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Situation of human rights in the Sudan

Report of the Independent Expert on the situation of human rights in the Sudan

Summary

In its resolution 42/35, the Human Rights Council decided to renew the mandate of the Independent Expert on the situation of human rights in the Sudan, Aristide Nononsi, for a period of one year, while recognizing the intention to phase out the mandate of the Independent Expert in accordance with Council resolution 39/22. The present report covers the period from 27 September 2019 to 16 July 2020. The report is based on remote consultations and information made available to the Independent Expert by the Government of the Sudan and by other sources, including civil society organizations working in the Sudan. In the report, the Independent Expert analyses the situation of human rights in the Sudan; outlines recent developments and the continuing human rights challenges in the country; assesses the implementation of the recommendations contained in the previous reports of the Independent Expert; and provides recommendations, addressed to the Government and other stakeholders, that are necessary for improving the situation of human rights in the country.



I. Introduction

1. In its resolution 42/35, the Human Rights Council decided to renew the mandate of the Independent Expert on the situation of human rights in the Sudan for a period of one year, while recognizing the intention to phase out the mandate of the Independent Expert in accordance with Council resolution 39/22. The Council also requested the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, for consideration at its forty-fifth session.
2. In the same resolution, the Council welcomed the commitment of the Government of the Sudan to establish a fully mandated country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and requested the Government of the Sudan and OHCHR to present their oral reports on progress towards the opening of a country office during an enhanced interactive dialogue at the forty-fourth session of the Council.
3. The present report covers the period from 27 September 2019 to 16 July 2020.¹ In compliance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, a draft report was shared with the Government of the Sudan in order to provide it with an opportunity to comment on the observations and findings of the Independent Expert.
4. During the period under review, the Independent Expert was not able to visit the Sudan as planned in April 2020 owing to the global health measures, including travel restrictions, imposed to contain the coronavirus disease (COVID-19) pandemic. The present report was prepared on the basis of information made available to the Independent Expert by different sources, including the Government and civil society organizations.
5. The Independent Expert expresses his gratitude to the Government of the Sudan for its continuous engagement with him, and to all others for sharing information and providing the assistance required.

II. Methodology and engagement

6. On 14 November 2019, the Independent Expert submitted his request for permission to conduct a field visit to the Government of the Sudan, through its Permanent Mission in Geneva. On 14 January 2020, the Government of the Sudan granted permission for the Independent Expert to conduct a visit in early April 2020. However, the Independent Expert informed the Government on 16 March about the cancellation of his visit owing to the COVID-19 pandemic. Meanwhile, the Independent Expert maintained remote contact with several Sudanese actors, including civil society groups.
7. The Independent Expert received updates from OHCHR on the progress made with regard to the opening of its country office in the Sudan in accordance with the host country agreement signed with the Government of the Sudan on 25 September 2019.
8. The Independent Expert, together with other special procedures mechanisms of the Council, issued a press release on 3 June 2020, to mark the anniversary of the 3 June 2019 crackdown on peaceful protestors in Khartoum. In the press release, the Independent Expert and other mandate holders raised concerns at the delay in delivering justice and reparations to the victims of the incident. The mandate holders also called upon the national independent committee to hold accountable all those responsible, without exception, and in accordance with due process rules established by international standards.

¹ The Independent Expert will present to the Human Rights Council, at its forty-fifth session, an oral update on the situation for the period 17 July to September 2020.

III. Recent developments: political, institutional and economic trends

9. Following formation of the transitional Government on 8 September 2019, considerable efforts have been made to address human rights concerns, including through the constitutional document signed on 17 August 2019 and a transition agenda based on normative and institutional reform. The Independent Expert acknowledges that the constitutional document opens the way for an inclusive pathway to constitutional governance, rooted in robust human rights and rule-of-law principles. The constitutional document also offers a blueprint of the core values and the reform programme to be implemented during the transition period. These values and reform elements include the character and nature of the sovereign State; the delineation of functions of State organs; and the duration, mandate and focus of the transitional agenda.

10. The Independent Expert also acknowledges that the constitutional document provides for the facilitation of the OHCHR mission to work in the Sudan. The Government and OHCHR signed a host country agreement on 25 September 2019, paving the way for the opening of a fully mandated OHCHR country office in the Sudan, with field presences in Darfur, Blue Nile, Southern Kordofan and East Sudan. An OHCHR start-up team has been gradually deployed to Khartoum, starting on 26 December 2019. The OHCHR country office in the Sudan works in close coordination with the Human Rights Section of the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

11. In line with the constitutional document, the Government opened negotiations with the armed movements in Darfur and the two areas (South Kordofan and Blue Nile) under the Juba peace process that was launched in the middle of October 2019. Talks have been ongoing for an extended period, with progress in some areas, especially with regard to the governing principles on wealth- and power-sharing and the transitional justice framework, including an agreement to cooperate with the International Criminal Court on the persons indicted in respect to the conflict in Darfur. Both the United Nations and the African Union have provided technical support to the mediation process. In particular, UNAMID has provided extensive logistic support, including facilitating a consultation with the internally displaced persons in Darfur and financing travel to Juba of internally displaced persons and community representatives. The Sudan Liberation Movement-Abdul Wahid has not joined the mediation. The al-Hilu faction of the Sudan People's Liberation Army/North suspended its participation in the talks over demands to include issues on secularism and self-determination to the agenda of the peace talks. These issues have not been agreed to by the Government, since it prefers to refer such key issues to the national constitutional conference following the peace agreement. In June, reports indicated that the al-Hilu faction had decided to resume peace talks with the Government.

12. The Independent Expert notes that three out of the five Sudanese nationals indicted by the International Criminal Court from among the leaders of the former regime, including the ousted President, have been detained in Kober Central Prison in Khartoum since April 2019 and are under investigation for several serious crimes. The Independent Expert also welcomes the news that Darfur militia leader Ali Muhammad Ali Abd-al-Rahman, also known as Ali Kushayb, who is one of the five Sudanese nationals indicted by the International Criminal Court, surrendered himself to the authorities in the Central African Republic and was transferred to the custody of the Court on 9 June 2020.

13. On 9 March, the Prime Minister of the Sudan escaped an assassination attempt in Khartoum unharmed. The Government statement says that the convoy of the Prime Minister was targeted by "terrorists' explosions". The Attorney General established an investigation committee; however, no information has been disclosed on the findings.

14. The Sudan remains on the list of State sponsors of terrorism of the United States of America, which has been imposed since 1993. That designation effectively discourages external investment and led to the exit of most correspondent banking relationships. Although the sanctions were put in place to encourage behavioural change and were meant to respect and promote international law, they have proven catastrophic for the most vulnerable groups and have led to reinforce the power of oppressive elites of the former

regime. The Independent Expert notes that negotiations are ongoing and that progress is being made between the Government of the Sudan and the Government of the United States with regard to the delisting process.

