

## 32<sup>nd</sup> Special Session of the UN Human Rights Council

to address the "implications of the ongoing situation in the Republic of the Sudan"

5 November 2021

***Ms Nazhat Shameem Khan – President of the UN Human Rights Council***

*On 1 November 2021, the President of the Human Rights Council received a letter from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, containing a request, submitted jointly with the United States of America, Norway, Germany and the Sudan, to convene a special session of the Council on the human rights implications of the ongoing situation in the Sudan.*

*The request was supported by the following 18 States Members of the Council: Austria, Brazil, Bulgaria, Czech Republic, Denmark, France, Germany, Italy, Japan, Libya, Mexico, Netherlands, Poland, Republic of Korea, Sudan, Ukraine, United Kingdom, and Uruguay. The request was also supported by the following 30 Observer States: Albania, Australia, Belgium, Canada, Colombia, Costa Rica, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, New Zealand, Norway, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland and United States of America. The Secretariat has been informed that Fiji and Malawi (Members of the Council) and Bosnia and Herzegovina, Cabo Verde, Chile, Paraguay and Portugal (Observers) have also joined the list of States supporting the session.*

*The Permanent Mission of the Sudan, in its note verbale dated 2 November 2021, informed the President of the Human Rights Council that Sudan has disassociated itself from that initiative and requested to withdraw the Sudan from the list of the States calling for the holding of the special session.*

***Ms Michelle Bachelet – United Nations High Commissioner for Human Rights:***

The military takeover of power in Sudan on 25 October 2021 betrays the courageous revolution of 2019, and contravenes both international human rights law, and the country's own Constitutional Document. Since the coup, government ministers, members of political parties, lawyers, civil society activists, journalists, human rights defenders and protest leaders have been arrested and detained. The whereabouts of most of those arrested remains unknown, and they have been held incommunicado – enforced disappearances compounding the gravity of their arbitrary arrests.

Massive street protests since 25 October were in several instances met with excessive use of force, including use of live ammunition, particularly in Khartoum and Omdurman. At least 13 civilians have been killed by military and security forces since 25 October, and more than 300 injured. Many women activists have reportedly been arrested, harassed, threatened, and in some cases, beaten while participating in protests. OCHRC received several disturbing reports of violence against women, including the early morning raid on a female student dormitory, with students terrorized and beaten.

All radio stations and television channels in the country have ceased broadcasting, with the exception of Sudan National Television and Omdurman Radio, controlled by the military authorities. Newspapers have ceased printing. A nation-wide shutdown of the Internet has been imposed since 25 October.

The Joint UN Human Rights Office in Sudan has nevertheless been able to continue key human rights monitoring and reporting work. Advocacy work continues regarding the identity, location and legal status of the detained, with a view to visiting them to ascertain their status and conditions of detention.

Sudan's military leaders, and their backers should step back in order to allow the country to return to the path of progress towards institutional and legal reforms. The arrests of several rapporteurs and members of the Committee for Dismantling the 30 June 1989 Regime, Anti-Corruption and Recovery of Public Funds, and collaborators of the Dismantling Committee, suggests that the military leaders have sought to overturn the commitments to transitional justice, institutional reforms, and guarantee of non-recurrences of past abuses set out in the Constitutional Document. The military's action also damaged prospects for the Juba Peace Agreement signed last year, and the situation in Darfur.

This disproportionate and deadly use of force by the Sudan Armed Forces, the Rapid Support Forces, and other security forces must end immediately. Those responsible for human rights violations must be

held fully accountable for their actions. The use of excessive force is unlawful and unjustified. The Internet and all forms of communication must be reinstated, consistent with international law. All those arbitrarily detained should be released, with a view to instituting dialogue and return to civilian rule.

The Council should take appropriate action to ensure focused and expert monitoring of all aspects of the human rights situation in the country, through the **establishment of an appropriate and independent mechanism**, in addition to the support which the UN, including the Joint Human Rights Office, will continue to provide to Sudan and its people.

***Mr. Victor Madrigal-Borloz – Chair of the Coordination Committee of Special Procedures:***

By dissolving the civilian government and the joint Sovereign Council and suspending key articles of the Constitutional Document governing the transition, the military leaders have shown utter contempt for democracy or any transitional process to restoration of democratic governance and human rights.

Special Procedures have received reports that the demonstrations against the dissolving of the civilian government and the Sovereign Council are led by the Sudanese Professionals' Association and the so-called Resistance Committees. Both civil society organizations were at the forefront of the uprising that toppled long-time autocrat Omar al-Bashir in 2019.

