



A Written Information Report to the Universal Periodic Review Mechanism on the Right to Demonstration in Sudan

A Theoretical Introduction

The right to demonstrate and protest is a human right that stems from several different basic human rights. No human rights law or national constitution provides the absolute right to demonstrate. However, this right is a manifestation of freedom of assembly, freedom of association, and the right to freedom of expression. People will never cease to protest and governments will continue to impose restrictions on them.

Protests do not necessarily constitute a threat to national security interests or public safety, because most protests do not violate state laws. Instead, they can uphold democratic and constitutional order. For example, demonstrations can break out in response to a military coup, or when the country's leadership refuses to hand over the presidency having defeated in elections.

Accordingly, this report covers, in detail, the human right to demonstrate and demand factional and national rights in Sudan, within the framework of the recommendations made in this regard by other countries to the state party during the UPR in 2016.

First: The eruption of protests during the rule of Al-Bashir and his ultimate downfall in December 2018 demonstrations:

The previous government's approach for dealing with freedom of opinion and expression did not change. In December 2016, protests broke out in the capital city of Khartoum, among many others, condemning the country's debilitated economic situation. In response the peaceful protests, security forces fired tear gas and rubber bombs, and arrested many activists and opposition figures.¹

On July 14 2017, demonstrators took to the streets protesting the poor living conditions and the low level of services provided by the government. Protesters blocked the road linking Wadi Halfa in the northern state of Sudan with

¹ Magnus Taylor, Sudan Protests: Why It's In The Government's Interests To Respond With Restraint, crisis group, 2016, <https://bit.ly/3tlyUpM>



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the capital.²

On August 24, hundreds of demonstrators took to the streets of Khartoum strongly decrying the death sentence handed down to the activist Asim Omar, a university student, who was arrested during his participation in student protests in 2016, and sentenced to death by the first instance court. That verdict was then upheld in the appeal. The streets in Khartoum up to the main campus were filled with demonstrators denouncing this “politicalized” verdict. However, police resorted to firing tear gas and using canes to disperse the protesters.³

In September, protests erupted in the Darfur region. Internally displaced persons revolted against the fruitless visit of Al-Bashir to the poorly-equipped camps. Security forces responded to this demonstration by using force and brutality to secure the visit of Al-Bashir, but no casualties or arrests were reported.⁴

Many factional protests have erupted in 2017. On March 27 2017, demonstrations occurred in the states of Sennar, West Kordofan, and White Nile for several days, in protest against Sudan’s poor infrastructure in the electricity and transport sectors. However, the security forces did not deal with these demonstrations violently.

2018 was not better for the Sudanese activists and protesters. The year began with protests and arrests and ended with a revolution that brought down the entire system. At the beginning of the year, on January 30, protests erupted in the country after Sudan announced its intention to take measures towards austerity. The government responded to these protests with a widespread campaign of arrests and enforced disappearances. The arrests included some opponents suspected of leading or coordinating these protests, and their number reached more than 18 activists⁵.

² Protest blocks main highway in northern Sudan, dabanga sudan, 2017, <http://bit.ly/3tl3ekB>

³ Mohammed Amin, Sudan: Hundreds protest student getting death sentence, 2017, <http://bit.ly/3cwO7OS>

⁴ IDPs' protests force South Darfur to move al-Bashir's rally away from their camp, relief web, 2017, <http://bit.ly/3oDFwfl>

⁵ Update: Continued arbitrary arrests and incommunicado detention of Sudanese citizens amidst crackdown on January 2018 peaceful protests, The African Centre for Justice and Peace Studies (ACJPS), 2018, <http://bit.ly/2YGUwPi>

Second: The Sudanese revolution and how the security forces dealt with it:

On December 19 2018, protests broke out in the city of Atbara, in the Nile River State (North), denouncing the deteriorating economic conditions and demanding the provision of bread flour and fuel. Protests spread across the city, and demonstrators burned the headquarters of the ruling National Congress Party simultaneously. Protests erupted in the city of Port Sudan (east). On December 20, the protests expanded to include the city of Dongola, Karima, Al Damer, and Berber (north), and the towns of Al-Bouqa, Al-Zidab, Matmama, Al-Qadarif, and Sennar (east). The country witnessed the burning of the headquarters of the ruling party and buildings for the local administration.

Students from the universities of Khartoum, Sudan, and Nile protests took part in protests. Police prevented students from reaching the presidential palace in central Khartoum. On the morning of December 22, 2018, the media announced that security forces had arrested 14 opposition leaders. In addition, it announced that 22 people have been killed since the start of the protests.