15. The state of economic emergency that was declared on 16 April 2020 in the Sudan provided for the establishment of the High Committee for Economic Emergencies in the country that is aimed at endorsing measures that address the economic crisis and develop plans for economic reforms through a national economic conference. The Sudan Partnership Conference, hosted by the Sudan, together with Germany, the United Nations and the European Union, took place remotely by videoconference on 25 June 2020. Participants agreed to support economic reforms in the Sudan and therefore pledged a total of \$1.8 billion, to which the World Bank committed an additional pre-arrears clearance grant of up to \$400 million. This includes support to improving macroeconomic stabilization and the Sudan Family Support Programme, which will provide vital assistance to millions of vulnerable people, direct help to enhance the country's capacity to respond to the COVID-19 pandemic and, more generally, humanitarian assistance and development cooperation.

16. In response to the COVID-19 pandemic, the Government declared a public health emergency on 16 March 2020. It closed all airports, ports and land crossings, schools and universities. The Government also declared a full lockdown in Khartoum, beginning on 18 April, to contain further local transmission. The Independent Expert expresses concern that the COVID-19 pandemic arose as an imminent humanitarian threat to Sudan and compromises the country's chances of achieving the Sustainable Development Goals. The pandemic adds to the challenges of internal conflicts, political transition, economic crisis and impunity.

17. On 4 June 2020, the Security Council established the United Nations Integrated Transition Assistance Mission in the Sudan for an initial period of 12 months by its resolution 2524 (2020). The topic of human rights strongly permeates the four strategic objectives of the Assistance Mission, including supporting the implementation of the human rights, equality, accountability and rule-of-law provisions of the constitutional document, in particular those provisions that guarantee women's rights; and future peace agreements, through close cooperation with the OHCHR country office in the Sudan. At the same time, in its resolution 2525 (2020), the Security Council decided to extend the mandate of UNAMID until 31 December 2020, and also decided that UNAMID was to maintain its troop ceiling during the same period.

18. As part of efforts to strengthen protection mechanisms after the completion of the mandate of UNAMID, the Government submitted a strategy for the protection of civilians to the Security Council on 21 May 2020. The strategy is framed around nine main components, including the rule of law and human rights. In its resolution 2525 (2020), the Security Council requested the Secretary-General and the African Union Commission to provide it with a special report that included an assessment of the capacity of the Government to protect civilians in line with its national strategy.

IV. Main human rights challenges

A. Economic, social and cultural rights

19. Long-standing discrimination and inequality continues to plague Sudanese society, negatively impacting the enjoyment of economic, social and cultural rights. Disparities in the enjoyment of these rights remain high, with the conflict-affected regions being particularly disadvantaged, as extreme poverty remains widespread and access to food, education, health services and safe drinking water are limited. These disparities have remained root causes of civil unrest and conflicts in the Sudan.

20. The Independent Expert acknowledges that the constitutional document rightly provides a mandate for the Government to resolve economic crisis by stopping economic deterioration and to work on laying the foundations for sustainable development (art. 7.4).

The Rights and Freedoms Charter, contained in chapter 14 of the document, provides for a number of economic, social and cultural rights, including the rights to education, health and cultural rights. In accordance with article 66 of the constitutional document, the rights and freedoms set forth under chapter 14 are to be enforced through the Constitutional Court and other competent courts if a violation occurs. While this is a positive development with regard to enhancing justifiability of economic, social and cultural rights in the context of the Sudan, the low level of awareness on those rights among the national rights-holders might hamper enforcement of these rights in the national courts.

21. The Independent Expert expresses concern that the COVID-19 pandemic may compromise the chances of the Sudan to achieve the Sustainable Development Goals. Throughout the country, 58 per cent of households cannot afford a basic daily food basket. Over 2.7 million children suffer from acute malnutrition.² Rising destitution is reflected in the number of people needing humanitarian assistance, which has risen from 5.2 million in 2015 to 9.3 million in 2020, an increase of more than 75 per cent. A total of 6.2 million people suffer from extreme poverty, evidenced by severe acute food insecurity.³ The Independent Expert is concerned that the COVID-19 pandemic will impact food availability and accessibility, thus increasing the threat of hunger and malnutrition. Food insecure populations, including internally displaced persons, refugees, migrants, returnees, host communities, and women and children have limited coping mechanisms to buffer the impact.

22. Well before the emergence of the COVID-19 pandemic, the country's health sector had been weakened by limited resources, with 1.9 medical doctors per 10,000 inhabitants and high levels of out-of-pocket health costs.⁴ Over 30 per cent of existing health facilities are non-functioning, owing mainly to lack of human resources, medical equipment and financial resources, as well as to weak managerial capacities, particularly at subnational levels. According to a 2019 report, the universal health coverage index for the Sudan was 44 per cent.⁵

23. With regard to access to water and sanitation, the national average is 68 per cent, with substantial disparities between rural and urban areas,⁶ which poses significant challenges in containing the spread of the COVID-19 pandemic.

24. The Independent Expert notes that physical distancing measures have severely hit the service sector, which absorbs over a million workers, mostly in low-income and casual jobs. Consequently, there is a high risk that many businesses will fail if the disruption of normal business operation continues. The informal hospitality sector, notably the work of women tea sellers, is impacted through the general reduction of the economy. If left unaddressed, rising levels of urban poverty could lead to protests again, compromising the democratic transition of the Sudan and creating political instability that could complicate its development trajectory.

25. The Independent Expert notes that the continued listing of the Sudan as a State sponsor of terrorism by the United States affects the ability of the Sudan to fully access international financial system, including the enhanced Heavily Indebted Poor Countries Initiative of the International Monetary Fund and the World Bank and the clearance of large arrears to these institutions and other creditors.

26. The Independent Expert welcomes the efforts of the Government of the Sudan towards economic reforms. The national budget for 2020 saw increased spending on health

² Office for the Coordination of Humanitarian Affairs – Sudan. *Humanitarian Needs Overview: Sudan* (January 2020).

³ United Nations Development Programme. “COVID-19 socio-economic impact assessment for Sudan” (April 2020).

⁴ World Health Organization, Eastern Mediterranean Regional Office, Regional Health Observatory Data Repository statistics. Available at <https://rho.emro.who.int/ThemeViz/TermID/142>.

⁵ World Health Organization, *Primary Health Care on the Road to Universal Health Coverage: 2019 Global Monitoring Report* (2019).

⁶ United Nations Development Programme. “COVID-19 socio-economic impact assessment for Sudan”.

care and education, which had remained neglected during the 30-year reign of former President Al-Bashir. To contain the spread of the COVID-19 pandemic, the Government launched a rapid response programme of cash-based social welfare, seeding \$2 million directly into vulnerable households across the country and including a fivefold increase in the salaries of public sector employees. However, there is a need to assess the existing social security schemes and safety nets and lay the foundations for an equitable social protection system. The Independent Expert also received information that the Ministry of Finance and Economic Planning had developed a plan to scale up financing to the health sector and provide cash transfers to 80 per cent of the population, totalling more than 30 million people, most of whom are informal sector workers who have been badly affected owing to restrictive measures, including lockdown. Given the huge cost of these measures and the expected fall in public revenue, the Independent Expert acknowledges that the cash-strapped Government needs generous support from its international development partners.