The **Special Rapporteur on the rights to freedom of peaceful assembly and of association** condemned the clampdown on peaceful protesters demanding that the military reinstate the civilian government; calling on the de-facto authorities to investigate all reports of the use of force against peaceful protests.

Allegations submitted to the Special Procedures indicate that since the 25 October coup, at least 13 protesters have been killed as a consequence of the excessive use of force; around 300 persons have been injured; and many have been arrested and detained. Arrest and detention for peaceful exercise of rights protected by the Universal Declaration is arbitrary. Special Procedures are deeply concerned about the deployment of the military, the consistent allegations of its use of disproportionate force, and the curtailment of digital rights and freedom of expression. Blanket internet shutdowns contravene international law and the scope of permissible restrictions of the rights to freedom of expression, peaceful assembly, and association. As a result, civic space has been targeted, curtailed and shrunk.

Special Procedures have repeatedly engaged the transition government to express concern about grave allegations, such as the protection of the right to life, freedom of opinion and expression, and transitional justice. Special Procedures have been raising concerns about the marginalization of women and their rights in the formal peace and transition process. The last **Independent Expert on the Human Rights situation in Sudan** concluded, while women were at the forefront of the peaceful protests and among the first victims of the violence, including sexual violence, they were excluded from political negotiations that marked the transition. The Independent Expert, together with other Special Procedures, also raised concerns at the lack of justice and reparations to the victims of the 3 June 2019 crackdown on peaceful protestors in Khartoum. A situation that was already characterised by frailty and impunity, is now exacerbated in the context of the coup. The recent developments confirm the need for decisive action by the international community to help restore democracy and respect for human rights in Sudan. The call of the Sudanese people for freedom and rule of law is loud and clear, and this Council should take all the measures necessary to support it.

Special Procedures are deeply concerned about the impact of the actions by the Sudanese Military on the transition framework through which civilian rule would be consolidated in the Sudan, as well as in the Juba Peace Agreement. The Council should take all measures within its reach to assist in resorting the peace process, including the support the immediate and unconditional reinstallation of civilian rule.

**Sudan (the country concerned): did not take the floor.**



## General Debate: Representatives of States

The speakers expressed grave concern by the recent developments in the Republic of the Sudan, and strongly condemned the military coup of 25 October and its impact on the country's path towards the implementation of the Juba Peace Agreement. They urged all parties in Sudan to return to the full implementation of the Constitutional Document without delay and restore the civilian-led transitional authority. The speakers expressed hope that the regional efforts of the African Union and the League of Arab States will contribute to building bridges of communication between all Parties. A number of states called for the immediate and unconditional release of the Prime Minister, civilian government leaders, human rights defenders, journalists and other political detainees, and urged all authorities in Sudan to refrain from unlawful dispersal of protests and end the use of unlawful force. The States also called for prompt, independent, transparent and impartial investigations into all human rights violations and abuses. The military must respect the fundamental rights and freedoms, including the freedoms of assembly, association and expression, of the Sudanese people, speakers said. A number of States further called for the full restoration of internet and communication services.

### **Member States of the Human Rights Council (26 statements):**

Cameroon (*on behalf of the Group of African States*), Bahrain (*on behalf of the Gulf Cooperation Council – GCC*), Slovenia (*on behalf of the European Union*), Egypt (*on behalf of the Group of Arab States*), Finland (*on behalf of the Nordic-Baltic countries*), Germany, Indonesia, Venezuela, Libya, Japan, Mauritania, Namibia, Bulgaria, Brazil, Czech Republic, France, Russian Federation, Ukraine, Uruguay, Mexico, Republic of Korea, Austria, United Kingdom, Argentina, China, Netherlands.

The **African Group** encouraged the stakeholders to engage in a constructive political dialogue aimed at achieving the restoration of the peace, recalled the importance of the principle of subsidiarity of institutions and welcomed the dispatch of a mediation team by the African Union. The **European Union** said the situation in Sudan was threatening to further destabilise a region already in turmoil. The EU stands ready to support the dialogue between all parties and continue the support for the civilian-led transition. The **Arab Group** affirmed that the security and stability of Sudan is an integral part of the security and stability of the Arab world as a whole and called on all Sudanese parties to give due priority to the ultimate interest of the country. The outcomes of the Special Session should be supportive of the regional and international efforts. The **GCC** called for protection of sovereignty and territorial integrity of Sudan, avoiding further divisions, and the continuation of the assistance. The **Nordic-Baltic countries** underscored the need to prevent and redress all human rights violations, including all forms of violence and discrimination against women and girls, especially sexual- and gender based violence.

