



“THEY DESCENDED ON US LIKE RAIN”

JUSTICE FOR VICTIMS OF PROTEST CRACKDOWN IN SUDAN

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GLOSSARY

| | |
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| ACHPR | African Commission on Human and Peoples' Rights |
| ACJPS | African Centre for Justice and Peace Studies |
| AU | African Union |
| AUHIP | African Union High Level Implementation Panel |
| DBA | Darfur Bar Association |
| DDPD | Doha Document for Peace in Darfur |
| DPA | Darfur Peace Agreement |
| FFC | The Forces for Freedom and Change |
| ICC | International Criminal Court |
| IMF | International Monetary Fund |
| JEM | Justice and Equality Movement |
| NCF | National Consensus Forces |
| NCP | National Congress Party |
| NISS | National Intelligence Security Service |
| NUP | National Umma Party |
| OCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| PCP | Popular Congress Party |
| RSF | Rapid Support Forces |
| SCP | Sudanese Communist Party |
| SLA/AW | Sudan Liberation Army/Abdul Wahid |
| SLA/MM | Sudan Liberation Army/Minni Minnawi |
| SPA | The Sudanese Professionals Association (SPA) |
| SRF | Sudan Revolutionary Front |
| TMC | The Transitional Military Council |
| UNDP | United Nations Development Program |

1. EXECUTIVE SUMMARY

The women protesters' resolve was summed up by one of them interviewed on 16 February 2019 in Khartoum: "Beatings and detention will not frighten us." Another woman, a 23-year-old sexual violence survivor, interviewed on 27 June 2019, told Amnesty International that, "I want the people who did this to me to be punished."

On 30 June 1989, Omar al-Bashir became president of Sudan after the Islamic movement of Sudan and its political front the National Congress Party (NCP) took power in a coup. Al-Bashir was in power until 11 April 2019. Amnesty International documented extensive violations of international human rights and international humanitarian law across Sudan throughout his tenure. The Sudanese Armed Forces attacked civilians and committed serious violations of international human rights and international humanitarian law as it conducted an unrelenting campaign of often indiscriminate aerial and ground attacks in conflicts in South Sudan (before its independence in 2011), Darfur, South Kordofan and Blue Nile. Opposition political activists were regularly detained and subjected to torture and other ill-treatment. The media were heavily censored and journalists regularly arrested and detained.

The economic, political and human rights crisis reached a crossroad in December 2018 when Sudanese people started protesting and calling for change; chanting "freedom, peace and justice!". The protests spread to all 18 states in the country. To maintain its grip on political power the authorities used lethal force and other brutal tactics, in disregard of all national, regional and international human rights norms obliging them to respect, protect and fulfil human rights for all.

Amnesty International found evidence of use of unnecessary and/or excessive force, unlawful killings, suppression of freedom of association and peaceful assembly, arbitrary arrests, torture and other ill-treatment or punishment in detention since December 2018. Further, the research revealed evidence sexual violence, harassment and abuse of young women protesters.

Between December 2018 (when the Sudan protests began) and 11 April 2019 when Omar Al-Bashir was overthrown, the police and the security services arbitrarily arrested and detained at least 2,000 people. During the same period, at least 77 people were killed, and hundreds of others injured across Sudan mainly by the Sudanese security forces. These human rights violations were mainly committed by members of the National Intelligence Security Service (NISS) (since renamed the General Intelligence Agency). They unlawfully killed, beat up peaceful protesters in the streets and inside their detention centers, violently dispersed them, and subjecting many of them to torture and cruel, inhumane and degrading treatment. For example, security agents repeatedly whipped detainees with plastic pipes all over their bodies. Sometimes they used electric sticks, forcefully shaved the hair of some male detainees and verbally insulted them and threatened them with rape and death. In Khartoum, the security forces frequently attacked residential areas and entered people's homes and hospitals firing live rounds and tear gas inside.

Despite these attacks, the Sudanese people continued to protest. The protests were organised by the Sudanese Professionals Association (SPA), a coalition of trade unions bringing together teachers, lawyers, medical doctors and pharmacists, among others. It also included opposition political parties. The protests gradually grew into a massive series of protests, strikes and sit-ins calling for the removal of the Al-Bashir government. From 6 April 2019, protestors staged a sit-in protest in front of the military headquarters in Khartoum, and at other locations in a number of other cities and towns. After days of unrelenting protests, Sudan's military succumbed to public pressure and removed the NCP from power. President Omar al-Bashir

and dozen other senior NCP leaders were arrested on 11 April. The sit-in area became a hub for hope and freedom after al-Bashir's deposition.

Following Al-Bashir's overthrow, the military formed a Transitional Military Council (TMC) which ruled Sudan between 12 April and 17 August 2019. During this period, the Sudanese security forces committed numerous human rights violations. The violations came to a crescendo with the attack on the sit-in outside the military headquarters in Khartoum on 3 June. That morning, the Security forces carried out unlawful killings and other uses of unnecessary and/or excessive force; torture and ill-treatment, arbitrary arrests and detention; sexual violence and enforced disappearances. Survivors of the attack told Amnesty International that the attacks were carried out by the Rapid Support Forces (RSF), the NISS, and the police, and that they had used live ammunition, teargas, whips and sticks. Many of those present at the scene during the attack described acts that amount to indiscriminate killing, torture or cruel, inhuman or degrading treatment. On 13 June, the TMC's spokesperson, Lieutenant General Shams al-Deen al-Kabashi, publicly admitted that the TMC had ordered the dispersal of the sit-in area. This attack was committed without prior warning or notification to the organizers of the sit-in.

In the aftermath of the 3 June attack by the security forces, there was widespread fear and terror among the protesters and the civilian population at large, especially in Khartoum. Amnesty International believes that the Sudanese security forces and the TMC are responsible for unnecessary and excessive use of force and the unlawful killing of the protestors during the attack on the sit-in area. All the family members, their supporters, and national human rights organizations who spoke to Amnesty International in Sudan insisted on justice and accountability for those killed. Victims and their families must be provided with reparations and the individual officers responsible for killings, sexual violence, enforced disappearance and/or torture or other ill treatment during the crackdown on the protests must be investigated. Those found responsible, including through command responsibility must be brought to justice in fair trials without recourse to the death penalty.

The deadly attack on 3 June derailed the negotiations between the TMC and Forces for Freedom and Change (FFC) until 17 August, when the two sides signed the Constitutional Declaration after lengthy negotiations facilitated by the African Union (AU) mediation. On 21 August, the TMC was dissolved and a new Sovereign Council and Prime Minister were appointed. The FFC and TMC agreed to form a national, Independent Investigation Commission to conduct transparent and thorough investigations into the violations committed on 3 June 2019. The agreement ushered in a three-year transitional period.

There are conflicting reports on the exact numbers of people killed on 3 June. For example, in September 2019, the Sudan's National Human Rights Commission reported that 36 people were killed, including 15 individuals killed at the sit-in area and 21 elsewhere. The Sudanese Ministry of Health reported a total of 46 people killed. The Attorney-General's Report in July 2019 stated that 87 people were killed. The Legitimate Sudan Doctors Syndicate (LSDS) reported 50 killed while the Central Committee of Sudanese Doctors reported the death of 127 people. These various reports reflect the state of chaos after the violent breakup of the sit-in area, the shutdown of the internet and the fact that most of Khartoum's streets were barricaded by protestors. In response to the barricading of the streets, the security forces turned the city into a military zone for a few days, allowing very limited movement of people. Based on data received from various sources, including the Committee of the Families of the Martyrs of the December 2018 Revolution. Amnesty International believes that at least 100 people were killed, and over 700 people injured. Hundreds more were arrested, while many were released, and an unknown number of people remain missing, including at least 20 confirmed cases.

For this report, Amnesty International researchers carried out two field missions to Sudan; in September and October 2019, to interview victims. Researchers gathered data from a variety of primary and secondary sources. The primary data for the period from December 2018 to April 2019 was largely collected through interviews with 67 survivors or witnesses, family members of detainees, human rights defenders, lawyers, journalists and international affairs experts to confirm, verify and provide analysis for this report. After 3 June attack and the break-up of the sit-in area, Amnesty International interviewed 61 survivors and eyewitnesses, human rights defenders, lawyers, and family members in Khartoum.

Amnesty International notes the stated commitment of the new government to ensure accountability in Sudan and urges the new authorities to translate this commitment into action leading to the effective and genuine investigation and prosecution of individuals suspected of past and recent crimes under international law. The new authorities must seize the opportunity not only to make history, but also to create a future in which human rights are respected and the Sudanese people's demands for freedom, peace and justice are fully realized.

1.1 RECOMMENDATIONS

Considering the vast challenges facing the country to achieve justice for the victims of gross human rights violations committed over the last 30 years Amnesty International calls on the Government of Sudan to:

- Adopt special measures aimed at addressing accountability for crimes under international law and/or crimes committed during the suppression of the protests. These measures must include, but not be limited to the establishment of specialized investigative units and specialized civilian courts.
- Where necessary, the government must establish hybrid courts with the assistance of the international community and especially the African Union.
- Cooperate with the ICC and hand over suspects, including former President Omar al Bashir, wanted by the court on charges of genocide, crimes against humanity and war crimes.
- Ratify the Rome Statute of the ICC. Sudan must also make a declaration, allowing the ICC jurisdiction over crimes committed since July 2002. Immediately undertake a comprehensive reform of the NISS to ensure it complies with the country's international human rights obligations, and remove immunities provided in the 2010 National Security Act and the Police Act of 2008 which protect officials from prosecution.
- Ensure transparency, independence and impartiality of the independent national investigation committee on the unlawful killings since December 2018, publicly clarify its mandate and its composition, and allow for victims and their families to meaningfully participate in the proceedings.
- Ensure that the perpetrators are held accountable irrespective of their rank or standing in accordance with relevant national, and international and regional standards.
- Ensure that the use of force and fire arms by the security forces and the police is regulated in accordance with the principles of necessity and proportionality and all cases of deaths and excessive use of force by security forces during protests are properly investigated, bringing alleged perpetrators to justice and providing appropriate remedies to victims.
- Introduce mandatory human rights training for law enforcement and security forces, especially in relation to human rights standards in management of peaceful assemblies.
- Ensure that victims of the violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, psychosocial support and counselling, satisfaction and guarantees of non-repetition.

2. BACKGROUND

In mid-December 2018, Sudan woke up to a series of protests across the country. This followed years of economic malaise and a deepening political crisis coupled with a long history of grave human rights violations and abuses mainly perpetrated by Sudanese security forces, including-government militias. This was the biggest popular revolt that the Sudan's ruling National Congress Party (NCP) had faced since they came to power in a military coup led by Omar al-Bashir in June 1989. For over four months, Sudan experienced sustained protests in all its 18 states since the protests broke out in December 2018.

Protests from 25 December 2018 were mainly organized by the Sudanese Professionals Association (SPA) a coalition of professional groups including teachers, lawyers, medical doctors, and pharmacists among others¹ as well as some opposition parties.² In January 2019, this protest movement amalgamated efforts and was named "the Forces of the Declaration of Freedom and Change". The protests gradually grew into a massive series of strikes and sit-ins calling for the resignation of the Al-Bashir Government. Over 2,000 protest actions took place between 13 December 2018 and 31 March 2019 across Sudan.³

At the root of these protests in Sudan was the confluence of three issues: the economic crisis; the political crisis; and the continuous human rights violations.

2.1 ECONOMIC CRISIS

As the protests took root, Sudan was reeling under an unsustainable external debt burden, food, electricity and transport price hikes, shortages in essential commodities such as medicines, fuel and bread. The International Monetary Fund (IMF) projected Sudan's external debt in 2018 at \$56.5 billion.⁴ There was also a restriction on access to cash from the banks. In February 2018, the government-imposed cash withdrawal limits leading to panic withdrawals and long queues. The maximum withdrawal amount was the equivalent of \$48 per day.⁵ The situation was exacerbated by continuous low spending in health and education sectors. Both sectors received less than a combined 10% in the 2018 budget. ⁶The IMF recommended that the government should adopt exchange rate liberalization and unify all exchange rates in addition to "phasing out of costly fuel and wheat subsidies."⁷ The 2018 budget was estimated at \$16.70 billion, with a 2.4%

¹ The Sudanese Association of Professionals includes: The Democratic Lawyers Alliance; the legitimate Medical Doctors trade Union, the Doctors Central Committee, Teachers Committee, and Sudanese Journalists Network

² Two opposition groups 'Sudan Call' and 'the National Consensus Forces.' Sudan Call is an opposition group that includes the Umma National Party, led by the former prime minister ,Sadiq al-Mahadi, the Sudanese Congress Party, led by Omer El Digair, and an armed group, the Sudanese People's Liberation Movement/North (SPLM-N) led by Malik Agar, the Sudan Liberation Army(SLA-MM), led by Minni Arku Minawi, and Justice and Equality Movement (JEM) led by Gibril Ibrahim. In addition to civil society organizations. The National Consensus Forces (NCF) led by Farouk Abu Essa, the NCF composed mainly of left and center-left parties include the Sudanese Communist Party (SCP), the Arab Ba'ath Party (ABP), Nasserite Socialist Party (NSP) and the Unified National Unionist Party (UNUP). There are 22 political entities signed the declaration of Freedom of Change charter on 1 January 2019, see more: <https://www.sudaneseprofessionals.org/en/declaration-of-freedom-and-change/>.

³ The data was compiled by HRDs and shared with Amnesty International on 31 March 2019.

⁴ IMF, 2017 ARTICLE IV CONSULTATION—PRESS RELEASE; STAFF, REPORT; AND STATEMENT BY THE EXECUTIVE DIRECTOR FOR SUDAN, 11 December 2017, <https://www.imf.org/en/Publications/CR/Issues/2017/12/11/Sudan-2017-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-Executive-45456>, page 4.

