 4 December 2022. However, the security forces continued to arbitrarily arrest and detain persons before, during and after protests. They were often physically and verbally assaulted during arrest and in police detention. Many were deprived of contact with their families and allowed no access to legal counsel.

33. Between 30 June 2022 and 26 February 2023, the Joint Office documented the arrest of 417 people (334 men, 50 women, and 33 children, including 1 girl). Most were arrested in Khartoum and Omdurman. In most cases, the men were arrested before or on the day of protests at their homes or on the street following protests. Most of the women were arrested during searches of public transport as they were heading to assembly points. The men arrested were sent to police stations in Khartoum and Omdurman and children were sent to family and child protection units. However, a girl arrested on 30 June 2022 was sent to Omdurman women's prison, together with 32 women arrested on the same day. Those arrested were charged with public order offences¹⁶ (under articles 67, 69, 77, 78 and 79 of the Criminal Act 1991). Many were released on bail on the same or the following day. Some were released after signing a commitment not to participate in protests again. The cases of several individuals were brought before the courts and dismissed after preliminary hearings, such as those of 32 women and a girl arrested on 30 June that were dismissed for lack of evidence.

34. The whereabouts of some arrested persons were unknown for several hours or days, which may amount to enforced disappearance. In four instances recorded by the Joint Office between July 2022 and January 2023, the whereabouts of members of Ghadiboun Bila Hudud ("angry youths")¹⁷ or resistance committees, who were abducted in Khartoum by armed men in civilian clothes, were unknown for between 12 hours and 30 days. In each case, the youths were forced into civilian vehicles, blindfolded and taken to unknown locations. There they said they were burned with cigarettes, beaten with sticks, iron bars, hoses, batons and guns and kicked and slapped during interrogation. One stated that he was subjected to electric shocks, another that he was sexually assaulted. Four said they were blindfolded during interrogation. Based on the method of arrest, treatment and the subject of their interrogation, several persons who were detained and then interviewed by the Joint Office said that they believed that military intelligence was responsible.

35. Women who were arrested reported ill-treatment, verbal abuse, sexual harassment and sexual violence. Several of the 32 women arrested on their way to a protest on 30 June 2022 reported being physically assaulted and sexually harassed while being transferred to a police station and Omdurman prison. One stated that an officer had attempted to rape her.

¹⁶ Charges included "rioting", "disturbing the peace", "public nuisance, alcohol and gambling", "drinking, alcohol and nuisance" and "dealing in alcohol".

¹⁷ A group of youths that emerged after the 2019 revolution. They oppose negotiation with the military.

36. In some instances, forms of torture or ill-treatment reportedly continued in detention. Four defendants accused of involvement in the killing of a police officer in January 2022 were kept in solitary confinement in Kober prison for the first three months after their arrest. Their heads were shaved and their legs were shackled 24 hours a day throughout the confinement period, including when taken to court. Eight men were arrested between March and August 2022, accused of killing a military intelligence officer during a protest in March 2022. Six of them, interviewed in detention, reported ill-treatment and torture during interrogation at the Bahri Criminal Investigation Bureau. Some reported being made to strip naked and being beaten, including on their genitals, and threatened with rape. All were deprived of sleep and were at times denied food and water. On 6 March 2023, after 25 court hearings, the eight were acquitted and released. The court ruling was based on article 141 (1) of the Criminal Procedure Act 1991, namely dismissal of the criminal charges during trial for lack of evidence.

37. Several of those arrested in West and North Darfur, based on emergency orders, were subjected to ill-treatment. One of the 21 men released from Al Huda prison, Khartoum, on 16 December 2022, stated that shortly before release, they had all had to sign a declaration committing not to speak about their detention or file a complaint concerning their arrest and detention.

38. On 11 October 2022, a 28-year-old man died in police custody at the Imtidad Aldaraja Althalha police station in Khartoum. The autopsy report stated that the victim had died from injuries sustained while in police detention, including head injuries. On 6 February 2023, the public prosecution, which investigated the incident, changed the charge from “death under specific circumstances”, for which three police officers were accused, to “murder”. According to the family, the immunity of the three officers implicated has yet to be lifted.

