

ACHPR/Res. 444 (LXVI) 2020: 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 66th Ordinary Session, held virtually from 13 July to 7 August 2020:

Recalling its mandate of promotion and protection of human and peoples' rights in Africa, pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Bearing in mind 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 (African Charter on Democracy);

Further recalling its previous resolutions on the human rights situation in the Republic of The Sudan, including Resolutions ACHPR/Res. 413 (EXT.OS/XXV) 2019 and ACHPR / Res. 421 (LXIV) 2019;

Taking cognizance of Communiqué PSC/PR/COMM.(CMXXXI) issued by the Peace and Security Council (PSC) of the AU at its 931st meeting held on 17 June 2020, on the situation in Sudan;

Welcoming the appointment of Prime Minister Abdalla Hamdok on 20 August 2019 in line with the Draft Constitutional Declaration, following the transfer of power from the Transitional Military Council to the Sovereignty Council of Sudan;

Welcoming the recent swearing-in of civilian state governors including the first two female governors in the country's history and the steady progress made by the civilian-led transitional government towards the scheduled 2022 elections;

Commending the latest announcements from the authorities on the law to end the crime of apostasy, flogging, as well as the criminalization of female genital mutilations;

Appreciating the progress made in the establishment of the Office of the High Commissioner for Human Rights (OHCHR) country office in Sudan, and the establishment of a new United Nations (UN) political mission in Sudan, the UN Integrated Transition Mission in Sudan (UNITAMS) by UN Security Council (UNSC) Resolution S/RES/2524 of 4 June 2020, as well as the work of the UN Independent Expert on the human rights situation in Sudan whose mandate continues until the operationalization of the country office per UN Human Rights Council Resolution A/HRC/RES/39/22;

Recognising the enhanced cooperation between the Transitional Government and the International Criminal Court (ICC) which led to the recent transfer, on 9 June 2020, to the ICC of Ali Muhammad Ali Abd-Al-Rahman, former Janjaweed leader, under an ICC arrest warrant since 2007;

Commending the establishment of a national independent investigation committee to investigate allegations of human rights violations during the massacre of 3 June 2019 and the opening of other investigations for crimes committed in the past;

Concerned about the composition of the investigation committee which includes a representative of the Ministry of Defence and the Interior, which oversees all the armed forces allegedly involved in the 3 June 2019 massacre, including the Rapid Support Forces (RSF) as well as the absence of women or experts on sexual violence;

Further concerned about the slow pace of investigations into the 3 June massacre which hinders the transitional process;

Deeply concerned about the worsening socio-economic conditions of Sudanese citizens;

Further concerned by the persistent violent tensions in the country which led to the failed assassination attempt of the Prime Minister on 9 March 2020;

Deploring the deteriorating humanitarian situation of more than 2 million internally displaced persons (IDPs) in and from Darfur, Blue Nile, South and West Kardofan;

Deeply concerned about the health and economic impact of COVID-19 in the country, with more than 10 000 confirmed cases as of 10 July 2020, according to the World Health Organization (WHO) which continues to be a major threat towards efforts aimed at consolidating peace and security in Sudan;

The Commission:

1. Calls on the Transitional Authorities in the Republic of The Sudan to:
 - i. Strengthen the judicial system and its independence, to intensify the fight against impunity, including for gender-based violence and the violations of economic, social and cultural rights, and to ensure that those responsible for past and present crimes are held accountable;
 - ii. Finalize the Bill establishing the Transitional Justice Council in consultation with all sectors of society and affected communities and in line with the AU Transitional Justice Policy and guided by the Commission's Study on Transitional Justice and Human and Peoples' Rights in Africa;
 - iii. Ensure that the national independent investigation committee does not include institutions that may be implicated in the events of June 3 2019, has representation of women and finalises investigations into the events of 3 June 2019 as a step towards national reconciliation and healing.
2. Encourages the OHCHR and the Independent Expert on the situation of human rights in the Sudan to cooperate and consult the African Commission on Human and Peoples' Rights' Country Rapporteur for Sudan, in the design, planning, implementation and review of Human Rights mandate in Sudan in line with the Addis Ababa Roadmap;
3. Urges the ICC to ensure that proceedings against Ali Muhammad Ali Abd-Al-Rahman support the active and effective participation of victims by instituting the requisite personal safety and security measures and interim support in the form of physical and psychological rehabilitation measures courtesy of the Assistance Programme within the Trust Fund for Victims;

4. Invites the Sudanese authorities to remain vigilant on the health situation related to COVID-19 and to apply all necessary measures to protect the life and health of citizens.

Done virtually, 07 August 2020.