B. Legal reforms and ratification of human rights instruments

27. The constitutional document indicates that the foundation of the State is premised upon justice, equality and the rule of law, with an obligation of the transitional Government to apply the principle of accountability and restitution of grievances and rights that have been denied (art. 5). In this regard, chapter 1 of the document provides for the recognition of war crimes, crimes against humanity, extrajudicial killings, and violations of human rights and of international and humanitarian law committed since 30 June 1989 (art. 5 (3)) as within the jurisdictional reach of the transition agenda.

28. The Independent Expert takes note of the programmatic priorities of the transition period that are outlined in chapter 2 of the constitutional document with considerable human rights focus. Article 7 (5) places emphasis on the priority to carry out legal reform, rebuild and develop the human rights and justice system, and ensure the independence of the judiciary and the rule of law. As is common in transitions of this nature, the constitutional document provides for the establishment of 12 independent thematic commissions to consolidate human rights and rule-of-law protection systems, including the Legal Reform Commission (art. 38 (5)). The Independent Expert welcomes the adoption of the law establishing the constitutional independent Commission for the Reform of the Legal and Justice Systems that is key to initiating a comprehensive, transparent and participatory review of the domestic laws and the justice systems.

29. With reference to the recommendations made to the Sudan by the Human Rights Committee and the Working Group on the Universal Periodic Review with regard to amending the national legislation to align it with international human rights instruments, the Independent Expert welcomes the reports on the endorsement of the Miscellaneous Amendments Act by the Joint Council⁷ in July 2020, which provides for amendments to the Criminal Code of 1991. The amendments include the abolishment of the crime of apostasy, removal of the death penalty for murders committed by children, and removal of the death penalty and flogging for sodomy.⁸ The Act also criminalizes actions that include gender-based discrimination and provides for better protection for women's rights.

30. The Independent Expert also welcomes the amendment of the Criminal Act of 1991, in order to bring the definition of torture into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He also welcomes the amendment of the Criminal Procedure Act of 1991 to enshrine the prohibition of torture and other inhuman and degrading treatment during investigation, and the repeal of articles 50, 51 and 52 of the National Security Act, which provided national security agents with the power to arrest and detain people and also repealed the immunity regime, which protected agents from prosecution for acts committed during their work,

⁷ The Joint Council refers to the joint meeting of the Sovereign Council and the Council of Ministers, acting as alternative legislative council in accordance with the 2019 constitutional document until the formation of the Legislative Council, which will occur after the peace agreement has been signed.

⁸ The crime of apostasy is provided for in article 126 of the Criminal Code of 1991.

including acts of sexual and gender-based violence. These law reforms pave the way for the investigation of human rights violations committed by State actors in the past and would have a dissuasive impact for the future.

31. The Independent Expert encourages the Government to enact further law reforms to ensure the country's conformity with international human rights standards. In particular, he encourages the Government to repeal provisions that impose the death penalty for crimes other than the most serious crimes within the meaning of article 6 (2) of the International Covenant on Civil and Political Rights, including abolishing the death penalty, as prescribed in the Criminal Act of 1991, for the offences of undermining the constitutional order (art. 50), espionage (art. 53) and adultery (art. 146).

32. Despite all the developments in the area of law reform, the Independent Expert notes that the Government has not taken concrete steps to ratify the international human rights instruments that the Sudan has not yet ratified.

C. Civic space

33. Key freedoms, which govern civic space and include the rights to freedom of expression, association and assembly, are guaranteed by the constitutional document and the international commitments made by the Sudan under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. Despite these obligations, the Independent Expert is concerned by the country's restrictive legislative framework governing civic space.

34. The Independent Expert welcomes the abolishment of flogging as a form of punishment for cybercrimes in the recently adopted Cybercrime Law of 2020. He remains concerned, however, that the amendments have tightened restrictions by disproportionately increasing prison sentences, which could further curtail online activities and the freedom of expression. Online social platforms were critical in mobilizing the protests that began in December 2018 and in guiding the peaceful Sudanese revolution. They are still critical, and the protection of online freedom of expression is just as critical.

35. The Voluntary and Humanitarian Work Act of 2006 remains in force and allows the Humanitarian Aid Commission to broadly control civil society activities. This Act severely limits civil society participation through the imposition of strict conditions for registration and through the appointment by the Commissioner of the Commission of a Registrar, who is empowered to terminate or refuse the registration of any organization. The Independent Expert notes that rejecting the registration of an organization may be appealed to the Minister of Labour and Social Development, within 15 days of the decision. The Act also provides for the annual renewal of registration for civil society organizations. The Act empowers the Commission to engage in the approval process of any externally funded projects. Many civil society organizations find the Act obstructive to their work, as it not only regulates humanitarian and charitable work, but extends control over wider civil society pursuits, including work on the promotion of human rights. The Humanitarian Aid Commission also insists that civil society organizations register at both the federal and state levels, which creates an administrative burden on those organizations.

36. The Independent Expert takes note of information received on consultations organized by the Ministry of Labour and Social Development with civil society on 9 and 10 March 2020, with a focus on reforming the Humanitarian Aid Commission. Reforming the Commission will be a significant step towards protecting civic space.⁹

37. The Independent Expert notes a series of administrative decisions revoking the registration of civil society organizations perceived to be associated with the former regime. In November 2019, the Humanitarian Aid Commission issued series of decisions¹⁰ revoking the registration of more than 58 non-governmental organizations perceived to be associated

⁹ The information was provided by a civil society partner who participated in the workshop and is a member of the Steering Committee formed for the purpose of the workshop.

¹⁰ Decisions No. 45 (2019), No. 48 (2019) and No. 49 (2019).

with the former regime. The non-governmental organizations were allegedly owned or directed by relatives of the leaders of the former regime. Allegedly, their status exempted them from paying taxes and customs, and they were allowed to build offices on lands that were provided free-of-charge. The Independent Expert received credible reports that the affected non-governmental organizations submitted appeals for judicial review. As of the time of writing, there had been no update on the matter.

38. The Independent Expert is also concerned by the dissolution of trade unions perceived to be affiliated with the former regime, without judicial review. On 14 December 2019, the committee for dismantling the former regime issued Decree No. 3 of 2019 relating to the dissolution of trade unions, which is aimed at seizing all properties and assets of all trade unions and at establishing a committee to revise trade union laws and prepare for new elections of union leaders. On 16 December 2019, the Central Bank of Sudan issued a decision to seize and freeze the assets of the dissolved trade unions. That action may breach freedom of association and the right of workers to form and join trade unions in order to protect their interests as guaranteed in the constitutional document and by the country's international human rights obligations, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organization.