C. Sexual and gender-based violence

39. The pushback on the gains made by women under the transitional Government continued during the reporting period. While at the forefront of peaceful protests and civil society action, women have been subjected to hate speech, intimidation and harassment, offline and online. The High Commissioner and the Expert have both stressed to the authorities, at the highest level, the importance of promulgating a zero-tolerance policy for sexual and gender-based violence. Despite a commitment made to the High Commissioner to do so, such action has not yet been taken.

40. The Joint Office has verified, through interviews with victims and witnesses, four incidents of sexual and gender-based violence committed since 11 April 2022 in Khartoum, affecting five women. Two of the incidents occurred in June 2022, involving three women, two incidents occurred later. Three women were victims of attempted rape and two were sexually assaulted. One of these cases was reported to the police. The Joint Office also received two credible reports of sexual and gender-based violence allegedly committed by the police against four women.

41. The Joint Office has verified 21 incidents of sexual and gender-based violence in Khartoum since 25 October 2021, involving 27 victims (20 women, 1 girl, 4 men and 2 boys). Of the 21 incidents, a number were perpetrated by members of the joint security forces; for example, 10 incidents were attributed to police units, including the Central Reserve Police and the riot police, two incidents to the Sudanese Armed Forces, two incidents to the Rapid Support Forces and one incident each to the General Intelligence Service and Military Intelligence. One was attributed to armed men in civilian clothes believed to be working for the joint security forces.

42. Three female protesters who were subjected to sexual and gender-based violence were subsequently arrested and charged with disturbance of the peace and public nuisance for participating in protests and detained overnight before being released on bail. The charges were dismissed. Many women who were arrested by the joint security forces reported ill-treatment, in some cases degrading treatment. One of the women protesters, arrested on 30 June 2022, stated that the security forces offered to release her in exchange for sex. Another woman stated that when she and two other women protesters were being transported in a joint

security forces vehicle, following their arrest, police officers at a checkpoint called them *dhabiha* (slaughtered sheep given to others for a feast) and *ghanaim* (booty of war).

43. The special investigation committee created by the Attorney General in December 2021 to investigate human rights violations since 25 October 2021 has investigated four cases of sexual and gender-based violence. The unit for combating violence against women in the Ministry of Social Development has provided support to victims of sexual and gender-based violence, has coordinated community-based referral pathways for survivors and has integrated sexual and gender-based violence issues into other ministries.

44. In Darfur, 20 incidents of sexual and gender-based violence were documented, mainly in North and West Darfur. The incidents involved 52 females, including 22 children (girls aged 5 to 17) and were linked to intercommunal clashes and the harvest season. The victims of at least 16 incidents were internally displaced women at, or on the way to or from, their farms. The alleged perpetrators included armed men in Rapid Support Forces uniforms (6 incidents), Sudanese Armed Forces members (1 incident), armed Arab men (11 incidents) and unarmed civilians (2 incidents). In Blue Nile, credible sources suggested that four girls were raped in camps for internally displaced persons in Ed Damazine between 20 July and 23 August 2022, following the intercommunal violence in the locality of Wad Al Mahi in July 2022. The perpetrators were allegedly Sudanese Armed Forces soldiers guarding the camps. During the re-eruption of violence in Wad Al Mahi in October 2022, 29 women and girls were reported to have been raped by unidentified perpetrators.

45. During February 2023, there were incidents of sexual and gender-based violence in West Darfur (two incidents), and one incident in each of South Darfur, North Darfur, Central Darfur, Blue Nile¹⁸ and South Kordofan.

46. Incidents of sexual and gender-based violence are underreported due to stigma, fear of reprisals and lack of trust in the justice system. When incidents are reported, poor documentation of evidence and informal community-based settlement through financial or material compensation, or by marrying victims to perpetrators, inhibit victim-centred justice. Economic and social factors, political instability and insecurity and difficulty in accessing medical facilities in remote areas (where most of the violence occurs) further reduce victims' chances of obtaining treatment.