⁵ Sudan Akhbar, *Absorption of liquidity*, 26 February 2018, <https://www.sudanakhbar.com/235168>, Sudapress, *the Crisis of liquidity paralysed the market*, 1 July 2018, <https://www.sudaress.com/alhadag/134584>

⁶ Radio Dabanga, article (in Arabic) by Ibrahim Ahmed El-Badawi (the current Minister of Finance), *the Collapse of the Sudanese pound and hyperinflation*, 5 February 2018, <https://tinyurl.com/yx6oqyZl>

⁷ IMF, 2017 ARTICLE IV CONSULTATION—PRESS RELEASE; STAFF, REPORT; AND STATEMENT BY THE EXECUTIVE DIRECTOR FOR SUDAN, 11 December 2017, <https://www.imf.org/en/Publications/CR/Issues/2017/12/11/Sudan-2017-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-Executive-45456>, para 12-18

deficit⁸. The inflation rate increased from 52.3% in January 2018⁹ to 72.94% in December 2018.¹⁰ The Sudanese Pound exchange rate plummeted 75% against the Dollar by December 2018.¹¹ According to Transparency International, Sudan also experienced high rates of corruption.¹² In 2018, the United Nations Development Program (UNDP) ranked the country among the lowest in human development indicators.¹³ Sudan ranked 167 out of 189 countries. All these factors conspired to increase the humanitarian crisis. Projections from the the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) indicated that between January and March 2019 about 5.76 million people representing 14% of the population would experience high levels of food insecurity.¹⁴ Sudan has a population of 41 million.¹⁵

2.2 POLITICAL CRISIS

The ruling NCP continued its repressive tactics in 2018. It tolerated a few, mainly insignificant political parties, propped them up and suppressed opposition political parties which spoke out against the government's policies and relentless oppression. In August 2018 the NCP adopted President Al-Bashir as the party's candidate for the presidential election in 2020 and decided to amend the constitution and extend his term limit for another five years.¹⁶ Senior NCP members voiced their objection to the nomination.¹⁷ Opposition parties objected to the adoption and predicted that al Bashir's nomination for 2020 elections would have dire economic consequences.¹⁸ As the economic crisis continued, the ruling party dissolved the government on 9 September 2018, and removed Bakri Hassan Saleh¹⁹ as prime minister replacing him with Motazz Moussa who served from September 2018 to February 2019.²⁰

2.3 FAILURE TO ACHIEVE PEACE

Since the start of the conflicts in Darfur (2003) and South Kordofan and Blue Nile (2011), the government and armed groups had failed to sign a permanent ceasefire agreement. Instead, in 2016 both sides made unilateral ceasefire declarations.²¹ In 2018, the unilateral ceasefire declarations were extended by both sides, however, the peace process remained stalled. Various attempts failed to bring settlement to conflicts

⁸ Reuters, *Sudanese parliament passes 2018 budget with 2.4 pct [percent of GDP] deficit*, 31 December 2017, <https://www.reuters.com/article/sudan-economy-budget-idAFL8N1OV0EB>

⁹ The Central Bureau of Statistics, *A Press Conference about Inflation Rate for the Month of January*, March 2018, http://cbs.gov.sd/index.php/ar/home/news_details/36

¹⁰ Reuters, *Sudan inflation hits new highs in August - statistics agency*, 16 September 2018, <https://af.reuters.com/article/idAFL8N1W20FA>, and Sudan Inflation Rate, <https://tradingeconomics.com/sudan/inflation-cpi>

¹¹ By end of January 2018, the Sudanese pound has reached 36 SDG to the dollar and on 20 December 2018 the exchange rate has reached 63 SDG to the dollar. See more: <https://www.alnilin.com/12915688.htm>, <https://www.sudanakhbar.com/410147>

¹² Transparency International's 2018 Corruption Perceptions Index, Sudan is ranked at 172 out of 180 countries in 2018, <https://www.transparency.org/cpi2018>.

¹³ UNDP, Sudan Human Development Indicators, 2018, <http://hdr.undp.org/en/countries/profiles/SDN>

¹⁴ OCHA, Humanitarian Bulletin Sudan Issue 01 | 24 December 2018 – 27 January 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Humanitarian_Bulletin_Issue_01_%2824_December_2018_-_27_January_2019%29_0.pdf

¹⁵ The World Bank data on Sudan, <https://data.worldbank.org/country/sudan>

¹⁶ Radio Tamazuj, *Ruling party chooses Bashir to stand for re-election*, 11 August 2018, <https://radiotamazuj.org/en/v1/news/article/ruling-party-chooses-bashir-to-stand-for-re-election> and Aljazeera Sudan: *Ruling party chooses Bashir as candidate for 2020 election*, 10 August 2018, <https://www.aljazeera.com/news/2018/08/sudan-ruling-party-chooses-bashir-candidate-2020-election-180810121326197.html>

¹⁷ Sudan Tribune, *Prominent NCP figure voices rejection for al-Bashir reelection in 2020*, 11 August 2018, <http://www.sudantribune.com/spip.php?article66036>

¹⁸ BBC, *How does Bashir's re-election affect Sudan's future?* 12 August 2018, <http://www.bbc.com/arabic/interactivity-45163239>

¹⁹ Bakri Hassan Saleh, one of the military officers who participated in the military coup of 1989. He was a key and long-term ally of former president Omar al Bashir. In early 1990s he served in the Revolutionary Command Council, and also as security service director. Then as president's advisor for security affairs, interior minister, minister of presidential affairs, and the minister of defence. He also served as first vice-president from December 2013 to March 2017. In March 2017 he was also appointed as a prime minister. See more, Sudan Tribune, *Bakri Hassan Saleh picked to be Bashir's prime minister*, 1 March 2017, <http://www.sudantribune.com/spip.php?article61780>

²⁰ Sudan Tribune, *Sudan's cabinet shuffle marred by awkwardness, confusion*, 15 September 2018, <http://www.sudantribune.com/spip.php?article66257>

²¹ Al Jazeera, *Bashir declares ceasefire in Blue Nile, South Kordofan*, 18 June 2016, <https://www.aljazeera.com/news/2016/06/bashir-declares-ceasefire-blue-nile-south-kordofan-160618042942706.html>, Reuters, *Sudan extends ceasefire with rebels until year-end: statement*, 12 July 2018, <https://www.reuters.com/article/us-sudan-ceasefire/sudan-extends-ceasefire-with-rebels-until-year-end-statement-idUJSKBN1K228G> and Relief Web, *SPLM-N declares ceasefire in South Kordofan*, 31 January 2018, <https://reliefweb.int/report/sudan/splm-n-declares-ceasefire-south-kordofan>

in Sudan.²² The Signatories of the Roadmap Agreement²³, in 2016, the National Umma Party, the Justice and Equality Movement, the Sudan Liberation Movement – Minni Minawi, and the Sudan People's Liberation Movement/Army-North met in Addis in December 2018. They also failed to achieve progress in the talks with the Government of Sudan in December 2018.²⁴

News headlines from Sudan during the first two weeks of December 2018, revealed simmering anger and discontent inside the country. The Government met with two armed groups from Darfur in Berlin on 10 December and signed "a pre-negotiation agreement" and promised to sign a ceasefire agreement in January 2019.²⁵ Between 9 and 12 December the African Union High-Level Implementation Panel convened a consultation meeting with Sudanese parties on revision of the roadmap in Addis Ababa. The consultation was suspended on 12 December 2018.²⁶ During this time, the United States sought more corporation with Sudan.²⁷ The United Kingdom started working on strategic-dialogue with Sudan.²⁸ The protests in December disrupted all these activities and surprised many from the government and their international interlocutors.²⁹

2.4 HUMAN RIGHTS VIOLATIONS

Serious human rights violations persisted in Sudan. There was a sustained suppression of the rights to freedom of expression, peaceful assembly and association in 2018. The government re-introduced pre-press censorship, confiscating entire print runs of independent newspapers and arbitrarily arresting journalists.³⁰ Sudanese opposition political parties and independent civil society organizations were constantly prohibited from organizing any public events outside their premises. For example, the Reform Now Party was prohibited by NISS from holding a public seminar on the election law without giving any reasons.³¹

Prior to December's protests political opponents were regularly arbitrarily arrested and detained. For example, at least 140 opposition party members, human rights defenders, students and women rights activists were arrested and detained by the National Security Service (NISS) and police between 6 January and 10 February 2018.³² The arbitrary detentions followed sporadic protests by opposition activists in January and February against the rise in food prices since the beginning of January 2018. Some were released without charge in February and the rest released in April 2018.³³ Those released from detention reported that they were subjected to torture and other ill-treatment in detention.

In Darfur, according to the United Nations Panel of Experts on the Sudan report, on 10 January 2019, the Sudanese security forces committed numerous human rights violations including indiscriminate shootings and looting and burning of homes and villages, acts of torture, inhumane and degrading treatment of civilians and excessive use of force.³⁴ On 28 June 2018, Amnesty International released exclusive satellite and photo images showing extensive damage caused by attacks on villages in the region. The images showed that at least 18 villages in the eastern parts of the Jebel Marra area of Darfur had been burnt by government and allied militia forces over a three-month period. An estimated 12,000 to 20,000 people had

²² The AU High-Level Implementation Panel (AUHIP) for Sudan, in early February 2018, suspended Sudan peace talks between the Sudan People's Liberation Movement/Army-North (SPLM-N) al-Hilu and the Government of Sudan indefinitely. The two parties also met in Johannesburg in October, but no progress was made.

²³ The road map was signed on 21 March 2016 by the Government of Sudan, the National Umma Party, Sudan People's Liberation Movement-North Justice and Equality Movement, the Sudan Liberation Movement/Army-Minni Minawi and aimed at ending the conflicts in Darfur, and South Kordofan and Blue Nile the parties agreed among other things on cession of hostilities, humanitarian assistance and called for an inclusive National Dialogue. Roadmap Agreement, 21 March 2016, <http://www.peaceau.org/uploads/auhip-roadmap-signed-080816.pdf>

²⁴ See more here: Reliefweb, *Statement Following the AUHIP's Consultations on the Roadmap Agreement*, 13 December 2018, <https://reliefweb.int/report/sudan/statement-following-auhip-s-consultations-roadmap-agreement>

²⁵ Also to resume talk on the basis resume talks on the basis of the Doha Document for Peace in Darfur (DDPD) see more, Sudan Tribune, *Sudan, Darfur rebels to sign ceasefire agreement in January; official*, 10 December 2019, <http://www.sudantribune.com/spip.php?article66748>

²⁶ Crisis Group, *Crisis Watch: Sudan December 2018*, <https://www.crisisgroup.org/crisiswatch/december-2018>

²⁷ Crisis Group, *Crisis Watch: Sudan December 2018*, <https://www.crisisgroup.org/crisiswatch/december-2018>

²⁸ Sudan-UK hold sixth meeting of strategic dialogue in London, 9 November 2018, <http://www.sudantribune.com/spip.php?article66583>

²⁹ Based on a conversation with a number of International affairs analysts in February and March 2019.

³⁰ Amnesty International, *Sudan: Relentless harassment, intimidation and censorship of journalists must end*, 2 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/sudan-relentless-harassment-intimidation-and-censorship-of-journalists-must-end/>

³¹ Sudan Akhbar, *"Reform now": Security prohibit a public seminar on the election law without giving any reasons*, 15 July 2018, <https://www.sudanakhbar.com/321056>

³² Amnesty International, Urgent Action Appeal, *Sudan: Hundreds Arrested, Whereabouts Unknown*, 15 February 2018, (AFR 54/7886/2018)

³³ Amnesty International, Urgent Action, *Sudan: further information: some critics freed, others remain in custody*, 2 March 2018, (AFR 54/7976/2018)

³⁴ Final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2019/34), 10 January 2019, <https://reliefweb.int/report/sudan/final-report-panel-experts-sudan-established-pursuant-resolution-1591-2005-s201934-enar>, para.65.

been displaced since March 2018 as a result of attacks by government forces into Sudan Liberation Army/Abdul Wahid Nur-controlled area.³⁵

Between December 2018 and April 2019, Sudanese security forces³⁶ violently dispersed peaceful protestors using live ammunition, teargas and beatings. Amnesty International verified that at least 77 people were killed, and hundreds injured.³⁷ Thousands were arrested and detained, including children. Security forces used brutal tactics to suppress the protests, including unlawful killing of protestors, beating, unlawful detention, and torture and other ill-treatment.³⁸ In Khartoum, the security forces frequently attacked residential areas and entered houses, firing live ammunition and tear gas inside homes and hospitals.³⁹

On 20 December 2018, the internet was shut down on but was restored hours later. The most popular social media platforms including Facebook, WhatsApp, Twitter and Instagram were blocked for over two months.⁴⁰ During the two months, people could only access these sites through Virtual Private Network (VPN). In December 2018, the Sudanese authorities suspended all government universities, higher institutes, secondary and primary schools.

The political and human rights crisis further deteriorated with the imposition of the state of emergency on the whole country on 22 February 2019.⁴¹ President Al-Bashir issued five decrees that gave sweeping powers to security forces, in addition to suspending the rights to liberty, security of person and freedom of expression, peaceful assembly, and association on 25 February. These decrees suspended most of the provisions of the Bill of Rights contained in the 2005 Constitution of Sudan as well as in regional and international human rights instruments to which Sudan is a state party. On 11 March, Sudan's parliament voted to shorten the state of emergency from one year to six months.⁴² At the end of February, the emergency courts passed a series of egregious sentences on protestors, such as the sentencing of nine women protestors to 20 lashes of the cane and imprisonment.⁴³ Their sentences were overturned by the appeal court and they were released.⁴⁴

2.5 END OF AN ERA

Since 6 April, protestors had staged a sit-in in front of the Sudan armed forces headquarters in Khartoum. On 11 April, Sudan's military under public pressure overthrew the NCP government, arresting President Omar al-Bashir and other senior party leaders.⁴⁵ A new chapter in the country's history began but many Sudanese paid the price of change with their lives and liberty.

The Sudan Armed Forces command formed a new governing body, the Sudan's Transitional Military Council (TMC).⁴⁶ The TMC ruled Sudan between 12 April and 18 August 2019. Protestors maintained their pressure on the military and demanded a transition to a civilian-led government. They set-up a sit-in area around the army headquarters in Khartoum. The Forces of Freedom and Change (FFC) and the opposition groups engaged in a lengthy negotiation with TMC s. Disagreements between the TMC and the FFC delayed the transitional arrangements which were subsequently derailed by the 3 June attack

³⁵ Amnesty International, *Sudan: down-sized un mission for an over-sized human rights crisis*, 28 June 2018, (AFR 54/8680/2018)

³⁶ Sudanese security forces/services: include the Police, the Central Reserve Police, [the Popular police]; the National Security Service (NISS) [the Popular security]; Sudan Armed Forces [the Popular Defence Forces, and Rapid Support Force (RSF)]. The police and NISS regularly involved in dispersing the protestors.

³⁷ Based on names of those killed between December 2018 and 11 April 2019 collected by Amnesty International from multiples sources including Human Rights Defenders, some families of the victims and the Sudanese Doctors Central Committee.

