



General Assembly

Distr.: General
11 May 2022

Original: English

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Note verbale dated 29 April 2022 from the Permanent Mission of the Sudan to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of the Sudan to the United Nations Office and other international organizations in Geneva herewith submits, with reference to the note verbale of the Office of the United Nations High Commissioner for Human Rights dated 21 April 2022 regarding the advance unedited copy of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan ([A/HRC/50/22](#)), the comments of the Government of the Sudan on the report (see annex).

The Permanent Mission requests the secretariat of the Human Rights Council to circulate the present note verbale and the annex thereto* as a document of the Human Rights Council under agenda item 2, and to make the arrangements necessary to have it translated into all official languages of the United Nations.

* Issued without formal editing.



Annex to the note verbale dated 29 April 2022 from the Permanent Mission of the Republic of the Sudan to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

[Original: Arabic]

In the name of God, the Merciful, the Compassionate

Response of the Government of the Sudan to the report of the High Commissioner under agenda item 2 on the situation of human rights in the Sudan covering the period from 25 October 2021 to 10 April 2022

A. Introduction

The Government of the Sudan thanks the High Commissioner for Human Rights and the Expert on Human Rights in the Sudan, who was appointed pursuant to resolution S-32/1 adopted at the special session of the Human Rights Council held on 5 November 2021 on political developments in the Sudan, including human rights, with effect from 25 October 2021. His mandate consisted in monitoring developments in the human rights situation during the period from 25 October 2021, when the events occurred, until the reinstatement of the civilian Government.

The report covers the period from 25 October 2021 to 10 April 2022 and it aims, in accordance with the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council, to provide the Government of the Sudan with an opportunity to comment on the Expert's observations and findings and on the challenges faced by the transitional Government. Accordingly, it is based on information gathered with the assistance of the joint human rights office and various other sources, including governmental agencies and civil society organizations.

The Expert on Human Rights in the Sudan expressed his gratitude to the Government of the Sudan for its continuous cooperation and he thanked all the other parties for their assistance. The Sudan hopes that the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the designated Expert will take note of its observations on the report and will reflect them with a view to rectifying the information contained therein.

B. The state of emergency

Based on article 12 (j) of the 2019 transitional Constitutional Document, as amended in 2020, and the Emergency and Protection of Public Safety Act (1997), the Chair of the Sovereign Council declared a state of emergency on 24 December 2021, pursuant to Emergency Decree No. 3/2021, owing to the political situation and the related security incidents, which have persisted until the present day. The situation is being reviewed in the context of a plan to lift the state of emergency in the period ahead, thereby permitting the exercise of many freedoms such as freedom of expression and freedom of peaceful assembly.

C. The political context

The report used the term "coup" to describe the corrective measures that were adopted on 25 October 2021. This description is inaccurate, since the corrective measures were adopted on 25 October 2021 to address a political crisis that almost annihilated the transitional period. We note that resolution S-32/1 refers to the events in the Sudan as a military takeover rather than a coup.

According to the report, the political agreement signed on 21 November 2020 was widely condemned by political and civil forces throughout the country. This is inaccurate because the agreement was supported by prominent political forces that have great weight in Sudanese society. Yet they were not mentioned in the report.

The report attributes the Prime Minister's resignation on 9 January 2022 to differences between civilian and military branches of society. In fact, the Prime Minister stressed in his letter of resignation that one of the reasons for his resignation was existing differences and divisions within the civilian branch.

There have been a number of international, regional and national initiatives. The Special Representative of the Secretary-General and Head of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS), Mr. Volker Perthes, launched an international initiative involving wide-ranging consultations with Sudanese stakeholders on the complex political situation. The initiative gained international, regional and national backing and support. The Intergovernmental Authority for Development (IGAD) of the African Union launched a regional initiative, and national initiatives have been launched with a number of partners. The goal of all such initiatives has been to create a political atmosphere conducive to a civil transition through free and fair elections.

