

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Military Coup in Sudan: Implications for Human Rights

December 1, 2021 - 2:00 p.m.
Virtual via Cisco WebEx

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Thank you very much for inviting me to participate in today's hearing on Sudan.

The stakes couldn't be higher right now as the military further tightens its grip on Sudan's politics, repression continues, and the chances for meaningful reform diminish.

In February last year, as part of a high-level team from Human Rights Watch, I met with victims' family groups in Khartoum who said poignantly, "the major obstacle to securing justice for our martyrs during the 2018-2019 protests is the fact that the people who committed those crimes are the ones in power today."

More than 20 months on, many Sudanese are reeling once again like those grieving families as a result of the country's security forces' ruthless clampdown on protests.

As the last month has painfully shown, the historical tolerance for repression and abuse in Sudan remains in place, including among some of Sudan's regional and international partners, and has forced resolute Sudanese people to repeatedly put their lives on the line by taking to the streets.

The US Congress has a key role to play in ensuring that going forward, US foreign policy doesn't contribute to creating an environment that forces those who have sacrificed so much to accept that progress towards the reforms the country desperately needs is yet a mirage.

Congress has a key role to play in ensuring that the Biden administration does not accept a return to business as usual in Sudan's political configuration that makes key reforms impossible.

I. Repression of Protests

Since the October 25 military coup, Sudan's tenacious protesters have repeatedly taken to the streets across many towns to express their discontent with the coup. Following the November 21 deal among the military, Juba Peace Agreement signatories and Prime Minister Abdalla Hamdok, they have demonstrated against the new political dispensation.

Government security forces have responded with excessive force, including lethal force, against demonstrators.

Human Rights Watch research, as well as reporting from doctors' groups in Khartoum, found that between the October 25 coup and November 21, 2021, security forces killed at least 42

people, including five children, injured hundreds, and arbitrarily detained dozens, not only political officials but also journalists and protesters.

The [deadliest clampdown](#) so far was on November 17 when police and other security forces used excessive lethal force against largely peaceful protesters, killing 16 people. Autopsies carried out on 11 of those killed showed that they had been shot in the upper body, half of them in the head. [Medical reports](#) said that 107 were wounded, including 48 reportedly due to live ammunitions.

Witnesses described to us how teargas canisters were used without warning as a weapon. Doctors' groups said that 13 people received at hospitals had wounds from direct hits of teargas canisters.

For a month, military authorities disrupted the internet and [mobile and text-based](#) communications, hampering real-time reporting. A 33-year-old protester described to us the effect of the disruptions:

“The military shut down the internet fearing their crimes will be exposed. [While] protesters and activists still found ways around that, the shutdown is significantly affecting our work of reporting and documenting these crimes, especially outside of Khartoum.”

Sudan's military leaders have continued to seek to obscure abuses and crimes and to create a semblance of restoration of normality.

Lt. Gen. Abdel Fattah al-Burhan, the military chief, and his deputy, Mohamed Hamadan Dagalo “Hemedti”, have sought to downplay the military's role and responsibility in the deadly clampdowns with al-Burhan [saying](#) killings of protesters may have been committed by “elements” in police uniforms.

On November 27, Prime Minister Hamdok dismissed the police chief and his deputy.

However, the violent dispersal of protests has continued. On November 30, protesters outside the presidential palace and in other parts of Khartoum were met with excessive use of force including live ammunition and teargas canisters used as weapons against protesters.

Police forces also targeted health facilities on at least two occasions in Khartoum in November, harassed medical personnel, and disrupted medical care to wounded protesters.

Human Rights Watch research indicates that both the Sudan Armed Forces and Rapid Support Forces actively participated in the crackdowns in the early stages. Witness accounts and video footage, however, showed that during the later protests, police, including riot police and central reserve police, a militarized police unit, were the main forces deployed in the streets. The military leaders tolerated the actions of all forces and have not held anyone to account for their involvement in the killing and violence against protesters. Hamdok's removal of the police chief did not go far enough, and as the subsequent heavy-handed police response to the November 30 protests show, it did not serve as a deterrent to abusive conduct.