D. Rights to freedom of opinion and expression and of peaceful assembly and of association

47. Restrictions on the rights to freedom of expression and opinion and to freedom of assembly and of association continued, including through application of the Cybercrimes Act 2020 and the Criminal Act 1991. On 26 January 2023, a journalist from the Aljareeda newspaper, who had published reports alleging corruption at the Ministry of Energy and Mining, was summoned by the court in Khartoum dealing with cybercrime. The Ministry had filed a case against him under the Cybercrimes Act 2020 (articles 25, defamation and 26, abuse and insult). The next hearing is on 5 May 2023.

48. In August 2022, 1,314 journalists formed a syndicate, further to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), which the Sudan ratified in 2021. However, the Registrar-General of Work Organizations rejected the registration of the syndicate on the grounds that its formation contravened the Trade Unions Act 2010, and article 8 of the Convention, which states that "workers and employers ... shall respect the law of the land", notwithstanding that article 8 also states: "The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention." Other syndicates and trades unions have reportedly received the same response from the Registrar-General.

49. On 7 November 2022, the Governor of Blue Nile issued an emergency order prohibiting the publication or circulation of news which would harm the State or citizens, or

¹⁸ See <http://www.acjps.org/blue-nile-sexual-assault-against-a-female-patient-by-saf-soldiers-in-al-damizin-town/>.

promote hatred, racism or discrimination. In at least five cases, human rights defenders or social media activists were arrested and detained without trial or legal representation based on the emergency orders; for example, on 26 January 2023 military intelligence officers arrested a civil society activist in Ed Damazine. The Governor ordered him to be detained in prison, without trial or legal representation, for three months, following a Facebook post in which he had alleged that the head of military intelligence in Blue Nile was a criminal and a prominent member of the former regime.

50. Between November 2022 and February 2023, Lieutenant General Al-Burhan issued two decrees freezing all trade unions, professional federations and the Sudanese Businessmen and Employers Federation. The first decree provided for the formation of a committee to review the financial records of such associations and to establish new steering committees. The second, issued on 28 November 2022, froze the work of professional unions and the General Federation of Employers, while ordering the Registrar-General of Work Organizations to establish new steering committees to ensure the continuity of the dissolved trade unions and professional associations and call for elections to their new general assemblies within three months. The two decrees, which are without judicial review, revoked the Supreme Court decision of 24 October 2022 that repealed the decision of the Dismantling Committee in 2019 to freeze all trade unions and professional associations. Nonetheless, after the dissolved General Federation of Employers challenged one of the decrees (N.586/2022) on 8 January 2023, the Administrative Chamber of the Supreme Court suspended its enforcement.

51. On 17 February 2023, ILO published its 2023 Report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee noted with concern the decree of 28 November 2022 and urged the Government to refrain from interfering with the functioning of the workers' and employers' organizations and guarantee civil liberties so that they could freely undertake their activities, including through free and voluntary collective bargaining. The Committee urged the Government to ensure that, pending the revision of the Trade Union Act, all conditions required for the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) were fully respected.¹⁹

52. On 3 November 2022, the Cabinet of Ministers issued a decree dissolving the steering committee of the Sudanese Red Crescent, following a recommendation made by the Ministry of Foreign Affairs without providing any justification. The decree established a new steering committee with a one-year mandate, whose 15 members included officials from the Ministries of Justice and of the Interior and the army's medical unit.

53. The registration of some civil society organizations has been delayed or revoked, or renewal of their registration has been denied by the Humanitarian Aid Commission. In September 2022, the Commission denied the registration of Hadreen, an organization supporting the cost of medical care for injured protesters. In October 2022, the registration of the Sudanese Consumer Protection Society was revoked by the Commission and its assets seized, without justification.²⁰

54. In September 2022, the Humanitarian Aid Commission reinstated 22 civil society organizations perceived to be associated with the former regime, which had been dissolved by the Dismantling Committee during the transitional period, stating that this decision followed an order by the appeals committee of the Dismantling Committee, which was activated after the coup.

55. On 20 October 2022, for the third time since the coup, security forces raided a Khartoum-based civil society organization during an exhibition. Nine artists, including three women, were arrested and released on bail. They were charged with opposing public authority, public nuisance and disturbing the public peace.

¹⁹ *Report of the Committee of Experts on the Application of Conventions and Recommendations* (2023), p. 277, available from https://www.ilo.org/ilc/ILCSessions/111/reports/reports-to-the-conference/WCMS_868115/lang--en/index.htm.