The report failed to mention the major role played by the Sudanese Government in opening channels of dialogue with all components of Sudanese society (civil administrations, Sufi brotherhoods, young people and women) in order to diagnose and assess the current political situation and to develop effective solutions.

D. Patterns of human rights violations

The report refers to the joint forces that participated in the recent events. We wish to clarify that the sole objective of the joint forces is to protect governmental headquarters and institutions as well as facilities of vital importance. The party that is mandated to deal with demonstrations and protests during which some demonstrators breached the principle of peaceful protest is the Ministry of the Interior, represented by the police. Some demonstrators failed to respect the principle, since they were carrying firearms and edged weapons, and some of them attacked police stations, beat up police officers and damaged their vehicles. These non-peaceful protests have been recorded in a number of videos, which were not mentioned in the report. In fact, the police bear sole responsibility for guaranteeing law and order during demonstrations and for protecting demonstrators. The responsibility of other forces consists solely in protecting the public institutions of the State.

No person can be imprisoned unless a judicial ruling or judgment has been handed down. With regard to the accountability of police personnel and the granting of immunity, any police officer who is proven to have committed a serious offence or is found guilty of any other charge is held accountable. The Public Prosecution Service and the judiciary are responsible for such action. Administrative sanctions are also imposed on officers who are found guilty under the Police Act.

With regard to the arrest of children during the demonstrations, the Head of the Juvenile Prosecution Service has stated that no children were held in custody or imprisoned because of their involvement in the demonstrations. If any children were arrested during the demonstrations, they were released and handed over promptly to their families.

E. Preventive detention and enforced disappearance

With regard to the detention of demonstrators, we wish to report that during the Expert's visit all detainees (namely 115) were released pursuant to the Emergency Act, except for some members of the Committee for the Elimination of Past Power Structures and the Recovery of Public Funds, who were arrested pursuant to article 117 of the Criminal Code based on criminal indictments. We also wish to report that 25 detained demonstrators were released from different prisons. Reviews are currently being conducted in order to release all persons detained under the Emergency Act. It should also be noted that some members of the

Committee for the Elimination of Past Power Structures and the Recovery of Public Funds, who were detained based on criminal indictments, have been released pursuant to article 170 (2), owing to the lack of criminal evidence.

According to the report, 91 persons were killed during the recent events and 5,000 were injured. We wish to report that the correct number, according to the statistics compiled by the investigation committees of the Public Prosecution Service, is 81 deceased and 2,551 injured. It should also be noted that further action is being taken to complete the investigations and to hear statements delivered by witnesses.

Allegations of sexual and gender-based violence

In response to the allegations in the report of sexual and gender-based violence, and based on police records containing reports filed by the Criminal Prosecution Service during the period in question, we wish to state that there were just four reports of rape, the details of which are set out below:

1. Report No. 18356 by Khartoum North Police Department based on articles 149 and 175 of the 1991 Criminal Code (rape; robbery) was registered on 20 December 2021; the complainant (W. Ayn. A.) charged the accused persons with sexually assaulting and raping her in turn; she is 24 years old.
2. Report No. 18830 by Khartoum North Police Department based on articles 21 and 149 of the 1991 Criminal Code (joint criminal acts; rape) was registered on 29 December 2021; the complainant (A.S.Q.) from South Sudan accused two persons from the regular forces (unspecified) of having raped her; she is 30 years old.
3. Report No. 1320 based on articles 149, 180 and 142 of the 1991 Criminal Code (rape; criminal misappropriation; injury) was registered with Khartoum North Police Department on 1 February 2022; the complainant (H.A.A.) from the State of South Sudan, who is about 32 years old, accused three persons of having taken her to a hut, of having sex with her in turn, and of stealing her mobile device (Samsung Plus Techno 30) and a sum of 4,100 Sudanese pounds.
4. Report No. 3531 based on articles 143, 149 and 175 of the 1991 Criminal Code (use of criminal force; rape; robbery) was registered with Khartoum North Police Department on 15 March 2022.