39. Equally important for protecting civic space are oversight bodies, such as courts and human rights commissions and institutions, which function as accountability mechanisms. Owing to measures aimed at combating the spread of the COVID-19 pandemic, courts in the Sudan are currently suspended, and the existing National Human Rights Commission is subjected to reforms or re-establishment in accordance with the constitutional document. As a result, individuals are currently unable to access domestic accountability mechanisms.

D. Press freedom and harassment of journalists

40. The Independent Expert welcomes the public pledges made by the Government of the Sudan to protect freedom of opinion and expression. Notably, in September 2019, the Prime Minister pledged at the General Assembly: "Never again in the new Sudan will a journalist be repressed or jailed."¹¹ The Government of the Sudan also signed the Global Pledge to Defend Media Freedom, an initiative of Canada and the United Kingdom of Great Britain and Northern Ireland, and it has improved its ranking on the 2020 World Press Freedom Index by 16 points, now ranking 159th out of 180. In addition, on 16 October 2019, the Minister of Culture and Information pledged to end censorship of political books.¹² The Independent Expert also welcomes the authorization of new licenses for 15 television and radio stations by the Broadcast Licensing Committee of the Ministry of Culture and Information, as announced on 16 July 2020.¹³ Such a step is vital for the promotion of media pluralism.

41. Despite these developments, the Independent Expert is concerned by new legal developments that restrict freedom of expression and impose harsh penalties. On 31 May 2020, the Joint Council passed the Law for Protecting Doctors, Medical Personnel and Health Facilities of 2020, with a view to deterring the repeated assaults on doctors and health workers in the Sudan amid the COVID-19 pandemic. While noting the Government's intention to protect medical personnel, the law also restricts freedom of expression. Under the heading of "crimes and punishments", the law stipulates that publishing misleading or incorrect information that affects the performance of medical personnel can be punishable with imprisonment for up to 10 years.

42. The Independent Expert received credible information that since 29 May 2020, Lana Awad, a female human rights defender and journalist working with the Ministry of Health

¹¹ www.youtube.com/watch?v=eElvRfJzNW0.

¹² www.dabangasudan.org/en/all-news/article/sudan-culture-minister-no-censorship-at-15th-khartoum-international-book-fair.

¹³ www.facebook.com/MOCI.SD/photos/a.106346854166905/191100962358160/?type=3&theatre (in Arabic).

in El Fasher, North Darfur, had been harassed and threatened with arrest by officers of the Military Intelligence. The actions of the Military Intelligence were in response to an investigative report published on 26 May by Ms. Awad, together with human rights defender and journalist Aida Abdelgader, in which they exposed the dire health situation in El Fasher owing to the COVID-19 pandemic. On 27 March, the Ministry of Health of North Darfur, for which Ms. Awad works, published a statement describing the information in the report as disinformation and established an investigative committee. The decision was later overturned when the Ministry filed a complaint against Ms. Awad to the Informatics Offences Prosecution Office in El Fasher. As of the time of writing, the case was still before the Office and a decision was yet to be made. Ms. Awad and Ms. Abdelgader continue to fear for their lives, given the ongoing threats and intimidation from unknown individuals, who are suspected to be affiliated with the Military Intelligence. The Minister of Culture and Information made a public statement on 31 May on the Ministry's Facebook page, reporting that he had contacted the two defenders to show support. He also noted that he had called the Governor of North Darfur to follow up on the news regarding the alleged harassment of the journalists by security forces for publishing media articles on the health situation in North Darfur. He also advised against the involvement of security forces in cases regarding allegations of the spread of false information, a matter that should be dealt through legal means.

E. National Human Rights Commission

43. The National Human Rights Commission was established in January 2012 and opened in 2015. Since then, the Commission continues to open its field offices throughout the country and to hear complaints.

44. The constitutional document provides for the formation of a national human rights commission, among the 12 independent thematic commissions, in conformity with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). According to credible sources, a draft law proposing to abolish the existing national human rights commission and form a new commission has been submitted by the Minister of Justice to the Council of Ministers. The Independent Expert urges the Government to follow participatory inclusive consultations on reforming the existing national human rights commission in compliance with the Paris Principles and best practices. The Independent Expert also urges the Government to seek technical advice from the Office of the United Nations High Commissioner for Human Rights on this matter.

F. Women's rights

45. Women in the Sudan were at the forefront of the peaceful protest. They were also among the primary victims of violence, including human rights violations and sexual violence, during the course of protest and the reporting period. The Independent Expert commends the great emphasis the constitutional document places on women's rights. Article 7 (7) provides for assurances to guarantee and promote women's rights in the Sudan in all social, political and economic fields, and to combat all forms of discrimination against women, taking into account provisional preferential measures in both war and peace. Article 48 expands women's rights provisions by stating that all women's rights enshrined in international and regional treaties ratified by the Sudan will be recognized and protected by the State.

46. The Independent Expert welcomes bold steps taken by the Government to reform existing laws to ensure the protection of women's rights, including the repeal of the Public Order Law¹⁴ in November 2019. The law has governed, among others, women's presence in public spaces in a discriminatory way, resulting in many women being arbitrarily

¹⁴ The Public Order Law is not a national law, but rather a group of state-level laws issued by state legislative councils.

arrested, beaten and deprived of their rights to freedom of association and expression. Another significant step taken on 9 July 2020 marked a historic improvement in women's rights and the combating of discrimination against them in the Sudan. The Joint Council endorsed the Miscellaneous Amendments Act with a series of revisions to discriminatory provisions contained in the Criminal Code of 1991, including criminalizing female genital mutilation (art. 141); introducing life imprisonment for rape (art. 149); deleting the offence of "immodest attire" that has been applied against women (art. 152); and providing alternative penalty of community service to convicted pregnant women, lactating mothers and women accompanying children under 5 years of age (art. 47). These are important steps that implement recommendations made by human rights instruments.¹⁵

47. The Independent Expert also welcomes the adoption of the National Action Plan on Women, Peace and Security in June 2020, and acknowledges the extensive participatory process from civil society, including women's organizations in the Sudan.

48. In conflict-affected regions, women are deprived of equal rights with regard to decision-making, access to education, control of family resources and employment opportunities. Women and girls continue to face violence, including sexual and gender-based violence and conflict-related sexual violence, entrenching them in deep stigma and silence. In addition, they face being ostracized by the community and being denied access to justice by local authorities, a problem that is exacerbated by impunity, especially when the crime has been committed by national security forces. The Independent Expert welcomes the signing by the Sudan of a framework of cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict, in accordance with Security Council resolution 2467 (2019). With the commitment of the Government and the support of the United Nations, the implementation of the framework consolidates gains made by UNAMID in combating sexual and gender-based violence and conflict-related sexual violence, while also empowering community-based protection networks.