³⁸ Amnesty International, *Sudan: State of emergency intensifies brutal government crackdown on protests*, 25 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/sudan-state-of-emergency-intensifies-brutal-government-crackdown-on-protests/> and Amnesty International, *Sudan: Investigate role of intelligence chief in protest killings*, 13 April 2019, <https://www.amnesty.org/en/latest/news/2019/04/sudan-investigate-role-of-intelligence-chief-in-protest-killings/>

³⁹ Amnesty International, *Sudan: Security officers pursue injured protestors into hospital*, 10 January 2019, <https://www.amnesty.org/en/latest/news/2019/01/sudan-security-officers-pursue-injured-protestors-into-hospital/>

⁴⁰ The service to access the blocked social media platforms was restored on 26 February 2019

⁴¹ Amnesty International, *Sudan: State of emergency intensifies brutal government crackdown on protests*, 25 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/sudan-state-of-emergency-intensifies-brutal-government-crackdown-on-protests/>

⁴² Sudan Tribune, *Sudan's parliament cuts state of emergency to 6 months*, 11 March 2019, <http://www.sudantribune.com/spip.php?article67209>

⁴³ Nation, *Sudan court sentences 9 women protestors to flogging: lawyers*, 10 March 2019, <https://www.nation.co.ke/news/africa/Sudan-court-sentences-women-protestors-flogging/1066-5017376-xaf7br/index.html>

⁴⁴ Alarabiya, *Sudan court scraps lashes for nine women protestors, says lawyer*, 12 March 2019, <http://english.alarabiya.net/en/News/middle-east/2019/03/12/Sudan-court-scraps-lashes-for-9-women-protestors-lawyer-.html>

⁴⁵ Reuters, *Sudan's Bashir ousted by military; protestors demand civilian government*, 11 April 2019, <https://www.reuters.com/article/us-sudan-politics/sudans-bashir-ousted-by-military-protestors-demand-civilian-government-idUSKCN1RNOAY>

⁴⁶ Alex de Waal, "Sudan After Bashir," London Review of Books blog, 18 April 2019; <https://www.lrb.co.uk/blog/2019/april/sudan-after-bashir>.

During the horrific attacks on the sit-in area in Khartoum on 3 June, Sudanese security forces committed grave human rights violations including unlawful killings and other uses of excessive force; torture and ill-treatment, arbitrary arrests and detention; sexual violence and enforced disappearances. At least 100 people were killed, and hundreds injured.⁴⁷ Hundreds were arrested, and while many were released an unknown number remain missing. Many of those present during the attacks described acts of beating with sticks and whips causing serious injuries to them.

On 17 August, the two sides signed the Constitutional Declaration after lengthy negotiations and African Union (AU) mediation. On 21 August, the TMC was dissolved and a new Sovereign Council and Prime Minister were appointed. The two parties agreed to form a national, Independent Investigation Commission to conduct transparent and thorough investigations into the violations committed on 3 June 2019. The agreement ushered in a three-year transitional period.

⁴⁷ Amnesty International, Sudan: Authorities must guarantee protestor safety, 28 June 2019, <https://www.amnesty.org/en/latest/news/2019/06/sudan-authorities-must-guarantee-protestor-safety/>

3. METHODOLOGY

Amnesty International carried out research for this report between January and October 2019. The organization also carried out two field missions to Sudan in September and October 2019. The report primarily focusses on the period from mid-December 2018 to July 2019 on cases of unlawful killings and other uses of unnecessary or excessive force; torture and ill-treatment, arbitrary arrests and detention; and sexual violence.

Researchers gathered data from a variety of primary and secondary sources. The primary data for the period from December 2018 to April 2019 was largely collected through interviews with 67 survivors or witnesses, family members of detainees, human rights defenders, lawyers, journalists and international affairs experts to confirm, verify and provide analysis for this report. After 3 June and the break-up of the sit-in area Amnesty International interviewed 61 survivors and eyewitnesses, human rights defenders, lawyers, and family members in Khartoum.

The secondary sources include reports and other documentation produced by national and international human rights organizations. In addition, the organization also analysed information from UN Human Rights bodies, academic articles, media reports, as well as official reports and statements made by the government of Sudan. Researchers also verified video footage and photographs received by the organization.

Significantly, Amnesty International met with two senior government officials, including the minister of justice, Nasredeen Abdulbari, on 12 September 2019 and the Attorney General Taj Alserali Al-Hibr on 23 October 2019. This was the first time the organisation was allowed access into the country since 2006. This report is by no means a comprehensive review of all human rights violations in Sudan, but it captures the continuity and the intensity of violations, during the turbulent time under review.

Due to the security situation in Sudan Amnesty International has withheld the names of most sources and locations or means of conducting the interviews out of concern for their security and privacy and that of their family members.

4. UNLAWFUL KILLINGS OF PROTESTORS BETWEEN DECEMBER 2018 AND APRIL 2019

Deliberate use of lethal force was one of the tactics the former government applied during the period between mid-December 2018 and 11 April 2019 of the protests. Authorities used brutal tactics in different cities such as Al Gadaref in Al Gadaref State; Barber in River Nile State; Karima in Northern State; in Rabak and Al Jazeera Aba in White Nile State, where at least 37 people were killed.⁴⁸ In the following weeks the death toll started to rise especially in Khartoum State. By 11 April 2019, the number of protesters killed had reached 77. In February, the government publicly acknowledged that at least 31 people were killed across the country during the protests.⁴⁹

4.1 ATBARA

Atbara is a city located at the confluence of the Nile and Atbara rivers in the River Nile State about 310 kilometres north of Khartoum the capital of Sudan, where lethal force was first used during the protests. It is considered Sudan's railway hub and known for its railroad industry. Its population is estimated at 134,000 people.⁵⁰ Atbara has a long history of Trade Unionism. The city is also known for its non-violent resistance to different military regimes since the independence of Sudan. But on 20 December three people were killed in Atbara. This was the first time in the long history of Atbara's political resistance that security forces used lethal force and killed three protesters including 28-year-old Abas, Tariq Ahmed, a young engineering student at the Nile Valley University and Ali Hussein Isam, a 27-year old labourer.

Atbara demonstrators took to the streets protesting worsening "living conditions and price hikes" as the price of a loaf of bread had increased from 1 to 3 Sudanese pounds, (approximately 0.066USD). Protestors set fire to the local headquarters of the NCP in Atbara. The government declared a state of emergency and night curfew in the city on 19 December 2018. The protests in Atbara continued despite the state of emergency on 20 December, many people from outside the city joined the protests. Early in the morning on that day the police used live ammunition and teargas to disperse the protests.

Amnesty International spoke to three eyewitnesses from Atbara about the protests which amplified the wave of December 2018 protests in Sudan. The whole city was in a state of shock and mourning. The

⁴⁸ Amnesty, International, *Sudan: 37 protesters dead in government crackdown on demonstrations*, 24 December 2019, <https://www.amnesty.org/en/latest/news/2018/12/sudan-protesters-dead-in-government-crackdown-on-protests/>

⁴⁹ Sudan Tribune, *Sudan says 2430 protesters released as opposition calls for mass rally*, 20 February 2019, <http://www.sudantribune.com/spip.php?article67105>

⁵⁰ Sudan, Central Bureau of Statistics, *5th Sudan population and housing census - 2008*.

eyewitnesses from Atbara confirmed that the members of the security forces who used lethal force and killed the protestors belonged to the NISS. Witnesses, identified the heavily armed unit called Operational Unit or *Hyat Alamyat*,⁵¹ based on their uniform and their vehicle number plates. These forces disregarded all the general principles that govern the use of force such as legality, necessity, and proportionality during their brutal attack on the protestors in Atbara. The first victim Tariq Ahmed, an engineering student in his early 20s at the Nile Valley University, was shot in the chest and died an hour later in hospital. The second victim, 27-year-old Isam Ali Hussein, a labourer, was shot in the head, also dying an hour later in hospital. The third victim, Mariam Ahmed Abdalla, was shot dead inside her house. Tariq was shot in the chest on the Airport street *Shari Hey Almatar*. Jamal, an eyewitness, who was at the same location where Tariq was shot told Amnesty International, “Tariq was shot in the chest, and I saw other people carrying him to the hospital. He was pronounced dead at the hospital at 5 pm.”⁵²



Photo of Tariq Ahmed ©Private in January 2019

Hashim witnessed Ali Hussein Isam’s shooting and described the scene as follows: “When we heard the shooting we ran into side roads off [*Shari Almyna Al Buri*]. Isam was running with us, our location was northwest to *Al Ruken Al Hadi* supermarket, until that time we thought they are firing teargas, there was a rickshaw at the top of the street, we ran near it and we threw stones and ran away. Then suddenly we heard a loud bang and Isam suddenly fell, blood spurted from his head.”⁵³

Hashim further added, “...the bullet had struck the right side of his head and exited from the back of and shattered his skull open. All the people around me were younger than me, and they were terrified. I picked him up and put him in a rickshaw after a couple of blocks; we found a van and we took him to the military hospital. At the military hospital, they told us there is nothing they can do for him. Then we took him to Atbara General hospital. At the hospital, they gave him blood and put him on a drip [intravenous fluids] for one hour and then he passed away. They [medical staff] tried to avoid writing the cause of death. First, they wrote a blunt object struck him. Then we started to argue with them; we told them we would not accept this report. Then they changed it to bullet on the head.”⁵⁴ Isam’s family arrived from Mayo the next day and received his body and they buried him in Khartoum.

⁵¹ This Unit was recently dissolved, they staged a mutiny in Khartoum and other cities in Sudan that led to fight between them and Sudan armed forces. BBC, *Sudan army quells Khartoum mutiny by pro-Bashir troops*, 15 January 2019, <https://www.bbc.com/news/world-africa-51112518>, see more, Sudan Tribune, *Sudan quells mutiny of security units*, 15 January 2019, <https://www.sudantribune.com/spip.php?article68849>

⁵² Amnesty International interviewed Jamal on 4 March 2019.

⁵³ Amnesty International interviewed Hashim on 5 March 2019.

⁵⁴ Amnesty International interviewed Hashim on 5 March 2019

4.2 KHARTOUM

The largest protests were in Khartoum the capital of Sudan. Large numbers of demonstrators gathered in different areas in central Khartoum, but they were dispersed by the security forces using teargas and mass arrest.⁵⁵ Some protesters went to Burri Al Dariasa district, 5 kilometres east of central Khartoum. The government considered Burri Al Dariasa, a resistance hub since December 2018.⁵⁶ Sudanese security forces fatally shot three people and injured seven on 17 January. Those who died from gunshot wounds include, Babikir Abdel Hamid, a 28-year-old, a medical doctor who was providing treatment to the wounded, 60-year-old Mawia al-Bashir who was shot while he tried to shelter protesters and Elfatih Omar Alnimair, a final year student at Sudan University of Science and Technology. Elfatih Omar Alnimair, died on 24 January as result of head injury.⁵⁷

Amnesty International spoke to Dr. Babiker's younger sister Alia who accompanied him on 17 January to Khartoum to join the demonstration that was planned in central Khartoum. She recalled, "...we went to Burri Al Daraisa square [to join other protesters]. We stayed inside the square for 15 minutes then the security forces entered the square firing teargas and live ammunition. I split from Babiker at that stage. I saw many people shot and injured, and we started to run and seek shelter in nearby houses... I was worried after the shooting intensified. I began to look for Babiker inside the square I could not find him. I called his mobile, but I got no response."⁵⁸

Nada, also a medical doctor was also in Burri on 17 January and was treating people who suffered from gunshot wounds and rubber bullet injuries, or suffocation by teargas. She told Amnesty International, "I think I heard the voice of Dr. Babiker, he was talking to the security forces [outside the makeshift clinic] telling them we have injured people inside and we are doctors, since then I have not seen him or heard from him."⁵⁹

Sudanese security forces allegedly shot Babiker on the upper side of his body and he was taken by his colleagues to the nearby Royal Care hospital. The Royal Care Hospital announced his death at 6:30 PM on 17 January 2019, "as a result of heart failure and a lack of blood circulation."⁶⁰ Dr. Kamal Ahmed Khojaly, Senior Consultant Cardiothoracic Surgeon, at Ahmed Qassem Hospital, told Amnesty International that Babiker worked in the cardiac surgical unit under his supervision. He witnessed the autopsy procedure of Babiker's body, and he observed that "There were six injuries from the back and it indicates the entrances of the bullets... The entries of the bullets spread as follows: two in the back of the right side and rested in the right lung, one in the shoulder and another in the neck and then two in the upper back of his right hand.... The distance of the shooting was calculated to be no less than 4 meters and close to 10 meters."⁶¹

President Al-Bashir claimed at a rally on 18 January that "the doctor who was killed in Khartoum was killed by infiltrators."⁶² The director of NISS said that Babiker was killed, "by a gun that the Sudanese police or his services do not use." The Sudanese ministry of health said in a press conference on 20 January that the Sudanese doctor was shot in his back, "from a distance of 4 to 10 metres."⁶³ Babiker's family is still waiting for answers from the authorities on how he died and who killed him.⁶⁴

⁵⁵ The Guardian newspaper, *Sudanese police fire on protesters demanding president step down*, 17 January 2019, <https://www.theguardian.com/world/2019/jan/17/sudanese-police-fire-on-protesters-demanding-president-step-down>

⁵⁶ Amnesty International, *Sudan: State of emergency intensifies brutal government crackdown on protests*, 25 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/sudan-state-of-emergency-intensifies-brutal-government-crackdown-on-protests/>

⁵⁷ The Central committee of Sudan doctors (CCSD) report on 24 January 2019

⁵⁸ Alia Abdul Hamid Babiker, Babiker sister interviewed by Amnesty International on 1 April 2019.

⁵⁹ Amnesty International interviewed Nada on 11 February 2019.

⁶⁰ Copy of the Criminal Police Form no. 8 for Babiker Abdul Hamid Babiker Salama on file.

⁶¹ Dr. Kamal Ahmed Khojaly message sent by Babker's sister on 20 February 2019

⁶² Africa News, *January 19 – 20, 2019: Police – protesters clash at funeral*, <https://www.africanews.com/2019/02/01/police-clashes-with-sudanese-protesting-a-state-of-emergency-in-atbara/>

⁶³ Sudan Tribune, *Sudan says murdered doctor was shot in his back*, 21 January 2019, <http://www.sudantribune.com/spip.php?article66947>

⁶⁴ Babker's sister interviewed by Amnesty International on 20 February and November 2019.

4.3 THE USE OF FORCE

The UN Special Rapporteur on extrajudicial executions⁶⁵ noted that, there are three general principles that govern use of force: legality, necessity, and proportionality.⁶⁶ The guidelines further explain the three principles as: 1) Legality: The police power to use force needs to be sufficiently based in domestic legislation. The force is used for a lawful law enforcement purpose. The use of force must be carried out without any discriminatory bias, e.g. on the grounds of race, ethnicity, religion, gender identity or political affiliation. 2) Necessity: The principle of necessity serves to determine whether force should be used at all and, if so, how much force. The principle of necessity has three components: a) Qualitative: Is force necessary at all or is it possible to achieve the legitimate objective without resorting to force? b) Quantitative: How much force is needed to achieve the objective? The level of force used should be the minimum that can still be considered effective; C) Temporary: The use of force must stop once the objective has been achieved or is no longer achievable. 3) Proportionality: The principle of proportionality serves to determine whether there is a balance between the benefits of the use of force and the possible consequences and harm caused by its use. In short, the principle of proportionality means that law enforcement officials are only allowed to put life at risk if it is for the purpose of saving/protecting another life.

