

ACHPR / Res. 413 (EXT.OS/ XXV) 2019: Resolution on the Human Rights Situation in the Republic of The Sudan

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 25th Extra-Ordinary Session held from 19 February to 5 March 2019 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Mindful of the obligations of the Republic of The Sudan as a Member State of the African Union (AU), and State Party to the African Charter and the African Charter on Democracy, Elections and Governance;

Reaffirming the provisions of Articles 2, 3, 4, 5, 6, 7, 9, 11, 13, 16, and 19 of the African Charter which guarantee the right to be protected against discrimination, the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to personal liberty and protection from arbitrary arrest, the right to a fair trial, the right to receive information and to freedom of expression, the right of assembly, the right to participate freely in government, the right to the best attainable state of physical and mental health, and the right to equality of all peoples;

Bearing in mind its Statement of 11 February 2019 on the Human Rights Situation in the Republic of The Sudan which called on the Government to uphold the Sudanese peoples' fundamental human rights and ensure the security and safety of its population;

Deeply concerned about the human rights situation in the Republic of The Sudan following the protests which began in December 2018 due to a rise in the price of bread and fuel, as well as other essential goods;

Concerned by the use of excessive and disproportionate force to disperse protests, resulting in the deaths and injuries of several protestors;

Alarmed by reports that security forces fired live ammunition and tear gas into hospital premises, where protestors were taking shelter;

Concerned by allegations relating to the arbitrary arrest, detention, torture and ill-treatment of persons suspected of participating in or supporting the protests including students, opposition party members, journalists, human rights defenders, and others;

Noting reports that on 29 January 2019, the Chief of the National Intelligence and Security Service (NISS) issued an order to release all persons who were detained in relation to the protests;

Concerned by the declaration of a year-long state of emergency on 22 February 2019, which restricts fundamental human rights and freedoms including the rights to liberty, security, freedom of expression and assembly;

The Commission:

1. *Condemns* the deteriorating human rights situation in the Republic of The Sudan.
2. *Calls on* the Government of the Republic of The Sudan to:
 - i. ensure that fundamental human rights and freedoms are respected and upheld during the state of emergency;
 - ii. ensure due process of law for persons arrested and detained in connection with protests, in accordance with regional and international standards;
 - iii. ensure that those in detention are released further to the release order by the Chief of NISS;
- iv. refrain from the use of excessive and disproportionate force against protestors and, more generally, take the necessary measures to guarantee the security and safety of its population;
 - v. initiate prompt, impartial and effective investigations into the alleged human rights violations and ensure that the perpetrators are held accountable and subjected to appropriate sanctions reflecting the gravity of the offences, in accordance with relevant international and regional standards; and
 - vi. ensure that victims of the violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
3. *Calls on* the Republic of The Sudan to authorise the Commission to undertake a fact-finding mission to The Sudan.
4. *Further calls on* all actors, particularly opposition party members, activists, and the general population, to refrain from any form of incitement and acts of violence.

Done in Banjul, The Gambia, on 5 March 2019