²⁰ On 8 November 2021, the Society had successfully filed a complaint against Internet service providers for shutting down the Internet after the coup.

56. On 28 July 2022, the security forces raided a civil society organization in Zalingi, Central Darfur. They confiscated documents and equipment, placed a staff member under arrest for one day and accused the organization of working on issues related to the International Criminal Court and hosting two foreigners wanted by the police. Civil society organizations have been requested to notify the Humanitarian Aid Commission before conducting any activity in Central Darfur and have been informed that all activities must be approved by the Commission and military intelligence.

E. Economic and social rights

57. Political and economic instability have continued to undermine the enjoyment of economic and social rights. The poor macroeconomic situation of the Sudan results from low foreign currency reserves, the devaluation of the Sudanese currency, economic uncertainty and political instability.²¹ The increased cost of living is reflected in high prices of both food and non-food items. Staple food prices were between 100 and 135 per cent higher in January 2023 than in January 2022 and over four times higher than the five-year average.²²

58. The high cost of living, the lack of comprehensive social security programmes and the continued suspension of the family support programme²³ have meant that an increasing number of households have adopted negative coping strategies, including limiting food consumption, selling household goods, spending savings and depleting assets.²⁴ Consequently, more people have become prone to poverty, particularly the most vulnerable populations, including women, persons with disabilities, internally displaced persons, refugees and informal workers.

59. The year 2022 saw an increase in taxes to generate national revenues and minimize the budget deficit. In September 2022, taxes on agricultural goods, port and road transit fees, industry and trade increased by between 100 and 500 per cent.²⁵ Increases in taxes and service fees continued during 2023. Tuition fees at public universities have increased by over 200 per cent. Increased taxation and living costs have resulted in countrywide general strikes in the public and private sectors, impeding the delivery of key services. Since 2022, public sector workers (teachers, professors, medical staff, workers in the railway, electricity and water sectors, and employees of the Ministries of Agriculture and Trade and of the National Refugee Commission) have gone on strike owing to the failure to increase their salaries in line with the cost of living and pay salaries and allowances or agreed-upon wage increases. The health sector was particularly affected by strikes, which took place amid outbreaks of malaria, dengue fever and chikungunya.

60. Education has also been affected by the economic situation. An estimated 6.9 million children aged 6 to 18 are out of school, which is 35 per cent of the school-age population. Inadequate school facilities, strikes and a shortage of teaching and learning resources have impeded and interrupted the education of 12.4 million school students.²⁶

F. Intercommunal violence and attacks on civilians

61. Intercommunal violence has persisted, particularly in the Blue Nile, Darfur and South and West Kordofan regions. Between 11 April 2022 and February 2023, the Joint Office

²¹ See <https://fews.net/east-africa/sudan/key-message-update/january-2023>.

²² See https://fews.net/sites/default/files/documents/reports/PB_SD_202301.pdf and <https://reliefweb.int/report/sudan/wfp-market-monitor-sudan-february-2023>.

²³ A/HRC/50/22, para. 50.

²⁴ See World Food Programme, “Comprehensive Food Security and Vulnerability Assessment (CFSVA) – Sudan” (June 2022) and *Sudan Humanitarian Needs Overview 2023* (November 2022), p. 31.

²⁵ See <https://reliefweb.int/report/sudan/sudan-food-security-outlook-october-2022-may-2023>.

²⁶ *Humanitarian Needs Overview: Sudan* (November 2022), available from <https://reliefweb.int/report/sudan/sudan-humanitarian-needs-overview-2023-november-2022>.

documented 122 incidents of intercommunal violence²⁷ in the Blue Nile, Darfur, Kordofan regions and Red Sea State, resulting in the death of at least 750 people, injury to 1,611 and the displacement of over 224,313 people.²⁸ In the Darfur region, 10 incidents were documented, resulting in the death of at least 169 people, injury to 176 and the displacement of 40,313 people. In Blue Nile, 38 incidents were documented, resulting in 464 deaths, injury to 1,320 people and the displacement of around 104,000 people.²⁹ In West and South Kordofan, 18 incidents were documented, resulting in 117 deaths, injury to 115 people and the displacement of 80,000.³⁰ In Red Sea State, two incidents were documented, resulting in 13 people injured.

