

# Resolution on the Deterioration of the Human Rights Situation in Sudan following the Coup d'Etat of 25 October - ACHPR/Rés.516 (LXX)

Mar 25, 2022

## *The African Commission on Human and Peoples' Rights (the Commission), meeting at its 70<sup>th</sup> Ordinary Session held virtually from 23 February to 9 March 2022*

**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);

**Recalling** the relevant provisions of Decisions AHG/Dec.141 (XXXV) and AHG/Dec.142 (XXXV) on Unconstitutional Changes of Government, adopted by the 35<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999, and Declaration AHG/Decl.5 (XXXVI) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted by the 36<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government, held in Lomé, Togo, from 10 to 12 July 2000;

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

**Also bearing in mind** Article 23 of the African Charter, which guarantees the right of all peoples to national and international peace and security;

**Recalling** its previous Resolutions on the human rights situation in the Republic of Sudan, notably Resolutions ACHPR / Res. 444 (LXVI) 2020 and ACHPR / Res. 510 (LXIX) 2021;

**Recalling** its Press Release of 27 October 2021 on the coup d'état which took place on 25 October 2021 in the Republic of Sudan and its Press Release of 26 November 2021 on the deterioration of the human rights situation in the Republic of Sudan following the coup d'état of 25 October 2021;

**Further recalling** Communiqué PSC/PR/COMM.1041(2021) of the Peace and Security Council of the African Union adopted at its 1041<sup>st</sup> meeting held on 26 October 2021, in which the Council suspends the participation of Sudan in all activities of the African Union, following the take-over of power by the Military;

**Taking note** of the United Nations Security Council Press Statement (SC/14678) of 28 October 2021 on the situation in Sudan, and Resolution (A/HRC/S-32/L.1) of 5 November 2021 adopted by the 32<sup>nd</sup> Special Session of the UN Human Rights Council on the situation in Sudan;

**Deploring** the failure of the Agreement signed on 21 November 2021 between the Prime Minister previously deposed by the coup d'état and the Army, reinstating him in office; and further noting that this failure culminated in the resignation on 2 January 2022 of Prime Minister Abdallah Hamdok as he was unable to form a civilian Government and as a result of the serious disagreements which exist between the parties on the remainder of the transitional process;

**Concerned** about the lack of a clear framework for the transition launched in August 2019 and the absence of a basic agreement between the stakeholders, notably between the Army and political actors as well as civil society;

**Noting** that almost daily demonstrations are held in Sudan challenging the coup d'état of 25 October 2021 and any resulting militarised power;

**Concerned** about reports of the continued and excessive use of force by the security services, including the military, which has so far resulted in at least 82 deaths and several serious injuries among protesters;

**Also concerned** about credible reports of numerous cases of cruel, inhuman and degrading treatment of at least 400 political and other detainees languishing in detention facilities in Sudan;

**Noting** that arbitrary arrests, repression and an atmosphere of terror seem to be taking place unbeknown to the relevant observers, as there are restrictions on the use of information and communication means;

**Concerned** that this situation results in the continued and serious violation of virtually all human rights protected by the Charter and all other fundamental human rights instruments to which Sudan is a party; in particular, violations of the right to life, respect for the inherent dignity of the person, the right to liberty and security, the right to freedom of movement, the right to information including the right to express and disseminate one's opinions, freedom of assembly, the right to property, the right to education, the right to health and others;

**Noting** the various initiatives of the International Community to help resolve this major socio-political crisis with disastrous consequences on the human rights of the Sudanese people, in particular that of the Chairperson of the African Union Commission who paid a working visit to Sudan on 12 February 2022;

**Reaffirming** its commitment to the promotion of democracy in Africa and recognising that good governance, transparency and respect for human rights constitute essential principles which contribute to peace and development in Africa; and in conformity with the African Charter on Democracy, Elections and Governance;

**Also reaffirming** all human rights guaranteed by the Charter, including in particular those protected under Articles 4, 5, 6, 9 and 11 of the African Charter, which guarantee the right to life, respect for the dignity inherent in a human being, the right to freedom and security, the right to freedom of movement, the right to information including the right to express and disseminate one's opinions, and the right to the freedom of assembly;

**The Commission reiterates:**

i. **Its condemnation** of the coup d'état of 25 October 2021, that overthrew the transitional Government headed by Prime Minister Dr Abdallah Hamdok, the suspension of the transitional institutions and the imposition of a state of emergency in violation of the 2019 Constitutional Declaration of Sudan and the 2020 Juba Peace Accords;

ii. **Its condemnation** of the deterioration of the socio-political situation in Sudan;

iii. **Its condemnation** of the persistent human and fundamental rights violations perpetrated by the Army since the coup d'état of 25 October 2021, in particular the use of violence to muzzle public protests, which led to the death and injury of dozens of demonstrators, the torture and cruel and inhuman treatment of political detainees, sexual violence, the removal from office of public servants for political reasons, the blocking of the internet and the closure of newspapers and television stations;

iv. **Its condemnation** of the arbitrary arrest and secret detention by the Sudanese Army of hundreds of politicians and pro-democracy activists, including members of the Cabinet, senior national and regional public servants appointed by the transitional Government and leaders of resistance Committees, and calls on the Sudanese Army to immediately and unconditionally release all individuals arbitrarily detained since 25 October 2021;

v. **Its call** for Sudanese Authorities to respect the right to life, to freedom of expression, of association and peaceful assembly of the populations, and to guarantee the individual safety and security of journalists while fully removing all restrictions on access to the internet and information platforms, thereby enabling the Sudanese population to freely receive and circulate information;

vi. **Its call** for investigations into all cases of human rights violations that have occurred or are ongoing since the coup d'état of 25 October 2021 and guarantee the payment of compensation to the victims, while ensuring that there is no impunity for these acts;

vii. **Its call** for the Sudanese Parties to restore constitutional order and, in particular, protect the rights of the Sudanese people pursuant to Sudan's national and international human rights obligations;

viii. **Its call** for the International Community, in particular the African Union, the Intergovernmental Authority on Development (IGAD), and the United Nations, to pursue their efforts for a return to stability in Sudan so as to guard against plunging the Horn of Africa into a situation of high insecurity.

**Done virtually on 9 March 2022**