

Resolution on the Human Rights Situation in Sudan

We, the participants at the Forum on the Participation of NGOs in the 60th Ordinary Session of the African Commission on Human and Peoples' Rights held in Niamey (Niger), during the period 4th to 6th May 2017;

Considering the provisions of the African Charter on Human and Peoples' Rights and other regional and international human rights instruments to which the Sudan is a state party and that Sudan is legally bound to fully and effectively implement the provisions of these instruments, and respect and promote the human rights and fundamental freedoms set therein without discrimination on any ground;

Appreciating efforts of the African Commission on Human and Peoples' Rights (Commission) to address the situation in Sudan and recalling in this regard previous missions conducted by the Commission to Sudan in 2004, 2009 and 2015 as well as the resolutions on the situation of human and peoples' rights in the country since its 35th Ordinary Session held in Banjul in May – June 2004;

Noting the unwillingness of the government of Sudan to implement the Commission's recommendations and Concluding Observations, including on Sudan's Third Periodic Report as well as past decisions in which the Commission, *inter alia*, requested Sudan to improve the human rights situation in the country, abolish practices that violate the absolute prohibition of torture, cruel, inhuman or degrading punishment and treatment such as corporal punishment, and effectively investigate and prosecute those responsible for serious human rights violations including arbitrary detention and torture;

Deeply concerned that serious international crimes are taking place in Darfur, South Kordofan and Blue Nile states and that authentic reports indicated the repeated use of chemical weapons by the Government of Sudan against civilian populations in Jebel Marra area in Darfur since January 2016;

Welcoming regional and international efforts to combat impunity and to uphold justice to the victims, particularly the decision of the International Criminal Court to hold accountable individuals accused of planning, executing, condoning or encouraging the commission of war crimes, crimes against humanity and genocide in Darfur;

Alarmed by the deteriorating situation of human and peoples' rights in Sudan, in particular extra-judicial killings, arbitrary and incommunicado detention without judicial review, torture and ill-treatment of political detainees, students and pro-democracy activists and human rights defenders; the curtailment of the freedoms of expression, press and media as well as restrictions on freedom of association and assembly, violent suppression of public rallies and the dismantling of independent civil society; the application of corporal punishments, the demolishing of Churches and Christian places of worship and increasing restrictions on the rights of religious minorities in the country;

Strongly condemn serious international crimes, including indiscriminate and targeted military attacks and aerial bombardment of civilian areas and the destruction of habitats, health facilities, schools, places of worship, the killing and wounding of thousands of civilians; the collective punishment and mass forced displacement of villagers and communities from which the armed opposition groups are believed to originate; arbitrary and unacknowledged detentions, extra-judicial executions torture and sexual violence; and the continued obstruction of humanitarian assistance in Darfur, South Kordofan and Blue Nile states;

We call upon the 60th Ordinary Session of the African Commission on Human and Peoples' Rights to:

1. Urge the government of Sudan to comply with its obligations under the AU Constitutive Act, the African Charter on Human and Peoples' Rights, the UN Charter and all other regional and international human rights treaties to which Sudan is a state party;
2. Call on the government of Sudan to implement decisions and recommendations adopted by the Commission, in particular to repeal Article 52 of the National Security Act and all other laws that confer immunity on state officials for violations of human rights and international humanitarian law, to criminalize torture and all forms of violence against women including corporal punishment as practiced under the notorious Public Order Regime. Further urge the government of Sudan to cease all violations of human rights and fundamental freedoms, including arbitrary arrests and detention, extra-judicial killings, torture and ill-treatment of detainees and uphold the freedoms of expression, assembly and association as well as the freedom of the press and media and guarantee the freedom of religion and conscience.
3. Condemn the destruction and seizure of Christian places of worship in the national capital and the harassment, persecution and targeting of Christian priests and leaders, including the killing of Elder Younan Abdullah of Bahri Evangelical Church on 3rd April 2017, while defending women in the vicinity of the Evangelical School of Sudan in Omdurman.
4. Condemn in the strongest terms the grave violations of international human rights and humanitarian law in Darfur, Southern Kordofan and Blue Nile, including the reports of the use of chemical weapons in Darfur since January 2016, the continued indiscriminate aerial bombardments of civilian areas, farms and instantiations and ground attacks by army and allied militia, as well as the continued blockade of humanitarian aid.
5. Condemn the government decision to dismantle settlements in which the internally displaced persons currently live and its attempts to prevent newly displaced persons to join the existing settlements thus depriving them of any humanitarian assistance.
6. Call on the African Union Peace and Security Council and United Nations Security Council to join hands with the Organization for the Prohibition of Chemical Weapons (OPCW) to further investigate reports of the use of chemical weapons in Darfur and make their findings public.
7. Call on the government of Sudan to ensure that all persons held in its custody for political reasons, including the armed conflict in Darfur, Southern Kordofan and the Blue Nile States are brought before courts of law and allowed unhindered access to family members, lawyers of their choice and to medical care. All persons held without judicial review should be released.
8. Call on the government of Sudan to release all human rights defenders held without conviction or trial including Dr. Mudawi Ibrahim Adam who has been illegally held captive by the National Intelligence and Security Service since December 2016, as well as all other defenders that are being held in detention.
9. Urge the government of Sudan to stop all forms of harassment against independent civil society, to reverse its decisions to close independent human rights NGOs and

research institutions and allow such groups to work freely and without interference and to ensure the safety and security of their members and staff.

10. Urge all AU member states to continue their efforts in combating impunity and to expand regional coordination to apprehend and hand over all individuals accused by the International Criminal Court (ICC) of committing war crimes, crimes against humanity and genocide in Darfur.

Done at Niamey, Niger, 6th May 2017