62. Most of these incidents were triggered by disputes over access to or use of land, water and other resources, including the ownership of gold mines. Factors that contributed to their escalation included a weak State presence, the proliferation of weapons, delays in the implementation of the provisions of the Juba Peace Agreement that address the causes of conflict and the security arrangements for the protection of civilians (especially in Darfur), and the pervasive impunity for serious human rights violations associated with intercommunal violence.

63. The deadliest violence took place in Blue Nile State, where waves of violence between Hausa and Hamaj/Funj tribes in the Ed Damazine and Roseires area in July, September and October 2022 resulted in the death of at least 365 people. The first outbreak of violence (between 14 and 16 July 2022), which targeted the Hausa, was triggered by objections to demands by the Hausa to be given “traditional authority” over land they had occupied for decades in order to set up their own native administration system. The violence reportedly resulted in many Hausa moving away and resettling in other states, including Sennar, Al Jazirah and White Nile.

64. In responding to intercommunal violence, state authorities prioritized measures to bring the security situation under control over legal and accountability measures. On several occasions, they initiated informal reconciliation mechanisms between different parties. In Blue Nile State, intervention by the head of the Sovereign Council resulted in the signing of a peace agreement, which brought greater calm, although tensions remain.

65. State authorities responded to outbreaks of violence by deploying the security forces and in several cases by declaring a state of emergency, restricting movement and assembly and imposing a curfew. For example, joint security forces were deployed following an outbreak of violence on 22 and 23 December 2022 between the Rizeigat and Dajo tribes in the locality of Beliel, South Darfur, resulting in the deaths of 11 people (9 civilians, a police officer and a Rapid Support Forces officer). The Governor of South Darfur then imposed a state of emergency with a night-time curfew. In Blue Nile, large numbers of security forces were deployed to the Ed Damazine and Roseires area in response to the violence between the Hausa and Hamaj/Funj (14 to 16 July 2022). On 16 July, the Governor of Blue Nile imposed an overnight curfew and a one-month ban on public assemblies and gatherings. In South Kordofan, a one-month state of emergency was declared on 23 January 2023 in response to increased criminality. It was extended for a further three months on 22 February 2023.

66. In several instances, state-level committees were established to investigate outbreaks of violence. In most cases, their findings have not been made public and no action has been taken to prosecute those responsible. In December 2022, the Attorney General announced the formation of a committee to investigate intercommunal violence in Lagawa, West Kordofan, between 13 October and mid-December 2022, resulting in the killing of 30 people

²⁷ Intercommunal violence is any violent conflict between two or more tribes, or individuals with different tribal affiliations, triggered by a dispute over land, resources or livestock, or a personal dispute. Where the security forces are reported to be implicated in support of one tribe, this is deemed intercommunal violence, with criminal responsibility attributed to the security forces.

²⁸ According to official and United Nations sources.

²⁹ Casualty data provided by the Office for the Coordination of Humanitarian Affairs and the Humanitarian Aid Commission and data on internally displaced persons by the International Organization for Migration.

³⁰ According to the Humanitarian Aid Commission, the Governors of West and South Kordofan, the Department of Safety and Security and partners.

and injury to 35. The committee reportedly submitted its findings to the Attorney General in January 2023. The results are yet to be made public and no action has been taken. The findings of an investigative committee formed by the Attorney General to investigate the intercommunal violence between the Hamaj/Funj and Hausa in Roseires, Blue Nile, in July 2022 have not been made public. Whether any action was taken to hold those responsible to account is unknown. This was reportedly a factor in the new outbreak of violence between the same tribes in October 2022.

67. On 30 December 2022, two committees were formed by the Governor of Central Darfur to investigate intercommunal violence between the Beni Halba tribe and internally displaced persons from the Fur tribe in Murrain market in Zalingi, Central Darfur (between 28 and 30 December 2022), resulting in the killing of nine people (including two boys aged 17), and injury to 29. One was a fact-finding committee, headed by the Chief Prosecutor of Central Darfur, another was a damage assessment committee, headed by the Executive Director of Zalingi locality. The findings of the committees have not been made public. Whether action has been taken to hold those responsible to account is unknown.