**France** called for the protection of journalists and human rights defenders. The international community should remain attentive to the developments in the coming days and weeks as the situation is likely to have a wider impact on the border countries and the region. **Netherlands** fully supported the initiative for designated human rights monitoring and engagement, to help to end impunity and contribute to rule of law based on international standards. The full, meaningful and equal participation of women and youth in planning and decision-making should be ensured. **Bulgaria** urged for the substantial engagement and dialogue of the military government with the civilian leaders, the restoration of the transitional institutions and the lifting of the Emergency Law and restrictions on public gatherings. **Ukraine** said that the appointment of the expert on the human rights in Sudan could effectively ensure close monitoring of human rights situation in this country and prevent further human rights violations. **Brazil** supported regional and subregional efforts, including by the inter-governmental authorities on development, the African Union and the League of Arab States. **Uruguay** said that those in vulnerable situations, in particular children affected by the conflict, journalists, human rights defenders, students and lawyers should be protected. **Indonesia** said that the safety of all people living in the Sudan, including foreign nationals, must be assured; journalists and humanitarian workers must be able to conduct their work free from intimidation, harassment and reprisals, and there should be access for all

to basic goods and services. **Namibia** emphasised that any negotiations should respect the will and interest of the Sudanese People. The recent unconstitutional changes of government in four African countries are an affront to shared values as the international community and this conduct needs to be criminalised at the international level. **Libya** stressed the importance of respecting all agreements and decisions taken with regard to the transitional period, holding of the elections in the established timeframe, and avoiding any measures that may contribute to destabilizing security and stability. **China** said that external pressure was likely to only complicate the situation; the Human Rights Council should lead its work impartially and objectively without politicizing human rights issues, and instead aiming to help the concerned parties in Sudan to conduct dialogue. **Russian Federation** said that organizing a Special Session on Sudan was a hasty decision, calling the latest events in the country the result of dubious economic schemes and democratic patterns by foreign sponsors. It welcomed the announcement by the Commander-in-Chief of the National Armed Forces, Abdel Fattah al-Burhan, of his intention to hold general elections in July 2023 and his commitment to a peace settlement between the transitional Sudanese government and rebel groups. **Venezuela** expressed its concern about the growing selectivity and double standards in the calls for Special Sessions. The hurried nature of this Session has not given time to understand the reality of what is happening on the ground, and did not allow the Sudanese people to lead the reconciliation process. The efforts by the African Union with the assistance of the country concerned have not been taken into account either.

#### Non-member States of the Human Rights Council that took the floor (27 statements):

Canada, Luxembourg, Croatia, Liechtenstein, Montenegro, Costa Rica, United Arab Emirates, Sweden, Belgium, New Zealand, Holy See, Colombia, Switzerland, South Africa, Ireland, Ecuador, Egypt, Timor-Leste, South Sudan, Kenya, Portugal, Norway, Turkey, Paraguay, Malta, Australia, United States.

**Croatia** said that in case of further deterioration of the security and human rights situation on the ground, there will be the need to develop and maintain a verifiable, comprehensive and publicly accessible record of all casualties in Sudan. **Liechtenstein** welcomed the promise made by the Sudanese Government in August 2021 to hand over prosecuted officials to the ICC, including former President Omar al-Bashir, in order to meet charges of crimes against humanity and war crimes. The **UAE** stressed the historical relations between the UAE and the Sudan at the official and popular levels. The UAE is carrying out all possible contacts with the Sudanese parties for this transition to be overcome. **Belgium** welcomed the communiqué of the African Union in which the African Union's Peace and Security Council appointed an AU emissary. More and better data is needed to understand socio-economic factors behind coup d'états. **Holy See** stressed that any repression of the right to life, right to religious freedom, right to peaceful assembly and right to express freely and safely one's opinions stands was in stark contrast to the establishment of a just society. **Switzerland** said that the humanitarian situation in Sudan was likely to deteriorate, and called for immediate and unhindered access to humanitarian actors throughout the country. **Egypt** stressed the important role of the Council in promoting human rights in Sudan through dialogue, technical assistance and capacity building, and rejected the creation of any new mechanisms without the consent of county concerned. **South Sudan** said that more time was needed for the people of Sudan to address the current political situation before the international community comes in prematurely with decision that may jeopardize the democratic transition. **Kenya** called for urgent resumption of dialogue, with a view to forging a durable consensus. **Portugal** welcomed the important role played by the African Union, in particular the decision taken by its Peace and Security Council on 26 October to suspend the Sudan from all AU activities until the restoration of the civilian-led Transitional Authority. **Turkey** invited all the parties concerned to adhere to the commitments under the Constitutional Declaration of 2019. **Australia** said that Sudan's recent achievements – including legal reforms that protect the rights of women and children, criminalising female genital mutilation, and decriminalising apostasy – were commendable and must be preserved.