Sudan's current legal provisions fall far short of these international standards. The use of force is authorised under article 129 (a) of Sudan's Criminal Procedure Act of 1991. It states: "In the absence of a prosecutor or a judge, the officer in charge shall have the power to order the use of a fire arm... in situations of armed confrontations against armed gangs with the intention of looting, burglary, smuggling of goods, narcotic drugs ... or dispersing an illegal gathering." Article 15 (j) of the Police Act of 2008 provides that the police forces have the power to "use appropriate force in accordance with the rules of the Criminal Procedure Act."⁶⁷

4.4 THE RIGHT TO LIFE

The right to life is a supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threatens the life of the nation.⁶⁸ It is guaranteed under the previous Sudan's Interim Constitution of 2005. Article (28) of the constitution states that: "Every human being has the inherent right to life, dignity and the integrity of his/her person, which shall be protected by law; no one shall arbitrarily be deprived of his/her life."⁶⁹ After the removal of the NCP government the Constitutional Charter for the 2019 Transitional Period stated in Article (43) "Every person has a fundamental right to life, dignity, and personal safety, which shall be protected by the law. No person may be deprived of life arbitrarily."⁷⁰

Sudan is party to the International Covenant on Civil and Political Rights (ICCPR) since 1986. ICCPR Article 6(1) provides that "every human being has the inherent right to life [which] right shall be protected by law. No one shall be arbitrarily deprived of his life."⁷¹ Additionally, the African Charter on Human and People's Rights protects the right to life under Article (4).⁷²

In killing protestors, the Sudanese government violated its obligations under regional and international law.

⁶⁵ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, 1 April 2014, A/HRC/26/36, available at: <https://www.refworld.org/docid/53981a550.html>, paras 56 to 73.

⁶⁶ See more in Amnesty International Dutch Section Police and Human Rights Programme, *Use of force guidelines for implementation of the un basic principles on the use of force and firearms by law enforcement officials*, 2015, https://www.amnesty.org.uk/files/use_of_force.pdf

⁶⁷ REDRESS, Sudan Law Reform Advocacy Briefing December 2013, <https://www.sudantribune.com/IMG/pdf/sudan-advocacy-briefing--december-2013.pdf>

⁶⁸ Human Rights Committee: General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, adopted by the committee at its 124th session (8 October to 2 November 2018).

⁶⁹ The National Interim Constitution of the Republic of The Sudan, 2005.

⁷⁰ Amnesty International received by email copy the Constitutional Charter for the 2019 Transitional Period in August 2019. The new constitution was signed on 17 August 2019 and contained 26 articles on the Bill of Rights, an improved version compared to 2005 constitution, it guaranteed among other things, rights to life, the right to freedom expression, protection from torture, and the right to Freedom of assembly and organization.

⁷¹ The International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁷² African Charter on Human and Peoples' Rights, <http://www.achpr.org/instruments/achpr/>

5. ARREST AND DETENTION OF PROTESTORS AND ACTIVISTS FROM MID- DECEMBER 2018 TO 11 APRIL 2019

As of April 2019, Amnesty International verified that at least 1,700 people, including children under the age of 18, had been arrested since start of the protests. Security services resorted to unnecessary and/or excessive use of force and live ammunition, rubber bullets, teargas and beatings of protesters in the streets. The government security forces attacked and injured protesters and medical staff inside hospitals in clear violation of the right to health and security of person.

Amnesty international spoke to fifteen activists who were released without charge from detention during the period between December 2018 and April 2019. They all reported that they were subjected to torture or other ill-treatment during their arrest and detention.

Emad, a 28-year-old student was arrested near his house in Khartoum on 2 January 2019 after he participated in a protest in his area. He told Amnesty international about his ordeal, "...while I was in the street, [near my home], NISS agents wearing camouflage uniform in a pickup truck arrested me around 3:30 pm. Before I got into their pickup truck, they started to beat me with sticks. Inside the pickup, one of them kicked me with his boot and the butts of his machine guns in my head and face. I started to bleed; I told them I want something to stop the bleeding they ignored my request."⁷³

He further added, "They took me to a detention centre, an apartment, in Mayo area [south of Khartoum]. Inside the detention centre I found another 20 detainees, we were all beaten by the NISS agents...They started to interrogate me and asked for my name, address, and place of work or education. They told me to stand facing the wall with other detainees. At that time, I could not hold myself, and I became unconscious and collapsed to the ground. The NISS agents gave me water and put some salt on my wound to stop the bleeding. I was wearing a *jalabiya* [a long-sleeved tunic] which was stained with blood."⁷⁴

⁷³ Amnesty International Interviewed Emad on 29 January 2019.

⁷⁴ Amnesty International Interviewed Emad on 29 January 2019.

After a few hours in the Mayo detention centre Emad was taken to NISS offices in Amarat Street in Khartoum. He was released on the same day after interrogation without charge at 8 pm. Emad's father reported the incident to the prosecution office in Khartoum, on 3 January.⁷⁵ The prosecution office documented the incident under article 144 'intimidation' and article 164 'unlawful detention,' of Sudan's Criminal Act (1991). At the time of the publication, no legal proceedings or action had been taken against the perpetrators.⁷⁶



Emad head injury in January 2019 © private

Naji, 33, sustained injuries from rubber bullets on his left arm and a teargas canister hit him on the back of his left thigh. Despite his injuries he was arrested by NISS agents from the temporary clinic with a group of protesters from the Burri Al Daraisa. He was subjected to beating by plastic pipes and made to crawl on the ceramic floor for two hours at NISS office in Khartoum North. Naji was detained for 13 days without receiving any medical treatment inside the NISS detention centre.

5.1 NAJI'S STORY

Naji described to Amnesty international what happened: "I arrived with my friend in Burri around 2 PM. The protests lasted till 3:30 pm or 4:00 pm. I was separated from my friend during the protest. Then, I joined some other youth to protest inside the square from the northern side to put down the teargas. There was an NISS pickup locally known as 'Thatcher' firing teargas and percussion grenades. We were 10; suddenly I heard an explosion. I felt numbness on my left arm and my finger in my left-hand started bleeding. I saw another person fall. He was carried by a group of youth to a nearby house in Burri. This young man was injured in the stomach and chest; he was also bleeding. Inside the house, there was a medical doctor. She conducted first aid for me and on the other injured person. During that time, there was teargas fired inside the house. The injured person suffocated, and she resuscitated him. Then he was taken to the hospital. I discovered that I was shot by three rubber bullets, then we went to another field clinic nearby where my wound was treated and wrapped with a bandage. Then the security attacked the clinic and fired teargas. Unfortunately, I was near the door and I was hit by a teargas canister on the back of my left thigh above the knee."⁷⁷

I was arrested with people in the clinic, and they beat us during the arrest. They took us to NISS offices in Amarat 57 Street in Khartoum, and we waited there for two hours, until 7 pm. Then we were transferred to NISS offices in Khartoum North. There, we were beaten with PVC [Polyvinyl chloride] plastic pipes and we were made to crawl on the ceramic floor of a hall for two hours. NISS agents threatened us with death."⁷⁸

"Then we were transferred to the NISS main building, and they took our data and confiscated our phones and searched our Facebook and videos. On the morning of 18 January, we requested for medical treatment. We were seven wounded including three medical doctors. Two of them sustained broken hands as a result of the beating during detention. Another had a crack in his hand and shoulder dislocation. They only took two to the hospital; NISS ignored our request. I was only released after 13 days."⁷⁹

⁷⁵ Copy of the complaint received by Amnesty International 29 January 2019.

⁷⁶ Amnesty International Interviewed Emad's father interviewed on 13 March 2019.

⁷⁷ Amnesty International Interviewed Naji on 14 February 2019.

⁷⁸ Amnesty International Interviewed Naji on 14 February 2019.

⁷⁹ Amnesty International Interviewed Naji on 14 February 2019.

Naji remained detained at NISS office near Shandi bus station, in Khartoum North until 29 January, when he was released without charge. He received medical treatment after his release and he told Amnesty international, “my health is good now.”⁸⁰

Acts of arbitrary arrest and detention of activists also took place outside the capital city Khartoum. President al-Bashir visited Nyala, the Capital of South Darfur on 14 January.⁸¹ A day before his visit NISS started to round up activists. They arrested a number of protesters.⁸² Riad, a medical doctor was arrested on 13 January by NISS. He told Amnesty international, “I was arrested after I left the hospital around 9:45 am by three NISS agents in a civilian vehicle. After we arrived at the NISS office in Nyala I was threatened and intimidated by these agents. They asked me to sit down outside the office. I found one detainee and then they brought another one and we were three. After a while, they brought many protesters. I saw NISS agents physically beat and verbally insult them. The beating by NISS agents continued until 5 pm. However, one NISS officer made all of us [the three detainees and the protesters] hop around the NISS courtyard like a rabbit and I was also beaten at that time.”⁸³

5.2 THE SCAPEGOATING

Instead of investigating the unlawful killings and unlawful use of force used by security forces against protesters and bringing perpetrators to justice, the government made false claims that students from Darfur were responsible for attacks on protesters. At a press conference on 21 December 2018, the Director General of the NISS claimed that “a cell comprising 280 members of the rebel Sudan Liberation Movement-Abdel Wahid al-Nur (SLM-AW)⁸⁴ who returned from Israel to Sudan had carried out the burning and sabotage acts in the demonstrations that took place in Atbara and other towns.”⁸⁵ Two days later, on 23 December, the government forces raided a house occupied by students from Darfur in Sinnar state and arrested about 30 students according to a statement from the Darfur Bar Association (DBA).⁸⁶ Following their arrest, the government conducted a press conference on 24 December and accused the detainees of infiltration, links to a rebel group, and of planning to kill protesters. Videos of their confessions were screened on National TV. On 29 December another house of Darfuri students was raided in Khartoum North. The security forces arrested nine students and killed Salih Yagoub Omer during the raid. At a press conference on 29 December 2018, Minister of State for Information and Communication Technology Mamoun Hassan said that the cell had “weapons, ammunition, and locally manufactured bombs, white weapons. They are plotting to target and loot areas and shops in Khartoum.”⁸⁷

Maki, a 25-year-old third year Darfuri student at the University of Sinnar, was arrested on 23 December 2018 in Sinnar⁸⁸ and released on 21 February 2019 without charge. Maki told Amnesty International about his experience, “... we were arrested on 23 December in Sinnar by security forces. We were 30 individuals in that house. They took us to NISS offices in Sinnar. We were accused of being a cell affiliated to Abdel Wahid, [an armed group] and trained in Israel. In NISS offices in Sinnar. We were brutally beaten. In the evening, they transferred us to Khartoum. When we arrived in NISS offices in Khartoum, we were beaten on arrival by plastic pipe and electric sticks. They made us crawl on the floor. They told us that we should read what was written in the statement in front of a TV camera. We made the statement as they told us on the TV.”⁸⁹

⁸⁰ Amnesty International Interviewed Naji on 14 February 2019.

⁸¹ Sudan Tribune, *Sudan's al-Bashir says protests will not change government*, 14 January 2019, <http://www.sudantribune.com/spip.php?article66915>

⁸² Radio Dabanga, *Darfur visit: Al Bashir defiant against change*, 14 January 2019, <https://www.dabangasudan.org/en/all-news/article/darfur-visit-al-bashir-defiant-against-change>

⁸³ Amnesty International Interviewed Riad on 5 March 2019.

⁸⁴ The Sudan Liberation Movement led by Abdelwahid El Nur (SLM-AW) is an armed group established in 2002/2003 and based in Jabel Marra in Central Darfur. They are the only armed group in Darfur that in control of an area in Darfur, in Jabel Marra. SLM-AW refused to sign any peace agreement with the government of Sudan since the war started in the region in 2003. It enjoys considerable support from the Fur ethnic group of Darfur.

⁸⁵ Sudan Media Centre, *NISS: SLM-AW Carried Out Sabotage Acts in the Demonstrations* 23 December 2018, <http://smc.sd/en/niss-slm-aw-carried-out-sabotage-acts-in-the-demonstrations/>. The same news were reported by Sudan News Agency (SUNA), 22 December 2018, <http://suna-sd.net/ar/single?id=145513>, and the BBC, 23 December 2018, <http://www.bbc.com/arabic/middleeast-46665772>

⁸⁶ Darfur Bar Association statement received by email on 31 December 2018.

⁸⁷ Amnesty International, *Urgent action, forty-seven students held incommunicado, one killed*, (AFR 54/9739/2019), Darfur Bar Association statement received by email on 1 January 2019. Almeghar Alsasy newspaper, *The security apparatus arrested a cell belonging to the rebel "Abdul Wahid Nur" in Aldrushab*, <http://www.almeghar.com/archives/77142>

⁸⁸ Sinnar city is located 240 kilometres south east of the capital city Khartoum.

⁸⁹ Amnesty International Interviewed on 7 March 2019.


These students were forced to confess on camera for political propaganda purposes. However, the NISS could not find evidence to support their egregious claims and they quietly started to release them.

5.3 TARGETING WOMEN PROTESTORS

“oh girls, stay strong... this is a women’s revolution”⁹⁰

There was a significant participation of women and girls in the protest movement across the country, most noticeably in the capital Khartoum. At least 133 prominent women activists were arrested since mid-December. Women were on the frontline of the protests as was made clear by the sheer number of women participating in the protests, and their contributions on different platforms. *Monbarshat*, a women-only Facebook group with over 303,000 members, played a significant role in crowd-sourcing information that helped the protesters in identifying the perpetrators of violations from within the security forces by submitting photos of individuals allegedly involved in the crackdown on protesters. The women’s resolve was summed up by one of the female protesters, “beating and detention will not frighten us.”⁹¹



 ↑ Photo of women protesters © Salma Alnour

Amnesty International spoke to several female protesters who narrated their gruesome experiences during arbitrary arrests and detention. Security agents regularly depicted these women as “prostitutes”, “loose girls”, and subjected them to sexual harassment and sexual violence. They were frequently threatened with rape during their arrest and detention.

Sally, who participated in the protests in Omdurman on 24 January, told Amnesty International, “I was arrested on 24 January 2019, on the day of Omdurman’s protests from Alarbeen Street in Omdurman. There was an intense firing of teargas, we saw vehicles [belonging to NISS] coming towards us. We entered a house opposite Alarbeen Street. We were 12 women. After few moments, the security agents forced themselves inside the house. These security agents were wearing face masks, and some were in uniform while others were in plain clothes. They were carrying sticks and guns. They entered the room where the landlady was with us. They asked her if she knew us. She said “no”. They started to beat us, telling us you are harlots and prostitutes. I was beaten by five people all over my body, on my head, my stomach, my back, my arms and my legs.”⁹²

⁹⁰ A slogan by Ahfad University for Women’s students that went viral and used by women protesters in different protests

⁹¹ Amnesty International Interviewed Mariem on 16 February 2019.