Freedom of expression and of peaceful assembly

The Constitutional Document guarantees the right to freedom of expression, freedom of peaceful assembly and freedom of association.

An advisory committee was established to review and amend laws governing the press and publications as well as laws that have a bearing on media activities in order to ensure that they comply with recognized international norms.

The Attorney General issued directives on 17 December 2020 regarding the organization of peaceful demonstrations and compliance by prosecutors and the police with regulations aimed at preventing the excessive use of force under any circumstances.

The Attorney General of the Government of the Sudan issued a directive on 11 January 2021 to all security agencies aimed at preventing the arrest of peaceful demonstrators by any body other than the Criminal Police.

Demonstrations, gatherings and protests take place in the country on a daily basis within the sight and hearing of the authorities, who do not interfere unless the demonstrations fail to comply with the principle of peacefulness. This is the best evidence of citizens' ability to exercise their right to demonstrate and their right to freedom of peaceful assembly without any impediment.

Economic, social and cultural rights

The coronavirus disease (COVID-19) pandemic had a negative impact on the economic situation, just as in all other countries throughout the world. The transitional Government has taken vigorous action to combat the pandemic.

The political crisis has undermined the economic situation in the Sudan, leading to an increased demand for hard currencies and the suspension of a large proportion of aid, including that provided by the World Bank, the European Union and the United States. This has caused suffering among the Sudanese people.

The State attaches great importance to combating poverty and has endeavoured to implement strategies, plans and programmes, through official institutions and funds, aimed at managing the economic crisis, improving the living standards of the poor, supporting poor families, especially in rural areas, through direct cash support and production projects, and funding women's groups and associations in order to provide basic commodities at cost price. The Supreme Council for Social Security and Poverty Reduction was established, which works at the official and voluntary levels to alleviate poverty and achieve the 2030 Sustainable Development Goals. The Zakat Office provides technical assistance in rural areas and states, implementing poverty alleviation projects and sponsoring rehabilitation and transformational training for poor people who are capable of earning an income.

Accountability

The State has taken action, in the context of the administration of justice, to implement legal and institutional reforms aimed at ensuring the independence of the judiciary and the rule of law, in accordance with paragraph 8 of the Constitutional Document.

The immunity system that is implemented in the State does not imply that there is any impunity. The immunity of all those involved is revoked if it is proven that they participated in the commission of any crimes or violations. Some people have been prosecuted, and the immunity of some members of the regular forces was revoked.

The Public Prosecution Service established a special committee to undertake investigations and inquiries into violations of international humanitarian and human rights law during the period following 25 October 2021. The issues it addressed included torture and other cruel or inhuman treatment, excessive use of force by the regular forces, enforced disappearances, extrajudicial killings, sexual violence and gender-based violence.

The immunity of all those involved in violations committed by the regular forces has been revoked. Some of them have been prosecuted and others are still under investigation. In addition, a security investigation committee was established by the Governor of the State of Khartoum.

Detainees and inmates are treated in accordance with the 1991 Code of Criminal Procedure, the 2013 Prisons Act and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which guarantee them all rights and which preserve their dignity and humanity.

Extensive consultations have been held on the bill concerning the National Human Rights Commission, and arrangements for completion of its structures are under way with the appointment of the remaining members of the steering committee pending the appointment of the commissioners themselves.

We underscore the State's eagerness to achieve progress in enhancing the human rights situation, and we reaffirm the need to urge partners to provide technical support and to promote capacity-building in order to raise awareness of human rights in the Sudan.

The transitional Government hopes that the Expert on Human Rights in the Sudan is aware of the need for accuracy, transparency and objectivity when monitoring information, and of the importance of obtaining information from official sources and avoiding recourse to the media and open sources. It is also essential to assist the Government in its smooth

transition to civilian governance and in building a State based on the rule of law and human rights.