68. By contrast, on 16 February 2023, the head of a committee formed by the Governor of South Darfur³¹ to investigate the aforementioned intercommunal violence in Beliel, announced that 21 out of 89 suspects had been arrested and efforts were being made to arrest the others, most of whom were reportedly from the Rizeigat tribe.³² On 1 January 2023, 11 armed men, believed to be from the Rapid Support Forces, were reportedly arrested for their alleged involvement in the violence. On 30 December 2022, the Rapid Support Forces commander, General Mohammed Hamdan Dagalo, announced that several Rapid Support Forces soldiers had been arrested for failing to prevent the escalation of intercommunal violence in Central and South Darfur.³³ Between 1 and 2 January 2023, an estimated 15 Rapid Support Forces soldiers appeared in a video being tried by a special military court formed by the Rapid Support Forces in Begaris.

69. In several cases, particularly in West Darfur, incidents of intercommunal violence were addressed through informal dispute resolution and reconciliation mechanisms initiated at state level and in some cases carried out under the auspices of General Dagalo. On 6 July 2022, a reconciliation pact was signed between the Gimir and Rizeigat tribes in Kulbus. This followed intercommunal violence in Kulbus between 6 and 12 June 2022, resulting in the deaths of 127 people and injury to 117.³⁴ The pact was initiated by the Governor of West Darfur and the commander of the Sudanese Armed Forces in West Darfur under the auspices of General Dagalo. On 19 June 2022, a reconciliation pact was signed between the Rizeigat and Messyiria Jabel tribes under the auspices of the Governor of West Darfur and the commander of the Sudanese Armed Forces.³⁵ On 25 June 2022, two reconciliation pacts were signed between the Masalit and Rizeigat tribes, and between the Erenga and Rizeigat tribes, under the auspices of the commander of the Sudanese Armed Forces and the Governor of West Darfur.

V. Protection of civilians

70. Efforts have continued to identify ways to support the implementation of the National Plan for the Protection of Civilians. UNITAMS and the United Nations country team have held three consultative meetings with the secretariat of the National Mechanism for the Protection of Civilians regarding a planned joint workshop to accelerate the implementation of the plan. While the authorities have reportedly undertaken several activities, including

³¹ The committee was formed following a decree on 28 December 2022. In January 2023, the committee submitted its findings to the Governor of South Darfur, the head of the Sovereign Council and the Attorney-General.

³² The Dajo tribe reportedly filed 414 complaints against Rizeigat tribesmen in Beliel locality, while the Rizeigat tribe filed 2 complaints against Dajo tribesmen in Nyala.

³³ "Hemetti declares arrests of RSF members", available from <https://www.alquds.co.uk>.

³⁴ Information received during a meeting with the Kulbus Emergency Committee, 29 June 2022.

³⁵ The reconciliation was linked to a conflict between the two tribes that started in November 2021 and continued, intermittently, throughout the first half 2022. This resulted in 42 dead and many injured.

sensitization, the training of joint forces, deployment of vehicles and reconciliation and peaceful co-existence conferences, as part of the implementation of the National Plan, progress has been generally slow with no discernible outcome. The authorities have identified lack of resources as a factor. The Secretary-General urged a new transitional Government to prioritize implementation of the National Plan and the Juba Peace Agreement, including its security arrangements.³⁶

VI. Accountability

71. The State must ensure access to effective remedies, including through appropriate judicial mechanisms and the right of access to information.³⁷ The State must also promptly, effectively and transparently investigate human rights violations and abuses through independent and impartial bodies.³⁸ Where appropriate, it must also prosecute and punish those responsible³⁹ and must ensure the right to reparations for victims of human rights violations.⁴⁰ The State's positive obligations to ensure human rights mean it can also be held responsible where it fails to take appropriate measures to prevent human rights violations by non-State actors, investigate violations committed and redress the harm caused by such actors.⁴¹

72. The political agreement of 21 November 2021 stipulated that all events occurring during demonstrations, including injuries and deaths sustained by civilians and uniformed personnel, should be investigated and perpetrators brought before the courts. While there has been progress in investigations into human rights violations, no one has been held accountable.