G. National Committee on the dismantling of the former regime

49. The Joint Council adopted the law for dismantling the former regime,¹⁶ taking note that the constitutional document does not provide for the establishment of such a committee, but that it provides for the anti-corruption independent commission. The law establishes the Dismantling Committee responsible for dismantling the former regime, including the dissolution of the former ruling National Congress Party, the confiscation of its property and assets, and the recovery of looted resources.¹⁷ The Dismantling Committee's decisions are subject to appeal before a Special Appeal Committee, which is chaired by a member of the Sovereign Council, who represents the military component of the transitional authority. The Minister of Justice serves on the Special Appeal Committee as a rapporteur. Decisions of the special appeal committee are also subject to appeal before a judicial chamber set up by the Chief Justice.

50. The National Congress Party was dissolved on 7 January 2020. The Dismantling Committee also issued a series of decisions aimed at dissolving boards of directors of several banks and large companies because they were owned or managed by leaders of the former Party or their family members, or because of a perceived affiliation to the Party. Approximately 47 bank accounts reportedly belonging to leaders of the former regime were frozen. The Independent Expert notes that more than 100 diplomats and employees of the Ministry of Foreign Affairs and a few thousand civil servants from other ministries and government institutions were dismissed. On 9 May 2020, the Dismantling Committee

¹⁵ See CCPR/C/SDN/CO/5, CCPR/C/SDN/CO/4 and A/HRC/32/42/Add.1.

¹⁶ This refers to the Law for Dismantling Ingaz (Salvation) Regime and Removing Empowerment. Empowerment is the term that the former regime used to support its affiliates in State affairs by granting them wide-ranging privileges, including government functions and the setting up of various companies.

¹⁷ According to article 4-2 of the Dismantling Law, the Committee takes its decisions by simple majority. If there is parity in votes, the Chairperson shall have a decisive vote.

seized assets located in the Sudan that belonged to the family of the ousted President and that were reportedly valued at approximately \$4 billion. The Committee also terminated contracts with several companies that were owned by the ousted President's affiliates and that were operating businesses at Khartoum International Airport.

51. The Independent Expert also notes that the law establishing the Dismantling Committee was amended on 30 April 2020, reportedly towards widening the scope of the Committee's dismissal power to target "State" entities rather than "Government" entities. Thus, the Dismantling Committee has the right to dismiss all public employees, including those serving in the judiciary and on independent commissions.

52. There are some concerns that the decisions of the Dismantling Committee might degenerate into political purges. If this were the case, such processes would undermine reconciliation, rather than reinforce human rights and the rule of law, and could create resentment among those affected by the process. The Independent Expert urges the Government to ensure that international human rights standards are respected throughout the process and that the implementation of a rights-abiding vetting process is put in place in order to avoid political misuse and ensure access to justice for those affected by the Committee's decisions.

53. According to information received, the Special Appeal Committee confirmed on 16 March 2020 that 82 complaints against its decisions had been lodged. Those affected by its decisions are yet to receive information on the status of their appeals. The expert notes that the work of the courts has been suspended because of the COVID-19 pandemic, except for cases of an urgent nature, which do not include the cases mandated by the Dismantling Committee.

H. Human rights situation in conflict-affected areas

1. Darfur

54. Darfur continues to experience a multitude of human rights and humanitarian crises, despite the seeming reduction of the frequency and intensity of violence. Eleven months into the transition, Darfur is still governed by military commanders who were appointed by the former regime in February 2019. Despite some progress at the federal level, the prolonged political vacuum in Darfur has resulted in what appears to be a "wait-and-see" attitude adopted by State authorities, who by virtue of the temporary nature of their appointments, continue to disengage from key governance and human rights issues, including the security, safety and well-being of civilians. While the human rights and protection challenges in Darfur are multifaceted and, in some ways, interlinked, major concerns are related to the persistent attacks against civilians and the parallel complicity of State security entities; fragility; weak governance institutions; and the situation of judicial entities.

55. Civilians, in particular internally displaced persons, continue to suffer the brunt of violent attacks, physical assaults, harassment, intimidation, extortion and sexual violence by armed groups and State security entities. The Independent Expert received credible information that on 29 December 2019, an internally displaced person from the Masalit ethnic group stabbed an Arab man at the Krinding camp for internally displaced persons, located in El Geneina, West Darfur, following a personal dispute. In retaliation for the killing, an armed group from Arab tribes, supported by the Rapid Support Forces, launched a full-scale attack against internally displaced persons in two camps in El Geneina. In total, 89 civilians were killed, 140 injured and at least 40,000 were displaced. Since then, internally displaced persons in El Geneina and the Masalit community in the surrounding villages have repeatedly voiced concerns over their continued vulnerability and lack of confidence in law enforcement authorities. Sources also reported that an armed group – primarily from the Masalit tribe based in the Silik mountain area in Central Darfur – killed two Arabs on 26 March 2020, which triggered retaliatory attacks from a group of Arab nomads on 29 and 30 March and resulted in the burning of the Balla, Thur-Bogoj and Soola-Morrei villages in Azoum locality, Central Darfur.

56. Credible reports indicate that in the period from March to May 2020, more civilians were killed in intercommunal conflicts than in armed clashes between government forces and armed movements. Reportedly, armed Arab nomads attacked Regel Mekhit village in Tawilla locality, North Darfur, on 29 March and set houses on fire, displacing 40 families. The police force reportedly took no action. In another incident in Singita village, Kass locality in South Darfur, a dispute between the Tarjam and Zaghawa tribes resulted in the killing of 11 Tarjam civilians, the injuring of 11 others, and the reported theft of 200 cattle from the village. On 23 April, the Sudan Armed Forces and the Kass High Reconciliation Tribe Committee deployed to Singita to de-escalate and help reconcile the conflicting communities. On 5 and 6 May, fighting erupted between the Fallata and Reizeigat tribes in Murraya village, Tulus locality, South Darfur and extended to neighbouring villages, resulting in the displacement of approximately 200 Fallata, and leaving 60 civilians dead and at least 150 injured. The Independent Expert is concerned that as in previous intercommunal clashes, reconciliation is prioritized over accountability for the killing, injuries and destruction of civilian property. The recurrence of these clashes is more probable than not, in part owing to the proliferation of weapons and deeply entrenched grievances.

57. The Independent Expert received credible information that unidentified persons believed to be internally displaced persons from Kalma camp in South Darfur fired shots at a vehicle driving through the camp on 10 June 2020. Two men on board the vehicle were killed and one was injured. The victims, confirmed to be plain-clothed Rapid Support Forces personnel, were driving from Nyala to El Daein and reportedly lost their way and drove through Sector 2 of Kalma. Following the incident, at least 50 armed men – who were believed to be from the Reizeigat tribe, the same tribe the victims belonged to – gathered outside the camp and demanded the handover of the perpetrators. The Government and UNAMID deployed troops around the camp to prevent a retaliation attack. UNAMID also deployed the Formed Police Unit to patrol inside the Kalma camp, creating a safety buffer zone. A government investigation committee has been established to bring the perpetrators to justice. UNAMID held a series of meetings with community leaders at Kalma to de-escalate the situation and to urge them to hand the alleged perpetrators over to law enforcement authorities. As of the time of this report, the perpetrators had not been handed over.

