



# General Assembly

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## Human Rights Council

### Forty-fourth session

15 June–3 July 2020

Agenda item 10

### Technical assistance and capacity-building

## **Written statement\* submitted by Redress Trust, 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.

[28 May 2020]

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

GE.20-09435(E)



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## **Human rights priorities for OHCHR in the Sudan on torture and enforced disappearance**

### **The Sudan and the OHCHR – a commitment to change**

REDRESS is encouraged by the progress being made between the Sudan and the Office of the United Nations High Commissioner for Human Rights (OHCHR) towards the establishment of a country office. Finalising these efforts will constitute an important milestone in the Sudan's movement towards full compliance with international human rights standards, by offering permanent opportunities for constructive engagement and development with the OHCHR.

As a Member of the Human Rights Council, the Sudan shall uphold the highest standards in the promotion and protection of human rights and cooperate fully with the Council.<sup>1</sup> In its bid to be elected to the Council, the Sudan made a number of additional commitments, including to ensure efforts to join the international conventions it has not yet signed, which include the United Nations (UN) Convention against Torture. The Sudan also committed to collaborate and cooperate with all human rights mechanisms at both the regional and international levels and to support the important role played by civil society.<sup>2</sup>

In coming to an agreement with the Sudan on the establishment of a country office, the OHCHR also offered support for, among other goals, legal and institutional reforms, and transitional justice.<sup>3</sup>

In pursuit of the realisation of these commitments, and in line with REDRESS' mandate to seek justice and reparation for survivors of torture, combat impunity for governments and individuals who perpetrate torture, and develop and promote compliance with international standards, REDRESS makes the following observations and recommendations to the Human Rights Council at its 44<sup>th</sup> session.

These recommendations are partly based on REDRESS' recent report, 'A Way Forward? Anti-torture reforms in Sudan in the Post-Bashir era'.<sup>4</sup> The report, released jointly with the African Centre for Justice and Peace Studies, identifies priorities for change and key reforms to end the systematic practice of torture in the Sudan, punish the perpetrators and provide reparations for the victims. REDRESS invites the Sudan, the OHCHR and the Member and Observer States of the Human Rights Council to take note of this report.

### **REDRESS' observations and recommendations**

REDRESS observes that torture, including in conjunction with enforced disappearance, was a widespread and recurrent feature of the three decades of former President Al-Bashir's rule in the Sudan. Survivors are yet to see justice, reparations or reform to prevent future abuses.

In the current period of transition, it is crucial for the new Government of the Sudan to implement legal and institutional reforms to prevent torture; to guarantee truth and reparations for victims of torture; and to ensure accountability for those responsible for torture and other violations.

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<sup>1</sup> United Nations General Assembly Resolution 60/251, 'Human Rights Council', available at: <https://undocs.org/en/A/RES/60/251>, paragraph 9.

<sup>2</sup> United Nations General Assembly Document A/74/494, 'Note verbale dated 10 October 2019 from the Permanent Mission of the Sudan to the United Nations addressed to the President of the General Assembly', Annex, available at: <https://undocs.org/en/A/74/494>, paragraphs 3, 4 and 6.

<sup>3</sup> OHCHR, 'Bachelet signs "milestone agreement" to open UN Human Rights Office in Sudan', 25 September 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25055&LangID=E>.

<sup>4</sup> REDRESS and ACJPS, 'A Way Forward? Anti-torture reforms in Sudan in the Post-Bashir era', 18 December 2019, available in English at: [https://redress.org/wp-content/uploads/2019/12/REDRESS\\_Sudan-Report\\_final.pdf](https://redress.org/wp-content/uploads/2019/12/REDRESS_Sudan-Report_final.pdf), and in Arabic at: [https://redress.org/wp-content/uploads/2019/12/A-Way-Forward-report-on-Sudan\\_Arabic\\_web.pdf](https://redress.org/wp-content/uploads/2019/12/A-Way-Forward-report-on-Sudan_Arabic_web.pdf).

Other states, multilateral organisations and civil society, including through the OHCHR and the Human Rights Council, must all play their part in supporting the Sudan to ensure that these wounds are healed, and that the mistakes of the past are not repeated. Truth, justice and reform are crucial for ensuring that the Sudan successfully transitions into a more hopeful future.

REDRESS has identified the following human rights priorities for the Sudan regarding torture and enforced disappearance, and strongly recommends working together with support from the OHCHR to:

- Achieve the ratification of all relevant international treaties, especially the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Elimination of All Forms of Discrimination against Women.
- Enact necessary domestic legislative reform to implement these treaties, and other human rights obligations.
- Undertake crucial institutional reform, including the establishment of a new human rights commission with a strong and independent mandate, and the wholesale reform of the security apparatus, which bears significant responsibility for past violations.
- Guarantee the prevention of torture and enforced disappearance, including through criminalisation, implementation of robust safeguards in arrest and detention procedures, and re-training all personnel involved on how to prevent and eradicate these practices.
- Ensure accountability for torture, enforced disappearance and other serious human rights violations, including by conducting comprehensive investigations, removing barriers to accountability such as immunities and statutes of limitation, securing the protection of victims and witnesses, and re-asserting the independence and oversight of justice institutions.
- Establish robust mechanisms to ensure remedies and reparation for victims of torture and enforced disappearance, including enacting a specific right to reparation for victims of torture with accompanying legal and policy reforms to realise the implementation of this right in practice.

In addition to these recommendations, and in view of the fact that the establishment of an OHCHR office in the Sudan comes at a time when transitional justice is high on the national and international agenda, REDRESS would like to make some further recommendations on human rights priorities for the OHCHR regarding transitional justice in the Sudan. REDRESS urges the Sudan and the OHCHR to continue their constructive engagement and work together to:

- Secure the central and complementary goals of accountability, truth, reparation and due process.
- Adopt any decisions on the aims, types and methods of transitional justice after consultation with victims, their families, affected communities and civil society from across the Sudan, ensuring the involvement of these stakeholders at every stage.
- Guarantee that the rights of victims of torture and enforced disappearance, among other serious human rights violations, are safeguarded in any transitional justice process, including their rights to be heard, to truth, to reparation and to justice.
- Recognise the particular situation of survivors of torture and enforced disappearance, the need to avoid re-traumatisation and to adopt an approach which is gender-sensitive and accommodates the experiences of survivors of sexual and gender-based violence.

REDRESS is an international human rights organisation based in London and The Hague that helps torture survivors to obtain justice and reparations. REDRESS brings legal cases on behalf of individual survivors and advocates for better laws to provide effective reparations.