It remains of great concern that the Sudanese security forces repeatedly fail to follow international standards on the use of force during protests. International human rights law

permits the use of teargas only when protests are violent and even then, it should be used as a measure of last resort.

II. Arbitrary Arrests of Government Officials, Protesters

From the onset of the coup, the security forces have arbitrarily detained dozens of government officials, including ministers and advisers to the prime minister, as well as protesters, protest leaders and journalists.

Together with Amnesty International, Human Rights Watch [investigated](#) the arrests of eight political officials in the first days of the coup and found that they were held in undisclosed locations, without access to family or legal counsel in circumstances that may amount to enforced disappearances under international human rights law. Some of those recently released as part of the November 21 deal have said they were detained at the national security academy in Khartoum's Soba district.

At least seven detainees, including a former minister, have been charged with sedition and then released with the charges pending.

Human Rights Watch has previously [reported](#) on the arbitrary detention of civilians by the RSF in 2020. Following the death of a man in RSF custody in Khartoum in late 2020, the then-attorney-general issued a statement that confirmed that the detention of civilians by military forces is unlawful under Sudan's criminal law.

III. Implications of the Current Political Arrangement

The 14-point deal announced by the military on November 21 returned Hamdok as prime minister. However, while it "reaffirms" a partnership between civilians and the armed forces, it excludes the Forces for Freedom and Change (FFC), the civilian coalition of political opposition, civil society groups and professional associations, that had played a key part in bringing about the downfall of the long-time dictator, Omar al Bashir, in April 2019 and the subsequent replacement of the transition military council by the joint civilian-military sovereign council in August 2019.

The FFC has rejected the November 21 deal. A dozen ministers from Hamdok's cabinet, including Foreign Minister Mariam al Mahdi, [resigned](#) in protest, citing lack of consultation by Hamdok.

Unsurprisingly, the deal has also been rejected by other key protest groups, including the Sudanese Professionals Association and resistance committees, which organized at the grassroots-level during the 2018-19 protest movement, and later against the defunct transitional military council. These committees have continued to use different strategies, including public protests but also civil disobedience to pressure the military to move out of politics and return to the barracks and to push for those responsible for serious abuses to be held to account.

In the current political configuration, even if Prime Minister Hamdok is able to appoint a technocratic government, the military will retain pre-eminence and control of the sovereign council, which had been designed under the constitutional charter and the Juba Peace Agreement as a collective presidency body compromised of both military and civilian

leaders. On November 11, the military unilaterally [appointed](#) three new civilian members in addition to the previously appointed representatives of rebel groups' peace signatories.

The November 21 deal pledges to provide investigations into the deaths and injuries of protesters, while equating the harm to civilians with that allegedly suffered by security forces. These commitments ring hollow in the face of evidence that previous attempts to hold security forces accountable – including for the killings of at least 120 people during an RSF-led clampdown on a sit-in on June 3, 2019 – have been hamstrung by the military leadership.

It is clear from the angry reactions in Khartoum that protesters on Sudan's streets are dissatisfied with the new deal and see it as nothing more than a consolidation of the military's power. And yet, the November 21 deal was welcomed in many Western capitals, and by US Secretary of State, Antony Blinken, who said that he was “encouraged” by the deal. While there are diplomatic reasons for Blinken to offer a positive framing of the deal, we believe it is imperative for the Biden administration to couple such optimism with equally weighted calls for respect for the human rights concerns of the Sudanese people, the release of all political detainees, the protection of peaceful protests, and accountability for recent and past serious abuses by members of the security forces.

Human Rights Imperatives for Sudan's Leadership

A. Sustain Reforms Initiated during the Transition

During the transition, some progress on key reforms had been achieved, thanks largely to the civilian component of the government and the defiance of protesters who have continued to take to the street pressing for expedited reforms, including justice sector reform.