58. The Independent Expert expresses concern at reports of the continued prevalence of sexual violence in Darfur. The majority of the victims are women and children who are internally displaced persons and who are usually attacked when they leave the camps to conduct income-generating activities or to collect firewood or grass. According to available information, alleged perpetrators include governmental forces; fighters and splinter groups of the Sudan Liberation Movement-Abdul Wahid; armed militia; and individuals. The majority of incidents are often unreported, owing to fear of the social stigma associated with rape and to the weakness of the justice system to respond to sexual violence. On some occasions, victims choose not to file complaints because in most cases, they claim that the police cannot or will not take appropriate action against perpetrators.

59. Despite the progress made, in particular with regard to the delisting of the Sudan from the United Nations list of countries recruiting and using children in conflicts, the Independent Expert expresses concern over the rights, welfare and safety of children with continued vulnerabilities. Children continue to be killed and maimed in the context of attacks against civilians in the Jebel Marra area, and they also continue to suffer the detrimental effects caused by explosive remnants of war. As armed clashes continue to erupt in Jebel Marra, children, mostly boys, have been abducted to be used for forced child labour and as child fighters. The recruitment of child soldiers is still ongoing in Darfur, albeit at a much slower rate. Conflict-related rape and sexual violence against children remain a concern, especially as children are exposed to sexual violence during livelihood activities.

60. The Independent Expert takes note of the efforts of the authorities of Darfur State to promote an agenda of permanent return of internally displaced persons to their homes of origin. While the Independent Expert recognizes that voluntary return is one durable solution for displaced persons, the ongoing conflict and general insecurity provide little

incentive for those who wish to return. In addition, land access and disputes are both root causes and exacerbating factors of the conflict.

61. The Independent Expert takes note of reports on the insufficient number of judges and prosecutors present in several localities in Darfur, and of the negative impact of the poor infrastructure and security situation on the work of the justice sector. Human rights abuses are partly linked to the inability of rule-of-law institutions to provide protection to civilians and to combat impunity. Such a situation is likely to prevail, if unaddressed. The numerous immunity provisions in legislations tend to shield State actors from prosecution. While the Government responded in a reasonably speedy manner to incidents, especially the December 2019 attack in El Geneina and intercommunal conflicts in Tulus and Kass, reports of the respective investigations have not been made public.

2. South Kordofan and Blue Nile

62. The Independent Expert received information that a tribal armed conflict erupted in the city of Kadugli in South Kordofan on 11 May between the Nuba (Angolo) and the Dar-Naella Arab tribe that allegedly resulted in the killing of more than 60 people, including 15 soldiers from the Rapid Support Forces, and 19 injured. Sources suggest that the death of 15 soldiers were allegedly the result of clashes between the Sudan Armed Forces and the Rapid Support Forces who intervened, each aligning itself with one of the tribal groups across ethnicity lines. Another tribal clash reportedly took place in El Fagara, Lagawa, in South Kordofan on 6 June between the Nuba and Misseriya tribes; several people were allegedly killed or injured. No response was taken by security forces, sources alleged.

63. Civilians continue to face the burden of conflicts in the Blue Nile. Many people were displaced and lost their land, which was their main source of income. Even today, humanitarian organizations struggle to get access and provide aid to most people in the regions. Reportedly, some internally displaced persons have returned to their homes voluntarily, despite the lack of basic services including water, electricity, adequate housing, health facilities and education. Reportedly, some returnees found that their lands had been sold by the ousted Government to large-scale farmers who have power and wealth, leaving the small-scale farmers empty-handed. Such violations of economic and social rights form a real threat to the protection of civilians and to any future peace agreement in the region.

64. The Independent Expert expresses concern at the spread of weapons into the hands of civilians in South Kordofan and Blue Nile, which poses a threat to the protection of civilians and is a result of the weak and fragmented justice institutions and law enforcement forces in those areas. The Independent Expert urges the Government to adopt a comprehensive national strategy on security sector reforms.

3. East Sudan

65. Sources reported that community clashes erupted in Port Sudan on 18 November 2019 between Bija and Beni Amer tribes and allegedly resulted in the killing of 9 civilians and the injuring of 24. Clashes erupted again on 2 January and lasted for two days, allegedly resulting in 15 civilian deaths, including 2 children, and over 100 injured. Hundreds also fled their homes in the affected neighbourhoods and moved to “safe” areas inside the city. From 8 to 10 May, two other community clashes reportedly took place in Kassala City between Nuba and Beni Amer tribes. Allegedly, more than 13 civilians were killed and about 100 were injured.

66. The Independent Expert welcomes the mediation efforts made by the Native Administration in Kassala, which resulted in the signing of a reconciliation agreement between the Beni Amer and the Nuba tribes, aimed at reaching a truce. The Independent Expert also welcomed reports on the establishment of an investigation committee for such incidents; however, sources suggest that the committee is composed of security forces only, with no representatives of the state Attorney General.

V. National accountability mechanisms

A. Investigations on cases against leaders of former regime

67. Following the fall of the former regime, in April 2019, the new authorities issued warrants of arrest against 23 leaders of the former regime, in accordance with the Emergency and Protection of the Public Safety Act of 1997. Those leaders include ousted President Al-Bashir and two of his high-ranking assistants, who account for three of the five Sudanese nationals indicted by the International Criminal Court for war crimes and crimes against humanity in Darfur. The Independent Expert received information that leaders of the former regime had been detained in Kober Central Prison in Khartoum and that their files had been referred in November 2019 to the Attorney General. Since then, investigations have been initiated against them with regard to several cases, and monthly renewals of their pretrial detentions have been taken by the Criminal Court of Khartoum on the basis of requests from the prosecutors, in accordance with the Criminal Procedures Act of 1991. As of the time of writing, 4 of the 23 detainees had been released on bail.¹⁸

68. Available information suggests that most of the 19 current detainees are facing charges relating to unjust enrichment and use of public resources for private benefit. Some are facing other charges, including murder and torture of opponents. It is not clear if those charges include crimes committed in Darfur.

69. On 14 December, the ousted President was convicted of money-laundering and corruption and was sentenced to two years in a State-run reform centre; however, he remains detained in Kober Central Prison in Khartoum.

70. The Independent Expert received information that the Attorney General, in his capacity as the Head of the investigation committee on the coup d'état of 1989 issued on 31 March warrants of arrests against 36 other suspects, among them, 16 out of the 19 detained leaders of the former regime. Overall, 30 suspects have been arrested and 6 remain at large. Later on, the Attorney General released 11 out of 30 on bail after the finalization of the investigation. As of the time of this report, 19 suspects are under arrest for the case of the coup d'état of 1989.