⁹² Amnesty International Interviewed Sally on 2 March 2019.



Sally shoulder injuries © Private

Durra Gambo, 39, a well-known journalist was arrested, around 1 PM, on 10 February by NISS agents in Omdurman following another protest in solidarity with women who were detained on 24 January. Most of the women were released on 7 March. Durra Gambo noticed the level of sexual harassment experienced by young female protestors she had met inside the NISS offices in Omdurman.

She was detained with 14 women and girls and she recalled, “Except for three girls, all the rest, 11 women, told me the exact and precise description of the sexual harassment that happened to them during the arrest and before they arrived at the NISS offices in Omdurman. They were touched their buttocks and breasts. For example, two women said that they [NISS agents] touched their bodies and threatened them with rape. One NISS agent said, ‘leave this one, she is mine,’ Another girl, she was slapped by NISS officer when he asked about her profession, and she told him that she studies medicine, he said “a doctor and protesting,” he harshly slapped her on the face.”⁹³

Durra Gambo was released three hours later after being charged with “riot,” causing “Breach of public peace” and “public nuisance” under the 1991 Criminal Act. On 25 February 2019, the court dismissed the case against Durra and six others (three women and four men) for lack of evidence and the absence of the plaintiff (the NISS).⁹⁴

⁹³ Amnesty International Interviewed Durra Gambo on 16 February 2019.


⁹⁴ Amnesty International Interviewed Durra Gambo on 16 February 2019.

5.4 THE FALL OF THE REGIME AND THE NEW TRANSITIONAL PERIOD

The Sudan Armed Forces Command decided to 'stand with the people' following months of protests. They overthrew President Al-Bashir and formed a new governing body named the Transitional Military Council (TMC).⁹⁵ The TMC ruled Sudan between 12 April and 18 August 2019.

The TMC released hundreds of political prisoners. Political space in Sudan/Khartoum opened, and authorities allowed the press to operate more freely.⁹⁶ However, protesters maintained their pressure on the military and demanded a transition to a civilian-led government. They set-up a sit-in area around the army headquarters in Khartoum.



 ↑ Protestors in front of the army headquarters in Khartoum, April 2019 © Salma Alnour

The FFC and opposition political groups engaged in lengthy negotiations with the TMC from 13 April, and they agreed on 13 May on most issues related to civilian rule and the governance structures such as legislative assembly, ministerial cabinet, and Sovereign Council.⁹⁷ They disagreed on the percentage of representation on the Sovereign Council and who would lead it. During this period, there were many security incidents in which security forces attacked protestors around the sit-in area and killed nine and injured a number of protestors on 13 and 15 May.⁹⁸ The army spokesperson stated that one army officer and two soldiers were killed during this incident.⁹⁹ Following this incident, the negotiation was postponed and then resumed on 19, until 21 May

The negotiations, once again failed and the FFC called for a general strike on 28 and 29 May. There was another security incident around the sit-in area on 30 May, in which two people were killed. A few days before the 30 May attack, General Bahar Ahmed Bahar, the head of the central region in Khartoum [Sudan Armed Forces], stated that, "The protest site has become unsafe and represents a danger to the revolution

⁹⁵ Alex de Waal, "Sudan After Bashir," London Review of Books blog, 18 April 2019; <https://www.lrb.co.uk/blog/2019/april/sudan-after-bashir>.

⁹⁶ Congressional Research Service. (2019). *Sudan's Uncertain Transition* (R45794). Retrieved from United States Congressional Research Service (CRS). website: <https://crsreports.congress.gov/product/pdf/R/R45794>

⁹⁷ BBC, Sudan crisis: Military and opposition agree three-year transition, 15 May 2019, <https://www.bbc.com/news/world-africa-48276764>

⁹⁸ Amnesty International, Sudan: Omar al-Bashir must face justice for recent and past crimes, 14 May 2019, <https://www.amnesty.org/en/latest/news/2019/05/sudan-omar-al-bashir-must-face-justice-for-recent-and-past-crimes/>

⁹⁹ Sudan's National Human Rights Commission report, September 2019, page 9.

and the revolutionaries and threatens the coherence of the state and its national security."¹⁰⁰ Mohamed Youssef Ahmed al-Mustafa, from the Declaration of Freedom and Change warned in a press conference on 1 June that there was "systematic inaction" by security services in "not containing groups acting outside the rule of law." He further added, "there are remnants of the regime stirring trouble under the Iron Bridge [Blue Nile Bridge] to tarnish the revolution."¹⁰¹

On 31 May there were rumours that the TMC accepted the FFC proposal of a 50-50 percentage rotational leadership for three years.

¹⁰⁰ Al Jazeera, *Sudan army says protest site a threat, closes Al Jazeera office*, 31 May 2019, <https://www.aljazeera.com/news/2019/05/sudan-army-protest-site-threat-closes-al-jazeera-office-190530234405647.html>

¹⁰¹ Arab 48, *Sudan's rebels warn of the systematic "slack" by security services*, 1 June 2019, <https://tinyurl.com/yybephcl>

6. 3 JUNE 2019 MASSACRE

The sit-in area in front of the army headquarters was a vast area covering at least one square kilometre. It was located east of Central Khartoum. It spread from the Army Bridge in the East, to the University of Khartoum in the West, and from the North it stretched south of the Nile street to the Army Command street and the north wall of Khartoum airport and extended to the Nahla petrol station in the south-east. The sit-in area contained at least 131 tents and sites representing different groups that participated in the protests. Several improvised barriers were erected across Al Gamaa, El Baladiya, and El Gumhoriya Avenues and Abdel Rahman Al Mahdi road, to prevent or delay the movement of possible attacking forces and for security checks. Hundreds of thousands of people gathered in the sit-in area and maintained their vigil. The sit-in area became a hub for political and cultural activities, and it reflected the country's diverse and vibrant culture.



  Sit-in area map © Google Earth in October 2019

6.1 USE OF EXCESSIVE FORCE AND UNLAWFUL KILLINGS ON 3 JUNE

Without warning in the early morning hours of 3 June the Sudanese security forces attacked the sit-in area in Khartoum. Evidence gathered, including testimonies from 61 survivors, by Amnesty International indicates that the attacks on peaceful protestors were perpetrated by the Rapid Support Forces (RSF), the National Intelligence Security Service (NISS), and the Police using live ammunition, teargas, whips and sticks. Many of those present during the attacks described acts of torture or cruel, inhuman or degrading treatment. For

example, most of those interviewed by Amnesty International reported they were subjected to beatings by whips, sticks and guns butts, slapped and kicked, forced into painful positions and received death and rape threats. We have evidence that the Sudanese military is responsible for unnecessary and excessive use of force to disperse peaceful protests and the unlawful killing of the protestors during the attack on the sit-in area.

The Transitional Military Council (TMC) spokesperson Lieutenant General Shams al-Deen al-Kabashi admitted publicly, on 13 June, that the TMC had ordered the dispersal of the sit-in area. He said the following, about the meeting in which they decided on the fate of the sit-in areas:

"In the evening [2 June] before the implementation of the decision to clear the sit-in area, we called for a meeting attended by all members of the TMC, the head of Military Intelligence, the head of General Staff Command (army), the head of National Security and his deputy, the head of Police and his deputy, the head of RSF. We also requested the Head of the Judiciary and the Attorney General to attend this meeting to provide us with legal advice on how to deal with this situation. We thanked the Head of the Judiciary and the Attorney general for their advice and then they left the meeting... We ordered the commanders to come up with a plan to disperse this sit-in. They made a plan and implemented it ... but we regret that some mistakes happened."¹⁰²

Amnesty International noted an alarming increase in the restriction on freedoms of peaceful assembly, association, and expression and arbitrary arrests after 3 June. Sudanese security forces arrested and detained senior members of the Sudanese People's Liberation Movement. These include, Yasir Arman on 5 June and Ismail Khamis Jalab and Mubarak Ardol on 8 June respectively.¹⁰³ They also arrested Mohamed Ismat, a senior member of the FFC on 8 June. Meanwhile, public meetings/ gatherings by FFC were regularly prohibited. Security forces used lethal force and dispersed several protests and vigils organized by activists. *Al Jazeera*, an independent newspaper, was prevented from publishing on 26 June.

The horrific and deadly attack on 3 June derailed the negotiation between TMC and FFC until 17 August, when the two sides signed the Constitutional Declaration after lengthy negotiations facilitated by the African Union (AU) mediation.¹⁰⁴ On 20 August, the TMC was dissolved, and a new Sovereign Council was formed [11 members six civilians, including two females, and five military].¹⁰⁵ Abdalla Hamdok was appointed as the new Prime Minister on 21 August.¹⁰⁶ This formation ushered in the beginning of a three-year transitional period. The two parties agreed to form a national, Independent Investigation Commission to conduct transparent and thorough investigations into the violations committed on 3 June 2019. In September 2019, the Prime Minister announced that there would be an investigation into the attack by Sudanese security forces on the sit-in area on 3 June 2019. On 21 October, he named a national investigation Commission to investigate the 3 June attacks and killings of protesters and appointed human rights lawyer Nabil Adib as head of the investigation. He gave the Commission three months to report its findings and recommendations.¹⁰⁷ The Commission was unable to conclude its investigations after three months. Its mandate was extended by the time of publication of this report, the Commission had not concluded its investigations.

6.2 CONFLICTING DEATH FIGURES

There are conflicting reports on the exact numbers of people killed on 3 June. For example, the Sudan's National Human Rights Commission report in September 2019 claimed that 36 people were killed. The 36 include 15 individuals killed at the sit-in area and 21 outside the sit-in area. The Sudanese Ministry of Health

¹⁰² Al Jazeera, *Sudan military admits it ordered brutal crackdown on protesters*, 14 June 2019, <https://www.aljazeera.com/news/2019/06/sudan-military-admits-ordered-brutal-crackdown-protesters-190614042623354.html>. A video link to the statement here: <https://www.youtube.com/watch?v=m8PzYRQjIBI>

¹⁰³ Amnesty International, *Sudan: Remove Rapid Support Forces from Khartoum streets immediately*, 6 June 2019, <https://www.amnesty.org/en/latest/news/2019/06/sudan-remove-rapid-support-forces-from-khartoum-streets-immediately/>

¹⁰⁴ Declan Walsh, New York Times, *Sudan Erupts in Celebration After Army and Civilians Agree to Share Power*, 17 August 2019, <https://www.nytimes.com/2019/08/17/world/africa/sudan-agreement-signed.html>

¹⁰⁵ Al Jazeera, *Sudan forms 11-member sovereign council, headed by al-Burhan*, 20 August 2019, <https://www.aljazeera.com/news/2019/08/sudan-forms-11-member-sovereign-council-headed-al-burhan-190820204821614.html>

¹⁰⁶ BBC, *Sudan transition: Abdalla Hamdok appointed new prime minister*, 22 August 2019, <https://www.bbc.com/news/world-africa-49425702>

¹⁰⁷ Reuters, *Sudan names commission to investigate killings at sit-in*, 21 October 2019, <https://uk.reuters.com/article/uk-sudan-politics/sudan-names-commission-to-investigate-killings-at-sit-in-idUKKBN1WZQK>

reported 46 were killed .¹⁰⁸ The Attorney-General's Report in July 2019 stated that 87 people were killed.¹⁰⁹ The Legitimate Sudan Doctors Syndicate (LSDS) reported 50 killed,¹¹⁰ while, the Central Committee of Sudanese Doctors reported the death of 127 people.¹¹¹ These various reports reflect the state of chaos after the violent breakup of the sit-in, the shutdown of the internet and the fact that most of Khartoum's streets were barricaded by protestors. In response the security forces turned the city into a military zone for a few days with very limited movement of people. However, Amnesty International believes that at least 100 people were killed on 3 June. This is in addition to at least 20 individuals still missing.¹¹² To address the conflicting data the newly formed Commission is both legally and morally obliged to publicly publish the list of those killed in the sit-in area and outside on 3 June.

¹⁰⁸ France 24, *Sudanese Ministry of Health: The death toll in the breaking up of the sit-in did not exceed 46*, 6 June 2019, <https://tinyurl.com/yymlyqgk>

¹⁰⁹ Reuters, *Sudan says 87 killed when troops broke up protest, critics say too low*, 28 July 2019, <https://af.reuters.com/article/idAFKCN1UN07Y-OZATP>

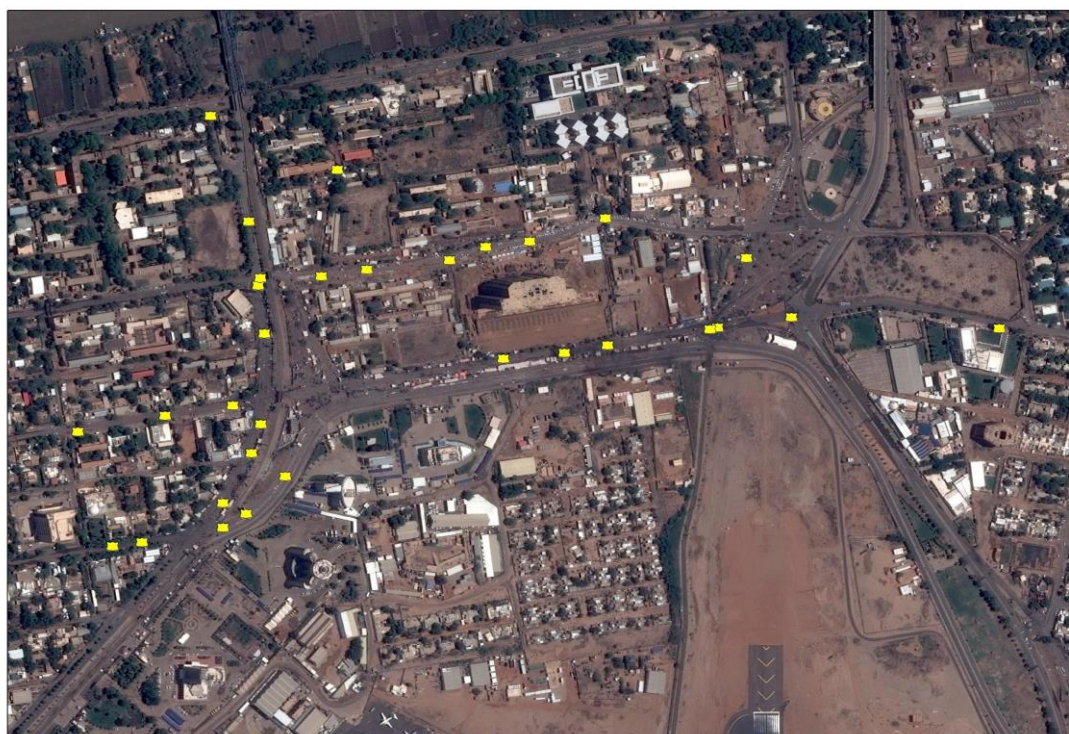
¹¹⁰ Sudan Tribune, *268 people killed during Sudan's peaceful revolution: report*, 19 June 2019, <http://www.sudantribune.com/spip.php?article67804>



¹¹¹ Interview with a representative of the Central Committee of Sudanese Doctors, 22 September 2019, Khartoum.