### Non-Governmental Organizations that took the floor (20 statements):

International Federation for Human Rights Leagues (FIDH), Human Rights Watch (HRW), East and Horn of Africa Human Rights Defenders Project, Christian Solidarity Worldwide (CSW), Maat for Peace, Development and Human Rights Association\*, United Nations Watch, Amnesty International, International Service for Human Rights (ISHR), World Organisation Against Torture (OMCT), Cairo Institute for Human Rights Studies, Partners For Transparency, Elizka Relief Foundation, Rencontre Africaine pour la defense des droits de l'homme, International Bar Association, Physicians for Human Rights, Human Rights Information and Training Center, CIVICUS - World Alliance for Citizen Participation, Access Now, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland, Broad National Movement limited.

*\* The sound quality was insufficient for interpretation.*

The representatives of civil society echoed the statements made by the States in condemning in the strongest terms the military coup of 25 October, and called for the immediate and unconditional release of the civilian authorities, human rights defenders, journalists, students and all those arbitrarily detained by military and security personnel. The military and their allies must respect the Constitutional Charter of 2019 and the Juba Peace Agreement, the speakers said. Perpetrators of human rights violations, including violations of the right to life and rights to freedom of expression and assembly, must be held accountable. All parties should engage immediately and effectively in a national dialogue to support the democratic transformation efforts in the country. The Council should call upon military authorities to respect and fulfil human rights, including the right to freedom of expression and peaceful assembly, and withdraw military forces from all law enforcement operations. The shutdown of the internet and disruptions to communication services must be immediately restored. A number of NGOs said that discontinuing Sudan-focused resolutions at the earlier session of the Council was a premature move, and called for an establishment of a new independent mechanism to monitor, verify and report on human rights violations and abuses.

**HRW** underlined that it was premature for the Council to allow scrutiny of Sudan to lapse. Yet, while the progress was slow, transitional authorities had taken some positive measures, including the ratification of key international treaties and moving forward with the prosecutions of several cases of protester killings and efforts to improve the cooperation with the ICC. The military takeover risked undermining, or rolling back these achievements. The Council needed to urgently establish an independent mechanism to monitor, verify and report on the situation in Sudan with a view to preventing further human rights violations and abuses. The call was echoed by **FIDH** who urged the Council to exercise its prevention mandate by adopting a resolution that establishes a strong monitoring and reporting mandate, with an investigation component and regular reporting capacity to the HRC. **East and Horn of Africa Human Rights Defenders Project** also referred to a civil society appeal, which called the Council to establish an independent mechanism to monitor, and ensure regular monitoring and reporting and holding public debates on Sudan. **UN Watch** urged the Council to establish a Commission of Inquiry that would hold the Sudanese military to account for serious violations of international human rights law. **Amnesty International** said that conditions were set for an escalation in human rights violations. It stood in solidarity with Sudanese civil society organizations, and said the Council should ensure heightened and sustained scrutiny of the human rights situation by setting up an independent monitoring mechanism and ensuring effective coordination with the regional human rights bodies. **OMCT** and its Sudanese network member the African Centre for Justice and Peace Studies said that the Council should adopt a resolution establishing a fact-finding mission to monitor, verify and report on human rights violations and abuses, identifying perpetrators, and ensuring accountability. **International Bar Association** urged the military council to reverse the coup, peacefully transition power to civilian authorities, hold to accountability those responsible for the coup; release all ministers and protestors arrested in relation to the coup; restore internet and network services; and restore the suspended articles of the constitutional document. It further called on the Human Rights Council to establish a fact-

finding mission to monitor to prevent further deterioration of the fragile democratic transition. **CIVICUS** also said that the situation risked deteriorating further and fully supported the creation of a Special Rapporteur mandate on Sudan which would complement existing regional efforts.