71. At a press conference held on 15 June, the Attorney General stated that investigations were concluded and formal charges were made in five cases against the leaders of the former regime including the case of the coup d'état of 1989, corruption cases, and a case against an officer from the Rapid Support Forces accused of killing protestors during the December 2018 Revolution. The Attorney General added that appointments of public trials will be announced soon, and courts would observe coronavirus precautions.

72. According to a public statement made by the Office of the Attorney General on 27 May 2020, three detainees among the leaders of the former regime had tested positive for the coronavirus,¹⁹ including two of those indicted by the International Criminal Court. The Attorney General also stated that no other COVID-19 cases had been recorded among the prison community, including inmates and prison guards. The Attorney General also confirmed that the necessary treatment in these cases was being provided in specialized medical facilities, and that isolation measures were being taken.

73. The Independent Expert urges the Attorney General to take the appropriate actions to ensure the conclusion of the investigations against the detained leaders of the former regime, and to refer them for fair trials, as prolonged detentions undermine the detainees' civil liberties.

¹⁸ The four who have been released are Abou Huriyra Hussein, Kamal Abudelgadir, Mamoun Homaidah and Adam El Fiky, the former Governor of South Darfur.

¹⁹ The statement listed Ahmed Mohamed Haroun, former presidential advisor; Abdulel Rahim Mohamed Hussein, former Wali of Khartoum State and former Minister of Defence and Interior; and Ali Osman Mohamed Taha, the former Vice-President.

74. The Independent Expert also urges the Government to take action to ensure the implementation of its declared commitments on cooperation with the International Criminal Court with regard to the Sudanese nationals indicted by the Court on charges of war crimes and crimes against humanity in Darfur.

B. National Independent Investigation Committee on the events of 3 June 2019

75. Article 7 (16) of the constitutional document provides for the establishment of a national independent investigation committee, with African support if necessary as assessed by the national committee, to conduct a transparent, meticulous investigation of violations committed on 3 June 2019,²⁰ and other related incidents. The Independent Expert notes the Prime Minister's decree No. 16/2019, issued on 21 September 2019, which provides for the forming of a three-month extendable National Independent Investigation Committee on the event of 3 June 2019, to work in accordance with the National Act of 1954 relating to commissions of inquiry, and which limits the Committee's mandate to fact-finding. However, the Decree was amended on 21 October by Decree No. 63/2019, which ensures that the Committee can develop into a Criminal Investigative Authority, working in accordance with the Criminal Procedure Act of 1991, empowered with full investigative powers, including the right to indict, and mandated by the Attorney General Act. The Committee is composed of eight members – all men – and is chaired by an independent lawyer. Two of the members are representatives from the Ministry of Interior and the Ministry of Defence. The Chair of the Committee publically declared in March 2020 that its mandate had been extended until 22 June 2020. At the time of writing, no official statement had been made on the extension of the Committee's mandate beyond 22 June; however, sources indicated that a further extension was under consideration. The Independent Expert expresses concern at the absence of female members among the Committee's board, which raises concerns on the technical capacity of the Committee to investigate sexual and gender-based violence.

76. The Independent Expert acknowledges that the establishment of the Committee is a crucial step towards justice and accountability for the criminal acts committed during the events in Khartoum on 3 June 2019, and the following days. However, he remains concerned at the delays in delivering justice and providing effective remedies to the victims who fought for the revolution. He also urges the Government to extend its support to the Committee to enable the effective implementation of its mandate.

77. The Independent Expert also urges the Committee to do its utmost to secure justice and reparation for victims, and to hold all those responsible to account, without exception, in accordance with due process rules established by the international standards.

VI. Technical assistance and capacity-building

78. The Independent Expert welcomes the deployment to Khartoum of the OHCHR start-up team, which is working in close coordination with the UNAMID Human Rights Section. Field offices are planned to be opened in South Kordofan, Blue Nile, Darfur and East Sudan during 2020 and 2021. The OHCHR country office in the Sudan plans to work on six key areas to support the Government's priorities and the vision laid out in the constitutional document, which frames the transition period in the country: advancing sustainable development through human rights; strengthening rule of law and accountability; enhancing participation and protecting civic space; enhancing equality and countering discrimination; preventing violations and strengthening the protection of human rights; and increasing implementation of international human rights mechanism's outcomes. OHCHR has been engaged with government institutions and civil society groups providing technical advice. The Independent Expert has been informed that OHCHR has also been engaged with the United Nations country team in the Sudan, contributing on

²⁰ See A/HRC/42/63.

issues that include economic, social and cultural rights, and working to ensure human rights are mainstreamed.

79. In response to the enormous challenges and complexities of the country's transition process, the Independent Expert acknowledges the technical assistance that UNAMID provides for various State entities, including workshops on legal reform for the Bar Association; orientation workshops on human rights responsibility for senior government officials; capacity development for the National Human Rights Commission and the commission on disarmament, demobilization and reintegration; and planning a national conference on women's rights; which is aimed at generating momentum for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women. In February 2020, UNAMID, in cooperation with the OHCHR country office in the Sudan, implemented a significant workshop for senior commanders of the Rapid Support Forces. The workshop served as the baseline for enhancing the capacity of State security entities as a means of improving accountability and helping to put in place the building blocks for security sector reform in the Sudan.

80. Under the State liaison function, the National Human Rights Commission Regional Office in El Fasher was established, as were four human rights resource centres at universities in El Daein (East Darfur), El Fasher (North Darfur), El Geneina (West Darfur) and Nyala (South Darfur). This contributes to strategies to sustain human rights work after the completion of the mandate of UNAMID, through the Commission, academic institutions and civil society. Three study tours were organized in October 2019 to Liberia and Morocco for the Commission, the Justice Truth and Reconciliation Commission and civil society groups. In addition, four workshops were also conducted in Khartoum in the period September–November 2019 on the role of civil society in the transitional justice process and the trial monitoring. This offered national partners the opportunity to learn from others' experiences to improve their understanding of transitional justice.

VII. Conclusions and recommendations

81. **The Independent Expert underlines that the installation of the Government in September 2019 and adoption of the constitutional document provide hope for the transformation of the Sudan. The Independent Expert notes the progress made and is encouraged by positive steps taken by the Government to address systemic human rights and rule-of-law concerns, including commitments to tackle impunity. However, major challenges lie ahead, which require sustained international support and engagement with the country. The support should entail clear and unambiguous strategies and integrated visions to help guide the Sudan through a challenging transition period.**

82. **The Independent Expert notes the efforts being made to reach a comprehensive peace agreement to end the conflict in Darfur, South Kordofan and Blue Nile. While this process is ongoing, the Independent Expert reiterates his concern that the structural drivers of the conflict in Darfur remain fundamentally unaddressed, as evidenced by the continued documentation of human rights violations and abuses. This situation highlights the existence of protection gaps in the backdrop of weak State institutions, which necessitate continuous engagement, advocacy and programmatic intervention in Darfur to provide a framework for tangible human rights support. This will enhance the capacity of law enforcement and judicial institutions, national human rights agencies and civil society groups to adopt human rights-based approaches to strengthen access to justice, promote accountability, contribute to the expansion of democratic spaces, and will also enhance the implementation of an inclusive and people-centred transitional justice programme.**

83. **The Independent Expert commends the cooperation of the Government of the Sudan in ensuring the successful deployment of the OHCHR start-up team to Khartoum, and the positive engagement of both sides in ensuring the implementation of the OHCHR mandate in the Sudan. The Independent Expert also welcomes the significant human rights mandate provided in Security Council resolution 2524**

(2020), in which the Security Council established the United Nations Integrated Transition Assistance Mission in the Sudan, which underlines the role of the OHCHR country office in the Sudan.