¹¹² Amnesty International interviewed Fadia Khalf on 18 September 2019, Khartoum and 28 November 2019 in Nairobi.

7. ATTACK OF THE SIT-IN AREA

The sit-in area is located to the west and north of the army headquarters, where protestors set-up several barricades along Al Gamaa, El Baladiya, and El Gumhoriya Avenues Abdel Rahman Al Mahdi road (see the map below). All these roads link the east side of Khartoum to central Khartoum. The FFC and the TMC agreed to designate this location as part of the official protest sites when they started negotiations on 13 April. The FFC administered this area using a committee to coordinate various groups manning the barricades. Dozens of eyewitnesses at this location reported the confusing and bewildering atmosphere before the attack and what happened during the attack. They also identified, through uniforms, accent and physical features,¹¹³ the Rapid Support Forces (RSF) and the Police as the main forces involved in the attack.



  *Sit-in area barricades © Private.*

¹¹³ Light skin and speaks with accent associated with Arab ethnic groups from North Darfur.

Amnesty International interviewed several witnesses and survivors who were present in the sit-in area. Each witness described the moments before the attack as confusing and filled with rumours and after the attack began as chaotic, terrifying and bloody.

7.1 RUMOURS AND CONFUSION

Magdi, a 22-year-old medical student had volunteered as a medical assistant at various clinics within the sit-in area. He told Amnesty International, “I went to the sit-in area on 6 April. As a 4th year medical student, I had worked as a volunteer at the clinic near the Navy Gate, and at the Electricity clinic near El Gamhuriya Avenue railway subway. On the morning of 2 June, I went to work at the Electricity clinic. At 10 pm it was raining. At midnight some of our colleagues decided to leave the clinic. A few minutes later, they phoned us and reported they had seen massive forces surrounding the sit-in area. Some people with us at the clinic suspected there might be an attack on the sit-in area and advised us to be ready. Those who wanted to leave were told to do so. We all decided to stay. Around 5 am we saw more than 250 RSF pickups passing by. They parked around the clinic. We wondered what these forces wanted to do.”¹¹⁴

Hajer, a 38-year-old engineer, went to the sit-in area to meet friends and discuss how they would celebrate Eid the next day. “I arrived at the sit-in area through El Baladiya Avenue around midnight. I found the power cut off. It had rained, and the streets were flooded. There were no security checks at the barricades in El Baladiya Avenue. I was there to discuss our plans for Eid with friends... Around 1:30am, we received messages on WhatsApp; SPA was urging people to stay within the sit-in area. I also received messages about movement of RSF pickups. Around 2am some of us started to head back home. The overall situation seemed normal although the number of people was not high, maybe because of the rain. However, some people told us there were many pickups deployed along Al Mek Nimer street and beyond. Military trucks could be seen crossing Omdurman bridge, there was a pickup truck near the Presidential Palace. At that time, we thought nothing would happen to us. We were sitting next to Sudan’s Army headquarters. The whole world was watching them. There was live coverage of the sit-in area. They would never be able to do something like that.”¹¹⁵

Hajooj Kuka, a 35-year-old award winning film director,¹¹⁶ was at the sit-in area on crutches with a fractured leg before the attack. “I was there on the night of the sit-in break-up. At night, there were rumours spreading that the security forces were planning to attack the sit-in site. Many of the people I knew decided not to leave and went around the area to ensure that everything was ok. I went with some towards the Nile street barricade between 3am and 4am. The barricade was nicknamed the Death Barricade [because this was where the protestors attacked on 13 and 15 May 2019, when 9 to 10 people were killed. We found RSF soldiers sitting there [next to the barricade] and our people were also there waiting. Our people had cameras and we told them where to sit and to be ready to film. Some of our people sat on top of the bridge with their cameras.”¹¹⁷

7.2 THE ATTACK

Amnesty International received several testimonies of the attack that left people completely shocked. Some of the attacks extended to the Radiology college to the west of the sit-in area where over 20 people were injured. Witnesses reported that many people suffered injuries including fractured bones, while others died from gunshot wounds or were caught up in the stampede that followed the attacks. All witnesses confirmed that they saw over thousands of RSF soldiers and police officers advancing toward the crowd and opening fire.

Badawi, a political activist, recalled the events of the 3 June attack. “The attack started about 4:30am. I was at the first barricade in Al Gamma Avenue near the Engineering College. Someone came to us and told us the sit-in was going to be dispersed. We went towards the railway subway, and as we approached the [Humanitarian Aid Commission of Sudan] HAC offices [at the intersection between Abdel Rahman Al Mahdi road and El Gumhuriya Avenue] we heard an intense burst of live ammunition. When at the second railway underpass, I saw injured people. There was intense gunfire coming from the direction of Al Gamma Avenue

¹¹⁴ Interviewed via WhatsApp on 7 October 2019

¹¹⁵ Amnesty International Interviewed Hajer on 11 September 2019, Khartoum.

¹¹⁶ Hajooj Kuka, film *Beats of the Antonov*, about the war in South Kordofan won several awards including Toronto International Film Festival in 2014.

¹¹⁷ Amnesty International Interviewed Hajooj Kuka, on 12 August 2019, Nairobi.

subway. I saw soldiers from the RSF on top of the railway firing live ammunition. We decided to retreat towards the Air Force gate. There, we saw brand new pickups coming from the southern direction along the road opposite the army headquarters. These pickups were carrying troops wearing police uniform. Then we retreated to El Baladyia Avenue where we found many injured people. Soldiers in front of the Air Force gate started to run towards us with sticks and whips, some carrying guns. I saw a girl injured near the first barricade in El Baladyia Avenue. We ran until the Constitutional Court where there were soldiers on both sides of the road; they beat us with sticks. We were hundreds running; there were many injured people with us. By that time, it was around 8:30 or 9:00am.”

Magdi, a medical student at the Electricity clinic described how the injured sought treatment with RSF hot on their heels. “After 20 minutes, we heard sounds of live ammunition coming from the direction of Nile street. A few minutes after that, we began to receive people with gunshot wounds at the clinic, most of them injured in the legs and hands. One was seriously injured in the head. He later died. I don’t know his name. In total, as I was keeping the records for the clinic, we received 10 cases in the first hour. After one hour, about 25 soldiers wearing RSF uniform, some armed with AK 47 guns, and others with sticks and whips came into the clinic. The supervisor of the clinic went and talked to them and told them that we were treating the wounded, and they should not enter. The RSF soldiers beat him on the head, and he sustained a severe head injury. The RSF soldiers came inside the clinic and hit all of us, including the injured patients. They destroyed medical equipment, drugs, and looted our phones and laptops.”¹¹⁸

Amnesty International also talked to survivors who were on the eastern and southern flanks of the sit-in area. Their stories were similar to the ones provided by those on the western side. Witnesses spoke about the violence that was unleashed by security forces. They also barricaded some roads. Gasim was one of the various witnesses that Amnesty researchers spoke to. Gasim was near Al Molam Hospital in Al Gamma Avenue. He was seriously injured after he was captured by the security forces near Nile street and he was forced to lie down on the ground for hours despite his severe injuries. The night before the attack, Gasim, received a phone call from a police officer, who told him there was a mobilization of troops and they were planning to break-up the sit-in area. Gasim recalled the live ammunition attack started between 4:00 am or 4:30, around the Nile street. “... we heard the sounds of bullets come nearer from the Clinic street. At sunrise, the shooting became more intense. In that time, they [security forces] reached the railway underpass. I saw many people running towards us. I saw people injured and carried by protestors. I saw protestors’ clothes soaked in blood. It was apparent the situation had deteriorated. I started to record these scenes on Facebook live video using my mobile phone... Then there was shooting by 3 or 4 snipers coming from Al-Bashir Medical Complex. They shot at the protestors in the Al Gamma avenue, aiming to kill people.”¹¹⁹

Gasim was still recording live video. He was one of the last three people to leave the location at Al Gamaa Avenue, he added, “Less than 20 meters from where we were, I saw security forces wearing the RSF uniform, the police uniform, and NISS special Operation Unit uniform carrying AK 47, sticks, whips and teargas guns advancing in horizontal rows covering the whole width of Al Gamma Avenue heading east towards Burri. They chased protestors who were running away from them. I saw them shooting at demonstrators. Then I felt the hissing of the bullets flying past my ear. I started to run. I went inside Al Molam Hospital.”¹²⁰

According to Gasim all the protestors around the Clinic area and Al Gamma avenue went inside the hospital [Al Molam] because the road towards Burri roundabout was blocked and protestors were surrounded. “The security forces attacked the hospital, they fired live ammunition, shattering the glass windows of the hospital. I saw a medical doctor run outside the hospital and stopped an RSF soldier who attempted to shoot a Rocket-Propelled Grenade (RPG) into the hospital. He managed to stop him, but he was beaten by the other soldiers.”¹²¹ After the attack on the hospital became intense, Gasim and others went to the back of the hospital and climbed over the wall to an empty yard behind the hospital. He was captured by RSF soldiers and they beat him, “They beat me severely on my head, my arms and my back with sticks and whips. They hit me so hard on the face I felt terrible pain and severe bleeding on my right eye... The beating was continuous for almost two hours.”¹²²

¹¹⁸ Amnesty International Interviewed Magdi via WhatsApp on 7 October 2019.

¹¹⁹ Amnesty International Interviewed Gasim by telephone on 13 June 2019.

¹²⁰ Amnesty International Interviewed Gasim by telephone on 13 June 2019.

¹²¹ Amnesty International Interviewed Gasim by telephone on 13 June 2019.

¹²² Amnesty International Interviewed Gasim by telephone on 13 June 2019.



Photo of Gasim's injured eye © Gasim Oshi on 3 June 2019

The soldiers took Gasim and others out to Nile Street, near Blue Nile Bridge. They ordered them to lie down on the ground and they stayed in that position for hours. Gasim still bleeding from his face and other parts of his body, received treatment at that location from an RSF medic who put a dressing on his eye. At around 11 am Gasim was put in an ambulance belonging to the RSF and taken to the Military Medical corps hospital in Omdurman for treatment.

Dr Saad Al Nur from the Central Committee of Sudanese Doctors, was one of the key coordinators of the emergency units at the sit-in area. The emergency unit supervised the provision of water and sanitation, food distribution and clinics. He described the emergency operation during the more than 50 days as one of the most complex and expensive operation he had witnessed. Saad struggled to fight back tears when he said, "it is difficult to describe the level of commitment, sacrifice and dedication displayed by my colleagues during the sit-in period."¹²³

Saad told Amnesty International that, "Around 11 PM I was at the sit-in area at the Professional training centre [along Al Gamaa Avenue]. We heard a lot of rumours on social media that there will be breakup of the sit-in. Also, it had rained that night and there was a power cut off. We had an emergency committee meeting. We decided that the electricity should be restored. Around 2 am I went to the *Alsmoud* barricade [steadfast] in Al Gamaa Avenue and sat there with other colleagues. I felt tired and went to the Graduate Offices to sleep around 3 am. Then I received a phone call that the attack was imminent, I went back to *Alsmoud* barricade and we still did not know what would happen."¹²⁴

Saad further described the scene after the attack "At 5:11 I received a message from a female medical doctor at the University of Khartoum's Clinic, [they were the first to be attacked] she wrote, "forgiveness and wellness." I was alarmed by the phrase usually mentioned if someone is departing without the prospect of return. That was the last message received from her. We had a group of medical doctors at the university Clinic and the Sudanese Professional training Centre, we were concerned about their safety. Then we heard live ammunition approaching our location, I saw people running from the Clinic street and Al Gamma

¹²³ Amnesty International Interviewed Dr Saad Al Nur from the Central Committee of Sudanese Doctors, 22 September 2019, Khartoum.

¹²⁴ Amnesty International Interviewed Dr Saad Al Nur from the Central Committee of Sudanese Doctors, 22 September 2019, Khartoum.

Avenue. I ran towards Al Moalim Hospital, I found many injured people. I saw the martyr Abass Farah's¹²⁵ body being carried into the hospital. I stayed there to help with the injured. However, the security forces tried many times to invade the hospital and fired live ammunition."¹²⁶

Saad was certain of the identity of the forces that attacked them and asserted, "The forces that attacked us are the RSF, Police and NISS wearing RSF Uniform."¹²⁷ Saad, managed to get out of the hospital around 6 pm to a house in Burri district.

Dr. Sulima Ishaq Sharif, is a lecturer at Ahfad University for Women and counsellor at the university Trauma centre. Dr. Sulima provided psychosocial support for many of the victims of the 3 June attack, especially sexual violence victims. Dr. Sulima, who was also part of the sit-in area committee, told Amnesty International, "I came to the sit-in area around 8:30 pm [the night of 2 June], it was raining, we felt the situation was abnormal. I went to the Professional Training Centre Clinic and then to *Alsomoud* barricade. We drank coffee and tea and planned for the Eid al-Fitr celebration. I saw an unusual movement of pickup trucks of RSF and the Sudan Armed Forces around midnight, they moved in and out from the army headquarters. At 1:30 am, we decided to conduct a surveillance mission around the sit-in area. Then we crossed the bridge [The Armed Forces Bridge] and went to the Kober area [in Khartoum North]. At 2:30 in Khartoum North, we saw 12 to 13 buses enter the Signals Regiment building in Khartoum North, carrying soldiers.¹²⁸ We suspected that they were members of the Popular Security Force (a shadowy militia group attached to the al Bashir government). When we inquired, we were told that the TMC assured the sit-in area coordination committee that these buses were coming to break-up the Colombia area¹²⁹ and they would be supervised by three prosecutors. These soldiers were carrying sticks, not guns. At the Mac Nimir Bridge, we saw several RSF pickups with their hazard lights turned on. At 4:50 am, I went to the Al Moalam Hall, behind the hospital, there we heard the live ammunition, coming from the Nile street direction."¹³⁰

Dr. Sulima explained the tragic scenes after the attack. She said she noticed soldiers wearing black uniforms and RSF's uniform approaching from the east towards the sit-in area. They fired live ammunition and a stampede ensued.

"I saw children aged between 4 and 10 running and screaming. It felt like a scene from Hell or Judgement Day. We could hear the gunshots increase. There was a lot of uncertainty, and numerous people shouting and giving contradictory instructions.