**CSW** said it had been informed of the targeting of known human rights defenders and organisers of resistance committees, and received reports of attempted assassinations of individuals working for the civilian government. Some violations occurred outside of the capital, including in parts of South Kordofan, with rising arrests in Kadugli and in Darfur. Calls for a mechanism to monitor, verify, and report on the human rights situation with immediate effect were echoed by Sudanese civil society. **ISHR** urged Sudan to ensure full access to justice for women, ensuring that victims of sexual and gender-based violence receive the protection and support they need to access justice, and ending impunity for military and security forces including for sexual and gender-based violence. **Physicians for Human Rights** and Sudan's Doctors for Human Rights voiced three primary concerns: the health of detainees and protestors; access to healthcare in Sudan; and creating conditions that risk the spread of COVID-19. **Human Rights Information and Training Center** said that some of the violations may amount to crimes against humanity. **Broad National Movement** also said that crimes of genocide and crimes against humanity were committed. **Access Now** stressed that Internet shutdowns violated international law, urged the Council to unequivocally condemn the shutdowns and call on Sudanese authorities to reinstate full internet and telecommunications access; establish an independent mechanism to conduct sustained monitoring and reporting on the situation of human rights and investigate serious violations of international human rights law, including internet shutdowns; and facilitate timely access to digital security support for on the ground actors. **COC Nerderland** expressed deep concern about the violations by the Sudanese military forces that put underprivileged individuals such as women, youth and LGBTQI+ and gender non conforming people under persecution and discrimination.

#### Draft Resolution A/HRC/S-32/L.1: Situation of human rights in the Sudan

##### Draft Resolution A/HRC/S-32/L.1 (as orally revised)

*Requests the **High Commissioner** to update the Human Rights Council at its **49<sup>th</sup> session**, in an **enhanced interactive dialogue**, on the situation of human rights in the Sudan since the military takeover.*

*Requests the High Commissioner to **designate without delay an Expert on Human Rights in the Sudan**, that shall, with the assistance of and in close cooperation with the OHCHR Country Office in Sudan, monitor the developing human rights situation in the Sudan, including taking due regard to ensuring a gender perspective throughout their work, and engage with all relevant parties including civil society on the developing human rights situation since the military takeover of 25 October 2021 until the restoration of its civilian led government.*

*Requests the **High Commissioner, with the assistance of the designated Expert**, to **present to the Human Rights Council**, at its **50<sup>th</sup> session**, a **comprehensive written report**, focusing on the human rights situation since, and human rights violations and abuses committed during, the period of the military takeover, followed by an **enhanced interactive dialogue**.*

*Decides that the **term of office for the designated Expert on Human Rights in the Sudan** should conclude **upon the restoration of its civilian-led government**.*

*Requests the Secretary-General to make all necessary financial, technical and logistical support available to the Office of the High Commissioner in this regard.*

*Calls upon the High Commissioner and the designated Expert to **monitor human rights violations and abuses and to continue to bring that information to the attention of the Human Rights Council**, and to **advise on what further steps that may be needed** if the situation continues to deteriorate.*

**Resolution submitted** by Germany, Monaco,\* Norway,\* United Kingdom of Great Britain and Northern Ireland and United States of America\*.

\* State not a member of the Human Rights Council.

**Introduced by:** United Kingdom on behalf of the Core Group: the draft delivers three main outcomes:



- (1) condemns in the strongest possible terms the military takeover and joins those made elsewhere, including by the African Union and the UN Security Council for the immediate restoration of civilian-led government and the release of all those arbitrarily detained this the takeover began.
- (2) requests that the UN High Commissioner for Human Rights updates the Council at the next regular session on the human rights situation since the military takeover. The continued excellent work of the OHCHR country office in Khartoum will be crucial in achieving this aim.
- (3) The Council requests that the High Commissioner designate an expert on human rights in Sudan who provide further monitoring and reporting on the human rights situation since the military takeover and present the comprehensive written report to the Council at its 50<sup>th</sup> session. The term of office of this expert would conclude upon the restoration of the Sudan's civilian-led government – this restoration should be immediate.

The Core Group understands that the text enjoys the support of the Country Concerned and the African Group, following the intense consultations.

*2 additional co-sponsors to the resolution.*

**General Comments:** Austria (*on behalf of the European Union members that are members of this Council; the statement has been agreed by the EU as a whole*): the text is balanced and contains the right messages. The EU fully supports the resolution.

**Concerned Country:** did not take the floor.

**Programme Budget Implications:** 820.000 USD (estimated)

**Explanation of votes before the vote on the draft resolution as orally revised:**

- **Russian Federation:** the resolutions runs counter to the existing rules and established practice of the Council. Russian Federation does not support the practice of having OHCHR be given new powers to appoint experts. The post will be subordinate only to the High Commissioner and not to the Council, and will not be bound by obligations to follow the Code of Conduct of Special Procedures. Disassociates itself from consensus on the resolution. Does not consider the decision a precedent in establishing Special Procedures.
- **China:** disassociates itself from consensus.
- **Venezuela:** disassociates itself from consensus.

**Resolution was adopted without a vote.**

**Access full recording of the session on the UN WebTV:** [1st Meeting](#) (02h34m53s); [2nd Meeting](#) (19m59s)

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