73. The Office for the Prosecution of Martyrs⁴² and Violations has investigated 98 cases of protesters killed in Khartoum. The cases were referred by the special investigation committee created by the Attorney General in December 2021 to investigate human rights violations since 25 October 2021. The committee informed the Joint Office on 12 March 2023 that five cases had been referred for trial. In four cases, investigations have been concluded and the cases are pending referral to the courts. In addition, 72 cases of injuries were brought before the committee by alleged victims (41 civilians and 31 security officers). Some cases of killings, based on complaints filed by victims' families, have been investigated by the State prosecution.

74. The head of the special investigation committee referred to challenges regarding the technical expertise needed to analyse video footage and evidence. Despite the committee's efforts, the lack of legal or judicial protection of witnesses, informants and victims has hampered the committee's work, as many witnesses have reportedly refrained from appearing before the committee owing to a fear of reprisals. In three cases, family members of victims, lawyers and activists advocating for accountability were subjected to intimidation and denied access to legal documents, raising concerns regarding fair trial rights and the right to remedy.

75. On 22 December 2022, a coordination committee was established between the public prosecution and the police to facilitate the lifting of immunity for police personnel implicated by the prosecution in the killing of protesters. Subsequently, the immunity of 29 police officers, including senior police officers, was lifted.

76. The continued delay in the reform of the justice institutions and the lack of significant progress in previous investigations into human rights violations, as findings were not made public and rarely resulted in prosecutions, have contributed to a lack of confidence in the justice system and judicial investigations on the part of survivors and witnesses, especially survivors of torture and sexual and gender-based violence.

³⁶ S/2023/154, para. 70.

³⁷ International Covenant on Civil and Political Rights, art. 19 (2).

³⁸ Human Rights Committee, general comments No. 31 (2004), para. 15, and No. 36 (2018), para. 27.

³⁹ General comments No. 31 (2004), para. 18, and No. 36 (2018), paras. 27 and 67.

⁴⁰ General comment No. 31 (2004), paras. 16 and 17.

⁴¹ *Ibid.*, para. 8.

⁴² "Martyrs" refers to persons killed and injured during protests.

77. On 27 December 2022, the Attorney General directed the head of the special investigation committee to investigate the use of “Oplen weapons” by the police, following the deaths of two protesters reportedly shot with such weapons on 24 and 25 November 2022. According to the head of the committee, the investigation includes the forensic examination of projectiles found in the bodies of the deceased.

78. On 3 July 2022, the Attorney General established a committee to investigate nine deaths during the 30 June 2022 protests, eight of which were allegedly caused by live ammunition fired by the security forces. As of 6 April 2023, the committee had not made its findings public.

79. The authorities have not yet established the whereabouts of six people who were reported as disappeared following their arrest, whose families submitted complaints to the police. The cases are being followed up by the police under the supervision of the public prosecution. Of the six cases, one was followed up by the family and child protection unit of the Khartoum North police station, as it concerned a 16-year-old boy, but without result.

80. In April 2022, a committee was established by the head of the Health Emergency Committee tasked with the identification and burial of the remains of over 3,000 persons lying in morgues in Khartoum. As the remains of persons disappeared since 3 June 2019 were believed to be in the morgues, the families of the disappeared, the Investigative Committee on the Disappeared (established by the Attorney General in 2019 to identify the whereabouts of the disappeared in the context of the events of 3 June 2019) and civil society organizations raised concerns about the committee’s ability to ensure a burial process compliant with international human rights standards. In June 2022, the committee was expanded to include representatives of victims’ families and the Investigative Committee on the Disappeared. Following advocacy by the families of missing persons, the burial process was postponed.