On December 24 2018, the Central Committee of Sudanese Doctors (non-governmental) began a strike in 28 hospitals in several states, with protests continuing in all cities of Sudan. Violence during the protests resulted in 37 casualties. On December 25, government forces dispersed thousands of protesters with gas bombs and rubber bullets, near the presidential palace in Khartoum; while they headed to Al-Bashir to hand him a memorandum calling on him to step down from power.

The Volunteer Lawyers Committee has recorded 50 cases of live ammunition so far from direct contact with their families. That contradicts the official figures issued by the state that only 37 people were killed. As of the 29th of December, there were more than (500) arrests, only those whose relatives reported them to the Commission⁶.

On January 2 2019, the opposition Communist Party announced that the number of victims of the protests had reached 40 dead, 45 wounded and 900 detainees all over Sudan. The Sudanese authorities confirmed the arrest of at

⁶ درة قمبر ، الرصاص المجهول وقصة المتظاهرين في السودان ، المفكرة القانونية ، <http://bit.ly/3arFjal> ، 2019



least 816 people, as of January 6, for reasons related to the demonstrations. Reports indicate that among those arrested were journalists, opposition leaders, demonstrators, and representatives of civil society.⁷

On April 7 7 demonstrators were killed, and on April 9, the Sudan Doctors Committee announced the killing of demonstrators by security forces' bullets. Also the committee announced the fall of 4 new deaths because of the dispersal of protesters staging a sit-down camp in front of the army headquarters in Khartoum, after regime forces used live bullets. The death toll has risen to 6.

On April 10, the government announced the killing of 11 people, including 6 of the regular forces. On 11th April, Sudanese Defense Minister Awad Ibn Auf announced a statement broadcast on state television that Sudanese President Omar Al-Bashir had been arrested, and the beginning of a two-year transitional period. He also declared a state of emergency for three months and a curfew for a month⁸.

Although the Sudanese constitution guarantees citizens the right to demonstrate, what happens in practice every time is that the demonstrations are subjected to violent repression. Examples of oppression include forcibly dispersing under beating, tear gas canisters, and up to death by bullets. That what happened in most of the demonstrations in Sudan since Bashir took over and until his fall. He Justifies the repression under the pretext of sabotage and destruction of public property, which are matters that both protesters and observers deny.

Al-Bashir's government cannot curb the December 2018 revolution, as it did with the September 2013 demonstrations, in which 234 people were killed. Al-Bashir had promised to work for a committee to investigate their killing. Despite the use of the same means of suppression and dispersal of the demonstrators, the security institutions were unable to confront the masses of citizens. Despite they use force and protecting the government and the president to confront them.

⁷ مفوضة حقوق الإنسان تدعو إلى حماية حرية التعبير والتجمع السلمي في السودان ، أخبار الامم المتحدة ، <http://bit.ly/2LdZiAY> ، 2019 ،

⁸ السودان.. ثورة الخبز تطيح بالبشير ، <http://bit.ly/2MudbLM>



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Third: the factional protests and demands of the revolution in the era of the transitional government

In June 2019, after the end of the Sudanese revolution, demonstrators continued to protest in Khartoum. They held a sit-in in front of the Sudanese Ministry of Defense headquarters to demand the rights of the revolutionary martyrs and the injured. Also, they demand the formation of a civil government and the purification of security institutions. The forces dispersed this sit-in forcibly, and there were many human rights violations of these sit-ins because of ending this sit-in.

Security forces accused demonstrators of several charges, which, according to their claims, provoked the security forces and resorted to violence in dealing with these sit-downs, such as burning police vehicles and waving unethical gestures. However, even if the protesters did so, the response not be storming the sit-in by force, dispersing it with gas and live bullets, arresting and concealing. To disguise the transitional government's actions, it cut off the Internet from the country for weeks to prevent the circulation and spread of its practices internationally.

The Central Committee of Doctors loyal to the protests announced that more than 100 people were killed during the sit-in dispersal, although the authorities admitted to killing only 61. Protesters claimed that there were mass rapes during the sit-in dispersal. The UN Special Representative of the Secretary-General on sexual violence in the conflict, Pramila Patten, has expressed her concern about reports of mass rape of protesters and medical personnel by security forces and militias⁹.

The Transitional Military Council authorities released a group of protesters days after they dispersed the sit-in. Authorities forcibly detained the protesters in secret locations, after the forces wearing military uniforms arrested protesters. The protesters believe that those forces are the same who participated in the dispersal of the sit-in as part of a violent campaign accompanied by widespread security and human rights violations.

