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

Written statement* submitted by Elizka Relief Foundation, 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.

[4 February 2023]

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



Human Rights Situation in the Sudan: Freedom of Opinion and Expression

Introduction

Freedom of opinion and expression, enshrined in the United Nations Universal Declaration of Human Rights (UDHR) since 1948, has become the most controversial right in the Sudan. This fundamental human right is threatened clearly. The Sudan is currently witnessing a transition period that came in wake of a revolutionary movement. After 30 years of prevalent fear, repression, and tyranny, signs of disturbing practices persist even after the revolution.

Media is the main source of information in the Sudan. However, it is subject to some forms of restrictions on radio and television. Consequently, critical media actors have been arrested. There were and still are problems imposed by security forces. Internet is often inaccessible in light of the vigorous attempts to impose a blackout on the information.

In this context, Elizka Relief Foundation presents a written intervention on the freedom of opinion, expression, and access to information in the Sudan in light of the 52nd session of the Human Rights Council.

First: Legal Frameworks For Freedom Of Opinion And Expression In the Sudan

The Sudan's interim constitution - approved in 2019 - guarantees freedom of opinion and the right to access information. However, some laws used under the previous government remained in force, which is used to muzzle critical media including the 2020 law on cybercrime, which limits the freedom of media actors; in addition to the continuation of the 2009 law that regulates the press and publications sector, which enhances censorship of publications through the mechanisms of the National Press Council; as well as the National Security Law issued in 2010, which criminalizes dissemination of lies, misinformation, and any publication that "threatens public peace" or "undermines the prestige of the state," which was used in the face of press freedoms and their defenders.

Through monitoring and follow-up of the civil judiciary in the Sudan in recent years, there are several failures in responding to some of the articles of the UDHR. In particular, Article 19 states that "everyone has the right to freedom of opinion and expression". This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers," and Article 20, which states that "Everyone has the right to freedom of peaceful assembly and association," and Article 21, which states that "Everyone has the right to freedom of peaceful assembly and association."

Second: Violations Of Freedom Of Opinion, Expression, and Demonstration In the Sudan

During the Sudan's current transition period, there have been many incidents against demonstrators, not to mention the inability to access information in light of the cut-off of Internet services and threatening the work of journalists.

On October 25, 2022, peaceful demonstrations broke out against the military's measures adopted on the same date of the previous year. The security forces used live bullets and gas bombs to disperse thousands of demonstrators, and one of the protesters was run over under a vehicle belonging to Sudanese security forces. In the following month, specifically on November 23, 2022, a Sudanese protester was killed after being shot by security forces during a demonstration.

On December 19, 2022, the security forces shot demonstrators, injuring 155 civilians, following the celebration of the 4th anniversary of popular protests in December 2018(1). On

December 26, other demonstrations were met with violence and 42 demonstrators were injured(2).

Regarding freedom of opinion, expression, and the media, on September 13, 2022, the security forces prevented journalists from covering marches in Khartoum and fired tear gas at them, forcing them to leave the demonstration places; police also detained journalist A.S. on the same day when trying to film what was happening, and she was released the same day. On September 25, Radio FM 100 broadcast in Khartoum banned A.S from her radio show for seven days for hosting three members of the resistance committees on September 7, 2022(3).

On October 2, 2022, the Sudanese Journalists Syndicate (SJS) denounced the exposure of journalists, especially the journalist "N.S." editor of a website, who received threats of harm to his family to make him stop publishing news related to sovereign bodies such as the army(4). On December 13, 2022, journalist S.A. was injured by a tear gas canister while covering the December 13 processions. On October 25, 2022, internet services were cut off coinciding with three-day long protests(5).

Recommendations

In the context of the situation of freedom of opinion and expression in the Sudan, which reflects the urgent need to implement a reform approach to improve the current situation and reduce those violations in the future, which can be formulated as follows:

First: Until now, there are still some laws and legislative frameworks that are used against freedom of opinion and expression. Therefore, Elizka Relief Foundation recommends that the Sudanese parliament fix legal gaps, especially regarding the cybercrime law, the publications censorship law, and the security law, as these laws are exploited in a way that impedes journalists' enjoyment of their freedoms.

Second: In light of the demonstrations that the Sudan faced during the last year, which led to the death of dozens of demonstrators who express their opinion, Elizka Relief Foundation recommends that the Sudanese Government urgently investigate those killed in the Sudanese demonstrations and compensate the families of the victims financially and morally.

Third: With the deterioration and the obstruction of the freedom of work of journalists in the Sudan, Elizka Relief Foundation recommends the Sudanese Government be pressured to issue a reform strategy for journalists in the Sudan that includes promoting the rights of journalists, protecting their freedoms, reforming legal loopholes, and developing visions that provide an environment suitable for journalists and stopping attacks on them.

Fourth: About the frequent internet shutdowns as a means to impede freedom of opinion and expression, Elizka Relief Foundation recommends that the Human Rights Council put pressure on the Sudanese Ministry of Communications to establish an independent body that provides the internet to all citizens without political restrictions that would affect free access to information via the internet.

1) 155 wounded by Sudanese police during anti-coup protests, Sudan tribune, <http://bit.ly/3XV2otF>

2) Sudan street protests against the military continue despite violence, dabanga Sudan, 26 December 2022, <http://bit.ly/3JsWTy6>

3) ACJPS documents harassment and censorship of journalists in Sudan, dabanga Sudan, <http://bit.ly/3Y6PmsI>

4) Sudanese Journalists Syndicate criticise 'terrible regression' of press freedom, dabanga sudan, <http://bit.ly/3DroMTa>

5) Internet is shut down in Sudan on anniversary of military coup, the record, October 25, 2022, <http://bit.ly/3JvDtbJ>