



General Assembly

Distr.: General
26 February 2020

English only

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 5

Human rights bodies and mechanisms

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



Genocide in Darfur: New UNHRC Member Sudan is in non-compliance with Resolution 60/251 obligations

The Sudan now takes its new seat on the Human Rights Council (HRC). While Sudan has a new government which we hope will lead the country in democratic reforms and ending human rights abuses, the government has yet to establish its record in these areas. Moreover, in January members of the country's security services attempted an armed rebellion against the fledgling government.¹ Until last April, Sudan was ruled by Omar al-Bashir, wanted by the International Criminal Court (ICC) for war crimes.²

Though one often hears the argument that it is normal for the United Nations (UN) to include all manner of countries on its Human Rights Council, even those who commit gross and systematic human rights abuses, the truth is that the presence of abusers on the Council undermines the Council's legitimacy and contradicts its own charter. According to UNGA Resolution 60/251, which established the Council in 2006, General Assembly members are obliged to elect states to the Council by considering "the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto." The resolution further provides that consideration ought to be given to whether the candidate can meet membership obligations (a) "to uphold the highest standards in the promotion and protection of human rights" and (b) to "fully cooperate with the Council."

More than half of the current members of the Council (24 out of 47 members) fail to meet the basic standards for democracy according to Freedom House.³ These include some of the world's worst human rights abusers: Eritrea, Mauritania, Qatar and the Bolivarian Republic of Venezuela. These countries use their membership in the Council as a false badge of legitimacy in the international arena.

One example is Sudan. After thirty years in power, on April 11, 2019, Bashir was overthrown and arrested by the military.⁴ The coup followed 16 weeks of protests. Under Bashir's rule, Sudan was listed by Freedom House among the thirteen "worst of the worst" countries in the world.⁵

But the protesters were disappointed that President Bashir was initially replaced by military rule rather than a civilian government. The military continued to violently crackdown against protesters.⁶ In June, more than 100 protesters were killed and 500 injured outside the Khartoum military headquarters during a peaceful sit-in to protest the failure of the military to hand power to a civilian government.⁷ On June 10, authorities completely shut down the internet for an extended period.⁸ These events led to Sudan being suspended from the African

¹ Jean-Baptiste Gallopin, *Sudan's military shut down a mutiny. What does that mean for the democratic transition?* WASHINGTON POST (Jan. 19, 2020), <https://www.washingtonpost.com/politics/2020/01/19/sudans-military-shut-down-mutiny-what-does-that-mean-democratic-transition/>

² *Sudan: Former president Omar Al-Bashir must be tried by ICC For war crimes*, AMNESTY INTERNATIONAL (April 17, 2019), <https://www.amnesty.org/en/latest/news/2019/04/sudan-former-president-omar-al-bashir-must-be-tried-by-icc-for-war-crimes/>

³ *Freedom in the World 2019*, FREEDOM HOUSE, <https://freedomhouse.org/report/countries-world-freedom-2019>

⁴ *Sudan's Bashir appears in public for first time since being ousted*, THE GUARDIAN (June 16, 2019), <https://www.theguardian.com/world/2019/jun/16/sudan-omar-al-bashir-in-public-since-ousted>

⁵ *Democracy in Retreat: Freedom in the World 2019*, FREEDOM HOUSE <https://freedomhouse.org/report/freedom-world/freedom-world-2019>

⁶ *In Sudan, Repression of Protests by Another Name*, HUMAN RIGHTS WATCH (June 26, 2019), <https://www.hrw.org/news/2019/06/26/sudan-repression-protests-another-name>

⁷ *Sudan's Bashir appears in public for first time since being ousted*, THE GUARDIAN (June 16, 2019), <https://www.theguardian.com/world/2019/jun/16/sudan-omar-al-bashir-in-public-since-ousted>; *Investigations and Monitoring Needed in Response to Sudan Violence*, HUMAN RIGHTS WATCH (June 7, 2019), <https://www.hrw.org/news/2019/06/07/investigations-and-monitoring-needed-response-sudan-violence>

⁸ *Sudan: UN experts denounce Internet shutdown, call for immediate restoration*, OHCHR (July 8,

Union.⁹ On June 30, at least seven were killed and 181 injured in another wave of mass protests. The next day, the bodies of three more activists were found with visible signs of torture.

In August, the military and the protesters reached an agreement to form a new council to transition the country to civilian rule.¹⁰ It is too soon to comment on the long-term implications of this change. Some have expressed doubt about whether the military is serious about implementing democracy in Sudan and note that international pressure is what forced the military to the negotiating table. According to the agreement, the interim council will be headed by General Abdel Fattah al-Burhan for the next 21 months.¹¹ However, civilian-Abdallah Hamdok, a former-UN economist, was selected to serve as interim prime minister with elections to take place in three years. He has selected a civilian cabinet of eighteen ministers, including four women.