84. On the basis of his appraisal and assessment of the situation, the Independent Expert reiterates all the recommendations that have been previously made but not yet implemented. In addition, the Independent Expert makes the following recommendations.

A. Government of the Sudan

Peace and ratification

85. The Independent Expert calls upon the Government of the Sudan to:

(a) Continue to engage in Juba peace talks with armed groups, with a view to achieving a comprehensive peace agreement that complies with international human rights principles, represents the views of the marginalized groups and addresses issues of accountability and transitional justice, and to that end, explore ways to encourage the Sudan Liberation Movement-Abdul Wahid and the al-Hilu faction of the Sudan People's Liberation Army/North to take an active part in the peace talks;

(b) Uphold the constitutional commitment to carry on comprehensive legal reforms and rebuild the justice system to ensure the protection of human rights in conformity with international human rights standards, including the country's treaty obligations;

(c) Ratify the international human rights conventions that have not yet been ratified by the Sudan, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

(d) Consider ratifying the Rome Statute of the International Criminal Court, and cooperate with the Court to hold accountable those responsible for war crimes and crimes against humanity in Darfur.

Human rights mechanisms, justice and accountability

86. The Independent Expert calls upon the Government of the Sudan to:

(a) Swiftly establish the 12 independent commissions provided for in the constitutional document, in particular those pertaining to peace, legal reform, transitional justice, human rights, women's rights and gender equality, and in that context, ensure a consultative approach to reform the existing National Human Rights Commission with a broad mandate to protect and promote human rights, including economic, social and cultural rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Ensure that judicial authorities uphold victims' rights to effective remedies, and end impunity for grave human rights violations committed during the past few decades in the Sudan, in particular in the regions affected by the conflict, through prompt, impartial and thorough investigations. Those responsible should be held to account through fair trials that respect international human rights standards. In this context, judicial authorities are reminded to respect the rights of the detained leaders of the former regime, including bringing charges and ensuring fair trials and due justice process, in accordance with the bill of rights of the constitutional document and with the International Covenant on Civil and Political Rights;

(c) Provide the necessary support to the National Independent Investigation Committee, established to investigate the events of 3 June 2019, so as to enable it to do its utmost to secure justice and reparations for victims, address the gravity of gender-

based violence that reportedly occurred during those events, hold all those responsible to account, without exception, in accordance with due process rules consistent with international standards, and make its findings public;

(d) Establish a comprehensive, consultative and holistic victim-centred transitional justice process led by the transitional justice commission to redress past abuses, including gender-related crimes, and to prevent their recurrence;

(e) Ensure that a timely judicial appeal is granted for the persons affected by the decisions of the National Committee on the dismantling of the former regime and that it is in accordance with international fair trial standards. In this context, the Committee's vetting process should not be disconnected from the holistic and comprehensive transitional justice framework that is needed in the Sudan.

Reform and protection

87. The Independent Expert calls upon the Government of the Sudan to:

(a) In consultation with civil society, take all necessary steps to ensure a safe and enabling environment to promote and protect civil space and freedom of expression, association and assembly, as well as to ensure effective disciplinary procedures against Government officials involved in retaliatory actions;

(b) Consider the establishment of an independent commission tasked with regulating the broadcast media spectrum, in order to ensure it is free, independent, diverse, pluralist, and free from violence, discrimination, and incitement to hatred and hostility;

(c) Ensure that economic reforms protect the minimum core content of economic, social and cultural rights, and do not disproportionately affect marginalized groups, and in this regard, adopt a comprehensive national poverty reduction strategy using a human rights-based approach that addresses inequality in the realization of those rights;

(d) Continue to promote women's rights and combat discrimination against women through legal reforms, including those of the Criminal Code of 1991 and the Personal Status Law, by consulting civil society, including women's organizations, and through the implementation of reformed laws;

(e) Accelerate efforts, especially in relation to Darfur, to take rapid, tangible and applicable measures to translate the national protection strategy through the deployment of professional, equipped and trusted security in protection hotspots, and reinforce the protective environment building on the dividends of the State liaison functions model, ensuring the expansion of human rights and rule-of-law institutions and the extension of State authority;

(f) Facilitate and support the establishment of community reconciliation mechanisms in the regions affected by the conflict, in order to prevent and resolve the resurgence of intercommunal conflicts, including incorporating human rights and accountability principles into local resolution mechanisms;

(g) Intensify efforts to create conditions for the voluntary return or local integration of internally displaced persons, and in this regard, address obstacles to the return of internally displaced persons, such as lack of safety and restitution of land and property, and ensure that, if voluntarily relocated, they have access to basic services;

(h) Undertake a credible and transparent security sector reform to address security concerns associated with State security entities, ensuring they are aligned to a civilian protection framework with adequate accountability guarantees.

B. Armed opposition movements

88. The Independent Expert calls upon the armed opposition movements to maintain the cease fire and engage in negotiation with the transitional Government of the Sudan to achieve peace and reconciliation in the interest of the people of the Sudan.

C. International community

89. The Independent Expert calls upon the international community to:

(a) With the imminent exit of UNAMID, support the Government of the Sudan to translate the recently issued national protection strategy into tangible and applicable protection implementation modalities to address gaps that may arise in the absence of peacekeeping troops in Darfur, and in this regard, consider providing the necessary logistical and other support to the Government to facilitate the deployment of defence and security forces to hotspots in Darfur;

(b) Support the strengthening of a fully-fledged OHCHR country office in the Sudan that can operate and provide technical assistance to the Government and civil society actors, as well as other stakeholders;

(c) Support the Government of the Sudan in developing and implementing a comprehensive transitional justice agenda, including the prosecution of perpetrators of human rights violations;

(d) Considering the persistent refusal of internally displaced persons to return to their places of origin, assist the Government in reviewing its policy on return and reintegration, in line with international standards;

(e) Support the Government in implementing the framework of cooperation of the Sudan and the United Nations on the prevention of and response to sexual violence in conflict, including through assisting in the provision of medical, psychosocial, legal and socioeconomic services to all survivors of sexual violence and providing support to combat impunity.