At Al Moalam Hospital Dr Sulima saw hundreds of people suffer from gunshot injuries and receiving treatments. She described images of blood splattered everywhere, and there were only eight medical doctors in the hospital. They were overwhelmed and run out of medical supplies. She also saw the bodies of three people who had been shot dead.

"I saw all signs of the reactions to the trauma experienced by these protestors, confusion, difficulty concentrating, sadness, numbness, others were screaming and hysterical. Despite such trauma, some of the protesters inside the hospital impressed me by their psychological resilience. After 10:00 am they started to clean the hospital and those who had some first aid skills volunteered to help the medical staff. Others distributed water to the injured. I stayed in the hospital for 12 hours."¹³¹

Various women described scenes of horrific attacks. Weam Shawgi, a former TV host and was owner of a small café in Khartoum, told Amnesty International about her experience that morning. She said she and four other women heard sounds of live ammunition coming from the direction of the Nile street. The women started to chant the national anthem while he RSF and the police fired live ammunition. After the shooting, the women started running and were joined by another woman and her daughter. They ran into a small room housing an electricity generator and shortly afterwards more than 100 people were in this small room. Some soldiers surrounded the room and fired live ammunition towards the windows.

"The soldiers from RSF, Police, and the army, forced the door open and ordered us to come out."¹³²

Weam, and the other four women and the child were beaten with sticks, while other RSF soldiers and police stood by. The women were ordered to jump about a meter high of barbed wire used as a fence around the

¹²⁵ On 3 June, Abass Farah, 27-year-old, appeared on viral [video clip](#) with blood on his body and struggling to stand after he was shot in the sit-in area. He was taken to the nearby Al Moalim hospital and pronounced dead there.

¹²⁶ Amnesty International interviewed Dr Saad Al Nur from the Central Committee of Sudanese Doctors, 22 September 2019, Khartoum.

¹²⁷ Amnesty International interviewed Dr Saad Al Nur from the Central Committee of Sudanese Doctors, 22 September 2019, Khartoum.

¹²⁸ The building is owned by a section of the Sudan Armed Forces

¹²⁹ Colombia is a nickname of small size area [26-meter squares] under the Blue Nile bridge along the river bank frequented for years (before the sit-in) by recreational drug users and alcohol drinkers. Drinking alcohol and using drugs is illegal in Sudan's laws.

¹³⁰ Amnesty International interviewed Dr Sulima, on 11 September 2019, Khartoum.

¹³¹ Amnesty International interviewed Dr Sulima, 11 September 2019, Khartoum.

¹³² Amnesty International interviewed Waem, 14 September 2019, Khartoum.

generator room “One soldier yelled at me and said, ‘Bring this secular girl here’.¹³³ This command was a very worrying sign....”

The Soldiers rounded up many women and put them in a location they called Women’s Quarter near the roundabout. “There, they threatened to rape us and to burn us alive. Then an officer intervened and brought a pickup truck and helped us to cross the bridge [to Khartoum North]. We arrived at a house in Khartoum North (Bahri) at around 10 am. I stayed in this house for five days. I went home one day before the nationwide civil disobedience [9 June].¹³⁴

¹³³ Weam Shawgi appeared in Shabab Talk or “youth talk” is a Deutsche Welle, German TV Channel “What Do Sudanese Women Want?”, programme on 18 September 2018. Her appearance sparked angry reaction from Fundamentalists and she received death and rape threats and various mosques denounced her as infidel. Weam for security reason relocate from Sudan to a neighbouring country and returned in April 2019, see more here: <https://7dnews.com/news/extremism-alert-debating-women-rights-incites-death-threats-in-sudan>

¹³⁴ Amnesty International Interviewed Waem, 14 September 2019, Khartoum.

8. SEXUAL VIOLENCE AGAINST WOMEN

In a report released by the Attorney General in the aftermath of the attacks, authorities stated that there were no documented cases of sexual assault. Amnesty International spoke to two experts involved in providing support and protection for victims of sexual violence including Dr Sulima Ishaq Sharif, a lecturer and Trauma Counsellor at Ahfad University for Women, and Dr Nahid Gabrallah Seidahmed the director of SEEMA Centre for Training and Protection of Women & Child's Rights. SEEMA was established in 2008. The Centre, provides services to victims/survivors of Gender Based Violence including legal aid, health services, psychotherapy and social support among others¹³⁵

Dr Seidahmed told Amnesty that his organisation had received women who had been sexually assaulted. On 22 July, Dr Seidahmed featured on an Al Jazeera TV programme '*Al Hasad*' to discuss the Attorney General's report on the break-up of the sit-in area. On 23 July, the SEEMA office was raided by unknown people. The SEEMA statement said, "the outer door was broken, and the contents of the office ransacked, but initial inspection suggests nothing was stolen...all signs indicate that the raid and break-in had nothing to do with theft; but aimed at papers and documents concerning the nature of the work of the centre."¹³⁶

Between December 2018 and April 2019, SEEMA documented many cases of sexual violence experienced by female protestors, including rape in a security pick-up truck that lasted for three hours. There were numerous incidents of threats of rape and sexual blackmailing. SEEMA documented 18 incidents as of 11 April 2019. On and after 3 June SEEMA documented a further 22 cases of rape.

"We think these systematic cases of sexual abuse and rape are deliberately used as a weapon to intimidate women and their participation."¹³⁷

As a Trauma counsellor, Dr. Sulima provided psychosocial support for many of the survivors of sexual violence. She told Amnesty International that on 6 June the University established a mobile trauma centre, which dealt with victims of sexual violence. The centre provided support to at least 12 women but there were other cases the centre heard about. The centre dealt with various types of sexual assaults "There are 2 or 3 cases of pregnancy as a result of rape" she said. "We also counselled some men who had been verbally insulted and beaten in their penises and anusses."¹³⁸

In addition to the two experts, Amnesty International also met with a group of volunteers who reported that they had documented 10 cases of rape and 63 cases of sexual violence on 3 June.¹³⁹ We believe that many more cases are unreported because of the shame and stigma associated with sexual assaults.

Amnesty International interviewed two survivors of sexual and gender-based violence (SGBV) in the early morning hours of 3 June. Amina*¹⁴⁰, was gang raped by security forces. She was one of the protestors in Omdurman and Khartoum.

¹³⁵ Amnesty International Interviewed Dr Nahid 27 October 2019, Khartoum.

¹³⁶ All Africa, Sudan: Women and Children's Rights NGO's Khartoum Office Ransacked, 25 July 2019, <https://allafrica.com/stories/201907260282.html>

¹³⁷ All Africa, Sudan: Women and Children's Rights NGO's Khartoum Office Ransacked, 25 July 2019, <https://allafrica.com/stories/201907260282.html>

¹³⁸ Amnesty International Interviewed Dr Sulima, 11 September 2019, Khartoum.

¹³⁹ Amnesty International Interviewed three volunteers in Khartoum on 9 January 2020.

¹⁴⁰ Not her real name

“I protested because I wanted a good education for me and for my sisters and family, for employment, a country without racism and that we live with each other with respect. Security agents beat me, and I was exposed to teargas during those protests like other demonstrators. After the victory [toppling of al-Bashir], I joined the sit-in [at the military headquarters] with thousands of others. I started selling tea to the protesters, and sometimes I was not charging them. I also worked with the sit-in area security committee as a guard to one of the barricades.”¹⁴¹

Amina was asleep at the University of Khartoum...along with other women after spending the night guarding the barricades when they were attacked by the armed forces.

“They descended on us like rain coming from every direction, shouting and shooting bullets. The protesters started to shout back revolutionary slogans, but we were small in number. I began to recite the Qur’an in secret, and I almost died from terror and fear.” Amina and other women then ran somewhere where they hid under a pile of things, but they were discovered by more than 20 armed soldiers. They had sticks and shot live ammunition at the protestors.

The soldiers abused and insulted the women with racist epithets and sexually demeaning words. They threatened to rape and kill them and throw their bodies in the Nile. Three of the armed men shouted at Amina, beat her with sticks and took her away from her friends. They told her that they would rape her.

“I almost lost my mind. But I said to myself that they are bluffing and just wanted to intimidate me. I cried and begged them to leave me alone. I did not understand their dialect, but I knew some words as they pointed to my body parts and started to disgustingly touch me. They took me behind the wall of the Vocational Training classes; I saw many bodies of the protestors over there. One of them took a knife from his belt and ripped open my abaya [a full-length outer garment worn by some Muslim women]. Then another one hit me and threw me to the ground on my back. One pinned down my legs by his feet, and the other put his gun behind on my back and raped me. Another one was shouting and insulting me with sexual and racist words and promised to kill me. Then a second and a third one raped me. After that, I cannot remember anything as I fell unconscious. When I woke up, I found myself bleeding all over, I could not find my abaya. After that, I had suicidal thoughts; I thought of throwing myself in the river. I have no idea what happened to my friends; whether they were raped or killed...¹⁴²

She added, “Nowadays, I am always thinking I do not want to live and I hate myself so much. I do not trust the judges to get justice for me. I can only get justice before God. These are criminals. I want the people who did this to me to be punished. I still smell their scent.”¹⁴³

¹⁴¹Amnesty International Interviewed Amina on 27 June.

¹⁴² Amnesty International Interviewed Amina on 27 June.

¹⁴³ Amnesty International Interviewed Amina on 27 June.

FATIMA'S STORY

Another protestor, Fatima, *¹⁴⁴ 24-year-old, was gang raped by security forces. Around 4.45 AM she and her friends were awakened by b sounds of shooting and screams coming from the direction of Nile Street. A few minutes later, more than 100 security agents in RSF uniform attacked Fatima and her friends. They were holding sticks, whips, guns and knives which they used to break into the room. They beat the women with whips and sticks. Fatima was beaten by nine security agents.

“They fired live ammution on male colleagues in front of us and left them lying on the ground. We were insulted and threatened with rape. They told us ‘we are loose girls and came here for sex.

“I was dragged and brutally beaten with whips and sticks by three RSF soldiers. They led me into narrow and dark alley. They forced me to lie face down on my stomach, one of them placed his gun on my head. The other tied my foot and continued to beat me with a whip while the third one raped me.

They continued to insult me and kick me. The three took turns in raping me, one of them inserted the barrel of his gun in my anus. One of them stepped on my chest (breast) with his boots then I completely lost consciousness. I found myself in the evening in a house in Burri, I was bleeding from various parts of my body. I could not move, sit or lie on my stomach or back.

Fatima was only taken to the hospital later that night where she received some medical treatment. “I was on the brink of death. I did not tell any of my family members or any of my friends. I decided to end my life after I was discharged from the hospital.... I went back and stayed in a friend’s house for more than a week.

She added, “I could neither talk nor eat and I thought of committing suicide. However, I decided that it is better to survive and become a witness since I had seen the rape of a protestor who was also shot, although I did not know his name. They broke us and crashed our honour. I wish they could have shot or executed us by hanging rather than putting us through the shame we are experiencing now.”¹⁴⁵

¹⁴⁴ Not her real name

¹⁴⁵ Amnesty International interviewed, Fatima on 27 June.

9. JUSTICE AND ACCOUNTABILITY

To achieve justice and accountability in Sudan, there is an urgent need for comprehensive legal, judicial and institutional reform to enable effective, impartial and independent investigations and prosecutions before competent courts, in line with international best practice. Furthermore, Sudan has an obligation to protect human rights by ensuring that corrective action is taken when human rights are violated by either state agents or by non-state actors. Sudan has an obligation to ensure that everyone under its jurisdiction is afforded equal protection under the law. The approach to accountability should be comprehensive; it is both morally and legally imperative that it must aim to provide justice to all who have suffered from serious crimes and other human rights violations, and it should be carried out in a complementary manner between the domestic level and the supra-national level.

The current criminal system is weak and politically compromised and lacks independence due to 30 years of political manipulation. Although the 2019 transition constitution provided a more balanced separation of powers, there are reasonable concerns that the criminal justice system [courts, prosecutors' offices, and the current legal framework] would not be able to cope with the massive demands by the families of the victims of human rights violations and survivors, the transitional government's priorities and other stakeholders. In October 2019, the new interim government appointed a new Attorney General and Chief Justice, this offers some hope that accountability is a priority for the transitional authorities. However, the long history of distrust towards the country's judicial institutions and processes remains high and must be addressed.¹⁴⁶

On 12 September 2019 Amnesty International researchers met with 15 family members of the victims of unlawful killings in Sudan in 2013 and since December 2018. They all expressed their quest for justice and spoke of how the police had blocked them from reporting the deaths. Others complained of lack of assistance by state prosecutors to help them properly file complaints and provide all the required evidence such that many of their relatives' case files. They spoke of a criminal justice system still controlled by people who they said are responsible for their relative's deaths.¹⁴⁷

Testimonies collected from a group of 13 lawyers in Sudan indicates that the current legal environment is not suitable for the victims of unlawful killings to find justice.¹⁴⁸ Firstly, despite the change in government, our research revealed a lack of will in various cases of unlawful killings, "there is reluctance/obstruction, delay from the prosecution office to file criminal charges especially if the perpetrators are members of the armed forces, the security, the police or the RSF."¹⁴⁹

Secondly, there are cumbersome bureaucratic hurdles such as delays and obstruction in the investigation by the police and the prosecuting attorney once a case has been reported to them. In many instances, cases do not go beyond the office of the Prosecutor.¹⁵⁰ Since December 2018, the prosecution office only referred one case to trial. This was the case of Ahmed El-khair, a 40-year-old teacher who died as a result of torture on 1

¹⁴⁶ *Joint Assessment Mission for Sudan: Governance & Rule of Law (VOLUME III)*. (2005). Retrieved from World Bank and the United Nations website: <https://reliefweb.int/sites/reliefweb.int/files/resources/41EBA35BFB08778D49256FFC00237613-jam-sdn-18mar3.pdf>

¹⁴⁷ Amnesty International meeting in Khartoum with September 2013 and December 2018 martyrs, 12 September 2019.

¹⁴⁸ Amnesty International meetings between 12-26 September 2019 with lawyers from Darfur Bar Association (DBA), the Legal Forum Organization, the Democratic Lawyers Association and lawyers at the People Legal Aid Centre.

¹⁴⁹ Amnesty International interviewed Rifat Makawi, a lawyer in Khartoum on 14 September 2019, Khartoum. This was corroborated by 12 other lawyers

¹⁵⁰ Amnesty International interviewed four legal aid staff in Khartoum, 14 September 2019.