In a submission to the Human Rights Council ahead of the September 2019 session, Human Rights Watch commented that “the human rights situation in Sudan continues to be of grave concern, including with violence against protesters and ongoing lack of accountability for violations and abuses since December [2018].”¹² Nevertheless, Prime Minister Hamdok appears to be genuinely set on the path to reform. For example, he has already set up an investigations committee into the June 2019 protester killings.

Ousted President Bashir’s crimes include murder, rape, torture and genocide. Under his rule, Sudan became a haven for jihadists such as Osama bin Laden, fought a bloody civil war in the south which led to the creation of South Sudan, and oversaw the genocide of an estimated 300,000 in Darfur.¹³ The last months of Bashir’s rule were characterized by violent crackdowns against demonstrators protesting the poor economy.¹⁴ According to Amnesty International, at least 37 protesters were killed in December 2018.¹⁵ In the midst of the protests, the government also blocked major social media sites like Facebook, Twitter, Instagram and WhatsApp and shut down the internet.¹⁶

Under Bashir, basic civil liberties were severely restricted, including through government censorship and intimidation and arrests of journalists and human rights activists. In December 2018, nine journalists demonstrating against government harassment of the media were briefly detained and three journalists covering anti-government demonstrations were assaulted by security forces.¹⁷ Following his ouster, on June 20, members of Sudan’s Rapid Support Forces, responsible for killings in Darfur, detained journalist Amar Mohamed Adam as well as employees of the health ministry who had participated in a protest.¹⁸

2019),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24803&LangID=E>

⁹ *Investigations and Monitoring Needed in Response to Sudan Violence*, HUMAN RIGHTS WATCH (June 7, 2019), <https://www.hrw.org/news/2019/06/07/investigations-and-monitoring-needed-response-sudan-violence>

¹⁰ Nermin Ismail, *Sudan protesters, military form new transitional council*, DEUTSCHE WELLE (Aug. 20, 2019), <https://www.dw.com/en/sudan-protesters-military-form-new-transitional-council/a-50101593>

¹¹ *Id.*

¹² *Sudan: Ensuring a credible response by the UN Human Rights Council at its 42nd session*, HUMAN RIGHTS WATCH (Sep. 3, 2019), <https://www.hrw.org/news/2019/09/03/sudan-ensuring-credible-response-un-human-rights-council-its-42nd-session>

¹³ Declan Walsh, *The Fall of Omar Hassan al-Bashir, the ‘Spider’ at the Heart of Sudan’s Web*, NEW YORK TIMES (April 11, 2019), <https://www.nytimes.com/2019/04/11/world/africa/omar-bashir-sudan.html>

¹⁴ *Freedom in the World 2019: Sudan*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/sudan>

¹⁵ *Sudan: 37 protesters dead in government crackdown on demonstrations*, AMNESTY INTERNATIONAL (Dec. 24, 2018), <https://www.amnesty.org/en/latest/news/2018/12/sudan-protesters-dead-in-government-crackdown-on-protests/>

¹⁶ *Freedom in the World 2019: Sudan*, *supra* note 14.

¹⁷ *Id.*

¹⁸ *In Sudan, Repression of Protests by Another Name*, HUMAN RIGHTS WATCH (June 26, 2019), <https://www.hrw.org/news/2019/06/26/sudan-repression-protests-another-name>

Under Bashir, security forces routinely detained political opponents incommunicado without charges.¹⁹ Security forces also commonly tortured, beat and harassed detainees. In January 2018, a detainee died after two days in police custody. The autopsy report showed signs of severe torture.²⁰ Members of the security forces benefited from legal protection for acts committed in their official capacity.²¹

In addition, under the Bashir government's interpretation of Sharia law, physical punishments such as flogging, amputation and stoning were permitted. Indecent dress and production and consumption of alcohol have been typically punished with lashes. Sharia law was also sometimes applied against non-Muslims against their wishes in civil domestic matters like marriage and divorce.²²

The Bashir government also perpetrated violence in Darfur where it is accused of genocide. The situation there remains unstable and dangerous, particularly for internally displaced persons.²³ Following Bashir's ouster, the conflict continues. In June, the UN announced that 17 people had been killed and more than 100 homes burned down in a Darfur village.²⁴ In December 2019, 50 people were killed in attacks on camps in Western Darfur and 40,000 displaced.²⁵

While Bashir has been ousted, and there is optimism that Prime Minister Hamdok's new government is headed in the right direction, Sudan must establish a positive record on human rights before it can be considered for membership in the Human Rights Council.

¹⁹ 2018 Country Reports on Human Rights Practices: Sudan, UNITED STATES OF AMERICA DEPARTMENT OF STATE (March 13, 2019) [Hereinafter "*State Department Report Sudan 2019*"], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/sudan/>

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Yousef Saba, *U.N. says it confirms 17 deaths in Sudan's Darfur*, REUTERS (June 13, 2019), <https://www.reuters.com/article/us-sudan-politics/u-n-says-it-confirms-17-deaths-in-sudans-darfur-idUSKCN1TE1U3>

²⁵ *Sudan: Lives of traumatized, displaced women in West Darfur under threat*, UN NEWS (Jan. 15, 2020), <https://news.un.org/en/story/2020/01/1055352>