⁹ Sudan's military acknowledge 'outrageous' violations as mass rape and killings alleged, news, 2019, <http://ab.co/3cBMf7t>



Protesters awaited the transitional government for a broad and comprehensive investigation that would bring the perpetrators to justice. But when the government did not investigate, voices rose to call for an international investigation into this incident¹⁰.

The massacre halted negotiations that existed between the Transitional Military Council - that seized power after overthrowing al-Bashir - and the forces of the Declaration of Freedom and Change. However, Ethiopian mediation prompted the resumption of negotiations and the signing of an agreement between the two parties. One of the terms of the agreement stipulated the formation of a national investigation committee entitled to seek assistance from the African Union. The National Investigation Commission should announce its findings within 3 months of its formation. Three months after the formation of the committee, the committee did not announce its results. She justified not announcing that the investigation had not ended, declaring that she needed an additional three months. The situation angered the rebels, who took to the streets to demonstrate. The revolutionaries described the delay in announcing the results as "procrastinating in revealing the facts. Those facts that are awaiting the Sudanese, the revolutionaries and families of the victims."¹¹

In October 2020, after the events of the General Command massacre, demonstrations occurred in Khartoum. Demonstrations demand improvement of living conditions and a move forward with the reform process. In addition, the Central Doctors Committee in Sudan announced that one person was killed after being shot during clashes between police forces and protesters. The clashes occurred east of the capital, Khartoum, and as a result, there were a large number of injured among the demonstrators, indicating that some of them were in critical condition.

On the second anniversary of the revolution, on December 19, crowds of demonstrators came out. The demonstrators demanded corrections in the course

¹⁰ بدون كاتب ، تحقيق للجزيرة نت.. بعد عام من فض اعتصام القيادة العامة بالخرطوم ما مصير المفقودين ومن أخفاهم؟ ، الجزيرة ، 2020 ،

<http://bit.ly/3pKvDhB>

¹¹ عبد الحميد عوض ، عام على مجزرة اعتصام الخرطوم: العسكر يفلتون من المحاسبة ، العربي الجديد ، <http://bit.ly/3pH9IYI> ، 2020 ،

and improvement in living conditions and gathered near the presidential palace and parliament in Khartoum. The Sudanese police fired tear gas canisters to disperse the demonstrators who continued to gather at night in front of the Presidential Palace and Parliament building in Omdurman. Furthermore, eyewitnesses reported that the security forces chased the demonstrators in the main streets surrounding the presidential palace. Witnesses reported fainting cases among the protesters, but no injuries were reported.

In addition to Khartoum, demonstrations occurred in cities and towns in some Sudanese regions, including New Halfa in Kassala State (east), and El Daein in East Darfur state (West). The demands of the protesters were divided. Some protesters demand the fulfillment of the demands of the economic revolution and the improvement of living conditions. Furthermore, some call for the overthrow of the transitional government headed by Abdullah Hamdok. They claim that it had failed to achieve the goals of the revolution¹².

Thousands of Sudanese demonstrators took to the streets in Khartoum and other states; On the second anniversary of the massacre of the General Command. The demonstrators demanded peace and justice. The security forces and the army sealed the capital center completely, with barbed wire and armed cars. Moreover, the forces prevented even holders of passes during the curfew. They also closed the bridge linking the cities of Khartoum and Bahri. The forces cleared the bridge of cars and pedestrians¹³.

Recommendations

These recommendations are to be submitted to the government of the country under review, so that an end to the brutality of the security services against demonstrators can be put. These recommendations include the following:

- 1- Guaranteeing the right to freedom of expression and lifting restrictions on individuals and media that oppose the government.

¹² السودان.. الأمن يفرق مظاهرات في الخرطوم وحمدوك يتعهد بالإبقاء بمطالب الثورة ، الجزيرة ، <https://bit.ly/3jbFuKS> ، 2020

¹³ آلاف السودانيون يتظاهرون لتحقيق مطالب الثورة كاملة وتصحيح مسار الحكومة ، فرانس <http://bit.ly/2MsyihG> ، 24



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- 2- The right to freedom of association and movement must be preserved by internationally recognized standards.
- 3- Obliging the security services to put an end to arrests, intimidation, and harassment for expressing political opinions.
- 4- Releasing all prisoners of opinion and expression who were arrested solely for their peaceful expression in evaluating the government's performance after the revolution.
- 5- Allowing international observers, whether from the African Union or the United Nations, to participate with the Sudanese government in investigating the facts on the violations that occurred against the peaceful demonstrators.