VII. Conclusions and recommendations

81. **The coup of October 2021 resulted in a marked deterioration in the human rights situation and stalled legal and institutional reforms. The political framework agreement of 5 December 2022, which included strong commitments to human rights and justice, was a first, important step towards the restoration of civilian rule and the resumption of the transition to democracy. Despite commitments by the authorities to stop the excessive use of force against demonstrations and while the number of casualties has decreased, instances of killings of and injuries to protesters have continued, along with the use of firearms, in breach of international human rights law. The arbitrary arrest and detention of protesters and activists has also continued. In addition, emergency legislation was used by state governors to sentence hundreds of persons in Darfur to prison terms without trial or legal representation. The review of that legislation, including the authority delegated to state governors, is welcome and should bring it into line with the international human rights treaties the Sudan has ratified.**

82. **The progress of judicial investigations into serious human rights violations since 25 October 2021 is welcome. However, the results of those investigations must be made known and the perpetrators held accountable. Genuine measures of accountability and transitional justice are seen by victims as a priority and, ultimately, a precondition for stability and democratic transition. Delays in implementing the Juba Peace Agreement and the National Plan for the Protection of Civilians were felt in Darfur and the Two Areas of South Kordofan and Blue Nile, where new deadly outbreaks of violence have taken place. Communities there need security and the political commitment to resolve the underlying causes of conflict.**

83. **The pushback on important gains made by women under the transitional Government is concerning. The authorities must publicly commit to guaranteeing their rights and their meaningful participation in a civilian government, and enforce a zero-tolerance policy for sexual violence and discrimination.**

84. **An open and vibrant civic space should be encouraged; however, serious limitations continue to be imposed on the civic space. The worrying regression in the**

enjoyment of social and economic rights, resulting from the weakened economy, has affected the population, particularly the most vulnerable. The United Nations and donors should prepare to resume financial and technical assistance once the civilian government is restored.

A. Sudanese authorities

85. The High Commissioner recommends that the Sudanese authorities:

(a) On the appointment of a civilian-led government, prioritize the resumption of the key legal and institutional reforms initiated by the previous transitional Government and heed the population's calls for improved enjoyment of their rights;

(b) Expedite and make public the recommendations of the committee established to review the Emergency and Protection of Public Safety Act, 1997, to bring it into line with international human rights standards;

(c) Provide official notification of the repeal of emergency decree No. 3/2021, which conferred law enforcement powers on the General Intelligence Forces and the regular forces and immunity in the performance of their duties;

(d) Stop the excessive use of force, including lethal force, by the joint security forces against protesters and ensure that they are trained on, and adhere to, international standards on the use of force and firearms;

(e) Make public the progress made by the committees investigating allegations of human rights violations since the coup, including cases of excessive use of force, sexual and gender-based violence, enforced disappearances, torture and ill-treatment, and prosecute those responsible for human rights violations;

(f) Conduct independent, impartial, prompt, thorough and effective investigations into all allegations of attacks, harassment and intimidation of human rights defenders, journalists, media outlets and civil society organizations, and bring all perpetrators to justice;

(g) Respect the due process rights of detainees, including by facilitating access to lawyers of their choice and ensuring that they can communicate with their families;

(h) Stop all forms of discrimination and violence against women and girls and ensure their meaningful participation in public affairs and representation in a civilian government;

(i) Promulgate a zero-tolerance policy for sexual and gender-based violence, facilitate access to justice for victims and ensure that survivors have timely access to multisectoral services, including medical care, psychosocial support and legal services;

(j) Speed up the implementation of the National Action Plan for the Protection of Civilians and implement fully the security measures provided for in the Juba Peace Agreement to address gaps in the protection of civilians;

(k) Undertake steps to progressively realize economic and social rights and consider resuming the family support programme or social protection programmes to support the most vulnerable;

(l) Expand civic space and public freedoms;

(m) Ensure the full participation of internally displaced persons in plans concerning their future;

(n) Continue to cooperate with OHCHR;

(o) Better facilitate the operations of humanitarian agencies.

B. International community

86. **The High Commissioner urges the international community:**

(a) **To continue supporting initiatives aimed at a durable political solution, with a view to restoring a civilian-led government centred on human rights and accountability;**

(b) **To ensure that funding and capacity-building programmes provided to the police and the judiciary include oversight to ensure that they comply with international human rights law regarding investigation, prosecution and victims' rights, particularly regarding crimes targeting protesters, activists and political opponents, and provide technical assistance where needed;**

(c) **Given the suspension of financial support, to identify ways to provide assistance to those most in need, including through programmes such as the family support programme;**

(d) **To continue supporting the work of OHCHR and the Expert.**