February 2019.¹⁵¹ On 30 December 2019, a court in Khartoum sentenced 29 NISS agents to death for the killing of Ahmed El-Khair.¹⁵²

The Prosecution office has the discretion to institute, conduct or discontinue any proceedings for an offence. The track record in prosecuting these types of cases is discouraging. Following the killing of more than 185 people in September 2013,¹⁵³ there was one case in which investigation was concluded and referred to trial by a competent court. The court, acquitted the accused for lack of evidence.¹⁵⁴

As of October 2019, an organisation providing legal assistance to victims, the People Legal Aid Centre developed files of 13 cases of unlawful killings, and six cases of torture, ill-treatment, and looting. None of these cases have been taken to trial by the prosecution office.¹⁵⁵ The Prosecution office is obliged in terms of article 47 of the Criminal Procedure Act 1991 to conduct preliminary investigations, make a determination that a crime was committed and then file a criminal case.

Further challenges in the criminal justice system relate to immunity provisions that protect security agents. Staff at the Attorney General's office conceded that all provisions that grant immunities must be amended.¹⁵⁶ However, repealing these provisions could take a long time due to the entrenched culture of impunity within the security forces in Sudan. The government must expedite the process of repealing these laws. The current Sudanese laws that govern the armed forces, the police and the NISS all contain provisions conferring immunity on perpetrators of human rights violations.¹⁵⁷ The National Security Act 2010,¹⁵⁸ the Police Act, and the Armed Forces Act all include immunities for acts committed "in good faith" and "in the course of duty." Immunities can only be waived by the relevant governing bodies of the Ministry of Interior, Defence or the Director of the NISS.¹⁵⁹

The Attorney General acknowledged the shortcomings within the criminal justice system. The current laws restrict the Attorney General and the Chief Justice from taking necessary measures to restructure judicial institutions and the Attorney General's office. There is therefore a need to reform the Public Prosecution law of 2017 to allow the intervention of the Attorney General and the Chief Justice to make necessary institutional reforms. Such reforms should include provisions for the appointment of legal experts from outside the Attorney General/ Prosecution office to help in the investigations.¹⁶⁰

In addition to this, there are limited financial and human resources allocated towards criminal justice. As of October 2019, Sudan has a total of 500 prosecutors, representing only 20 % of the required number, nationally.¹⁶¹ The Attorney general committed to forming investigation committees including lawyers and prosecutors to embark on investigating key cases of human rights violations and corruption. He however did not give a specific timeline for such appointments.

Survivors of the brutality and their expressed a dim view on justice and accountability. Their responses varied from their call to 'blood for blood' to 'transitional justice, truth and reconciliation' while a small number called for healing and forgiveness.

¹⁵¹ Ahmed El-khair Ahmed Awad El-Kareem, 40-year-old, a teacher from Khashm El-Girba died as result of torture on 1 February. Ahmed El-khair was arrested by NISS agents from Khashm El-Girba on 31 January after a protest in Khashm El-Girba in Kassala state in Eastern Sudan. The city is located about 550 kilometres east of Khartoum and 80 kilometres west of Kassala city. Ahmed El-khair was arrested and detained by NISS agents from Khashm El-Girba with another six individuals in suspicion they had participated in the 31 January protests. Amnesty International, in March 2019, interviewed three former detainees who shared with Ahmed the same cell in Khashm El-Girba's NISS office and also transported with him to Kassala city on 1 February. They were all subjected to torture and ill-treatment during detention and they reported that Ahmed died in a NISS's pickup transferring them to Kassala. The government first claimed his death was due to food poisoning. See more: Sudan media Centre, *Security Committee in Kassala State issued a statement on the implications of the death of Mr. Ahmed El-khair*, 3 February 2019, <https://tinyurl.com/y5vhhrv>

¹⁵² BBC, *A Sudanese court has sentenced 29 intelligence officers to death for the torture and killing of a teacher*, 30 December 2019, <https://www.bbc.com/news/world-africa-50945224>

¹⁵³ Amnesty International, *Sudan: excessive and deadly: the use of force, arbitrary detention and torture against protesters in Sudan*, (Index number: AFR 54/020/2014)

¹⁵⁴ Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin, 4 September 2014, https://reliefweb.int/sites/reliefweb.int/files/resources/A.HRC_.27.69_AEV.pdf, para 36.

¹⁵⁵ Email sent by PLACE on 15 September 2019.

¹⁵⁶ Amnesty International meeting with two Attorney General staff on 23 October 2019.

¹⁵⁷ REDRESS: *Human Rights Concerns and Barriers to Justice in Sudan: national, regional and international perspectives, a compilation of Sudan Law Reform Advocacy Briefings*, February 2014, <http://www.redress.org/downloads/country-reports/140228HumanRightsConcernFINAL.pdf>.

¹⁵⁸ Article 52, National Security Act, 2010, <http://tinyurl.com/jb6xung>.

¹⁵⁹ Article 52(1) states any act committed by the NISS while pursuing their duties with "good intentions" should not be considered a crime. The Police Act, 2008 also includes immunities. Article 45(1) states actions of a police officer do not constitute crimes if they take place while he is performing his duties or as a result of official orders. Article 45(2) further prevents initiation of criminal proceedings against a member of the police, if the Police Legal Affairs Unit decides the crime was committed in the course of official duties, he should not be tried, save for special permission being issued by the Minister of Interior or his delegate.

¹⁶⁰ Amnesty International meeting with the Attorney General Taj Alserali Al-Hibr Ali on 23 October 2019.

¹⁶¹ Amnesty International meeting with the Attorney General Taj Alserali Al-Hibr Ali on 23 October 2019.

Hajer, a 38-year-old engineer said, “I believe that accountability and justice are important to identify those who gave the orders and who executed the order. The role of the people who were responsible for protecting the sit-in area, from the FFC and the SPA. Those who told the protestors to stay in the sit-in and asked others to come back. The people responsible for the security and strategic analysis because of their failure to provide and analyse information, I want all of them to be held accountable.”¹⁶² She further added, “The crime of breaking up a sit-in is a crime against humanity, and a commission of inquiry must be composed of international bodies, because any national commission of inquiry will be composed of the former regime affiliates. While the FFC talk about reconciliation, I have no confidence in a national commission of inquiry, I do not trust the current Attorney General or the head of judiciary.”¹⁶³

Magdi, a 22-year-old medical student said: “I was deeply affected by my experience in the sit-in area. I still remember the images of psychological humiliation. I’m still wondering why they treated us like that. We were just volunteers, and we came to support a good cause. Now I have recovered from that experience with the help of our group of doctors we meet regularly and talk about it. What we want is justice for the people who were killed and for those who were subjected to torture and ill-treatment.”¹⁶⁴

Hajooj Kuka, a 35-year-old film director, told Amnesty International, “there should be an independent international investigation from a body outside the country. As someone who was affected by the violence on 3 June, I do not trust any national investigations because they have no capacity, and they have a vested interest in covering up the violations. The victims need some psychotherapy, especially the victims of sexual violence, they need bodies [organisations] they can trust. They need safe houses, or they could be treated outside the country. I suggest Sudanese doctors who work outside the country could help with that. Those injured need treatment inside the country or outside.”¹⁶⁵

Al-Sadiq Samel, in his fifties, is the father of Abdel Rahman, a 20-year-old third-year student at the Faculty of Art at the University of Khartoum, who disappeared on 25 December 2018 after the protests in Khartoum. He said that Abdel Rahman’s body was found on 28 December 2018 at a morgue in Khartoum with signs of torture and blood on the nose, ears, and back of his head.¹⁶⁶ Al-Sadiq Samel wants the truth about his son’s last hours.

On 21 October 2019, the Prime Minister set up a National Investigation Commission into the attack by Sudanese security forces on the sit-in area on 3 June. The committee is headed by human rights lawyer Nabil Adib, and it was given three months to report its findings. Despite the formation of this Commission many survivors and their families and lawyers doubted it would achieve their objective on justice and accountability.¹⁶⁷ The seven-member investigation Commission, includes representatives from the prosecution office, the General Intelligence Service former NISS, the Ministry of Interior and from the Ministry of Defence, the last three members from institutions that oversee national security, the armed forces including the RSF and the police which implicated in the beak of the sit-in area. The Commission has been mandated to lift immunity and prosecute perpetrators of crime. Its mandate was extended after it failed to complete its investigations. It was expected to publish its report in March 2020.

Nabil Adib says people should wait until the Commission publishes its report. The report will be handed over to the government with recommendations to charge specific individuals.¹⁶⁸

¹⁶² Amnesty International Interviewed Hajer on 11 September 2019, Khartoum.

¹⁶³ Amnesty International Interviewed Hajer on 11 September 2019, Khartoum.

¹⁶⁴ Amnesty International Interviewed Magdi via WhatsApp on 7 October 2019.

¹⁶⁵ Amnesty International Interviewed Hajooj Kuka on 12 August 2019, Nairobi.

¹⁶⁶ Amnesty International Interviewed Al Sadiq Samel, 15 February 2019 and 28 November 2019.

¹⁶⁷ Amnesty International Interviewed Khalid Abdel Rahaman the brother of Waleed Abdel Rahman who was killed on 9 June 2019, Nahid Gabralah, SEEMA director, and Rifat Makawi, lawyer with PLACE on 27 October 2019.

¹⁶⁸ Amnesty International Interviewed Nabil Adib, prior to his appointment as head of the investigation into the attack of 3 June, on 21 September 2019, Khartoum.

10. CONCLUSIONS AND RECOMMENDATIONS

Mass street protests began in December 2018 in response to the economic and political crisis, and the systematic violation of a wide range of human rights. The security forces used brutal excessive force against peaceful protesters. By April, when President al-Bashir was deposed, the use of excessive and lethal force had left 77 people dead and hundreds injured. In the period up to April, the NISS officers carried out most of the attacks against protesters, which included unlawful killings, mainly as a result of live ammunition used to disperse protesters. Demonstrators were also beaten, arbitrarily arrested and detained, and faced torture and other ill-treatment, to suppress their rights to freedom of expression, association and assembly. The authorities also fabricated fictitious conspiracies and blamed students from Darfur, detained them and subjected them to torture and ill-treatment.

The measures taken in February 2019 under the state of emergency included sweeping powers given to security forces in addition to suspending the rights to liberty, security of person and freedom of expression, peaceful assembly, and association on 25 February. These decrees suspended most of the provisions of the Bill of Rights contained in the 2005 Constitution of Sudan as well as in regional and international human rights instruments to which Sudan is Party, including the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR)

The protests reached their peak in April 2019. Sudan's military under public pressure overthrew the NCP government and arrested President al-Bashir and other senior NCP leaders. The end of former President al-Bashir's 30-year rule offers an opportunity to entrench human rights in Sudan. However, the Sudanese security forces committed numerous human rights violations after 11 April 2019, especially during attacks on the sit-in area in Khartoum on 3 June.

Sudanese people are still reeling from their shock, anger, and sadness of the 3 June horrific attack and demand justice and accountability. Sudan has suffered from decades of grave human rights violations including crimes against humanity and war crimes in Darfur and other regions of the country. Victims and their families must be provided reparations and the individual officers responsible for killings, sexual violence, enforced disappearance and/or torture or other ill treatment during the repression of the protests should be investigated and if there is sufficient evidence of their criminal responsibility, including through command responsibility, and brought to justice through fair trials not subject to the death penalty. The government should not wait for victims to come forward and report these violations. It is both morally and legally imperative that it should take a proactive approach in putting a proper justice system in place to investigate and prosecute crimes committed under the previous regime, including crimes under international law.

Furthermore, the approach to accountability should be comprehensive, it should aim to provide justice to all who have suffered from serious crimes and other human rights violations, and it should be conceived in a complementary manner between the domestic and supra-national levels.

In this regard, Amnesty International makes the following recommendations to the Sudanese authorities:

- Conduct all necessary legal and judicial reforms to ensure investigations and prosecutions are conducted before independent, impartial and competent courts, in accordance with fair trials standards and without recourse to the death penalty.

- Immediately undertake a comprehensive reform of the NISS to ensure it complies with the country's international human rights obligations, and remove immunities provided in the 2010 National Security Act and the Police Act of 2008, that provide NISS agents with power of arrest and detention. Remove all immunities provided to members of the NISS under Article 52 of the 2010 National Security Act.
- Ensure transparency, independence and impartiality of the independent national investigation committee on the unlawful killings since December 2018, publicly clarify its mandate and its composition, and allow for victims and their families to meaningfully participate in the proceedings.
- Ensure that the perpetrators are held accountable irrespective of their rank or standing in accordance with relevant national, and international and regional standards.
- Ensure that the use of force and fire arms by the security forces and the police is regulated in accordance with the principles of necessity and proportionality and all cases of deaths and excessive use of force by security forces during protests are properly investigated, bringing alleged perpetrators to justice and providing appropriate remedies to victims.
- Introduce mandatory human rights training for law enforcement and security forces, especially in relation to human rights standards in management of peaceful assemblies.
- Ensure that victims of the violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, psychosocial support and counselling, satisfaction and guarantees of non-repetition.

10.1 ADDITIONAL RECOMMENDATIONS TO THE GOVERNMENT OF SUDAN

- Ratify all international and regional instruments for the protection and promotion of human rights, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol.
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and, pursuant to Article 34(6) of the Protocol, make a declaration allowing direct access for individuals and NGOs to the Court.
- Surrender Omar al-Bashir, Ahmad Haroun, Ali Kushayb, and Abdel Raheem Hussein to the ICC who are wanted on charges of genocide, crimes against humanity and war crimes, in accordance with Sudan's obligations under international law.
- Ratify the Rome Statute of the ICC and make an article 12 (3) declaration, allowing the court jurisdiction over the situation in the whole country since July 2002.

10.2 TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge the Government of Sudan to ensure that security forces and other relevant authorities strictly abide by the African Charter and the African Commission's Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, and Guidelines on Freedom of Association and Assembly in Africa.
- Urge the Government of Sudan to adhere to the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines).

10.3 TO THE HUMAN RIGHTS COUNCIL:

- Ensure that a fully mandated High Commissioner for Human Rights (OHCHR) country office is operational and robustly monitoring and publicly reporting throughout 2020 and beyond.
- Continue to extend technical assistance and capacity-building to Sudan, including in the form of training and capacity-building on human rights compliance for security and law enforcement bodies and technical advice on bringing legislation, policies, and practices in line with international standards and Sudan's obligations, including by amending or repealing laws and regulations and reforming State organs.

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“THEY DESCENDED ON US LIKE RAIN”

JUSTICE FOR VICTIMS OF PROTEST CRACKDOWN IN SUDAN

In this report, Amnesty International found evidence of use of unnecessary and/or excessive force, unlawful killings, suppression of freedom of association and peaceful assembly, arbitrary arrests, torture and other ill-treatment or punishment in detention since December 2018 in Sudan. Further, the research revealed evidence sexual violence, harassment and abuse of young women protesters. Amnesty International notes the stated commitment of the new government to ensure accountability in Sudan and urges the new authorities to translate this commitment into action leading to the effective and genuine investigation and prosecution of individuals suspected of past and recent crimes under international law.