The civilian authorities helped to ensure the opening of civic and democratic space with greater respect for human rights and freedoms. They also helped to improve Sudan's cooperation with the International Criminal Court, ratified key international human rights treaties, repealed and reformed some very problematic laws, and sought to begin to dismantle some of the old regime's kleptocratic networks.

The US did support some of these domestic accountability reforms that were key to the very legitimacy of the civilian component of the transitional government in the eyes of many Sudanese, and yet, they were never treated as a priority by many of Sudan's international partners. This neglect came back to bite as dissatisfaction with the slow progress towards justice among many, notably relatives of those killed in protests, had begun to increase even before the military takeover.

However, our research over the last year into domestic accountability for serious crimes shows that the only cases of protester killings that have appeared before courts have been those taken forward by individual prosecutors, outside of the formal government-established investigation committees, and have only been against low-ranking officials. Lawyers, victims' families and some prosecutors have shared with us their frustrations about security forces unwillingness to lift immunities or cooperate in investigations.

Events of the last two years, and the makeup of the new political configuration, raises serious questions as to whether investigations into members of security forces who are the most responsible for these cycles of abuse will take place anytime soon.

B. Address the Darfur Question

With all the focus on Khartoum, the historical abuses as well as ongoing violence in the restive Darfur region have once again fallen off the agenda. The responses of Sudan's partners, including the US to the November 21 deal, failed to raise concerns about what the deal could mean for Darfur.

And yet, the November 21 deal leaves Darfuris vulnerable to renewed violence, particularly since the new deal has both emboldened and gifted the responsibility for their protection to those who had committed abuses against them in the past.

Much of the focus on Darfur had been through the lens of the 2020 Juba Peace Agreement, which allowed many of Darfur's former rebel groups to integrate into the transitional government but left many displaced communities feeling excluded and unrepresented in the discussions and outcomes.

In addition, some of agreement's key provisions are problematic, including those that call for the reform and integration of rebel groups, many of whom have been implicated in abuses, into government security forces, thus adding to the prevalence of impunity in the region, and undermining any positive impact of the reform agenda on the protection of civilians in the region.

Apparently motivated by a desire to cut costs, while also caving into pressure by Sudanese authorities keen to show that "they could protect civilians," the United Nations Security Council unanimously decided on December 22, 2020, to terminate the mandate of the United Nations-African Union Hybrid Operation in Darfur (UNAMID). This decision was taken despite evidence of mounting intercommunal violence in the region. Human Rights Watch previously warned the UN and Security Council member countries that a full pull-out of international peacekeepers a year ago posed serious risks to vulnerable civilians in Darfur's marginalized communities who have been left without adequate protection.

The impact was immediate. Just two weeks after UNAMID wrapped up its work, ethnic Arab militia attacked ethnic Massalit residents of al-Geneina city, including in an internally displaced persons' camp. Al-Geneina has been hit by three bouts of devastating violence in the last two years and yet neither the UN nor the authorities in Khartoum paid any attention.

Our investigation into clashes and attacks on civilians and civilian homes in al-Geneina in April found that instead of protecting civilians during the four days of intense violence that killed at least 120 people, many in an internally displaced persons camp, and destroyed thousands of civilian homes in the town, RSF forces on the ground sided with armed Arab assailants, while others, notably the Sudanese armed forces, failed to intervene and protect civilians.

Even more recently, notably between November 17 and 21, West Darfur was the site of two new [bouts of violence](#), this time in Jebel Moon and Kulbus.

In response to the vacuum in civilian protection, communities that have been targeted repeatedly in recent violence in West Darfur, have started to arm themselves, resulting in further militarization of this restless region.

Congress Can Play an Important Role in Pressing for Improved Respect for Rights

In this period of uncertainty for Sudan, one thing is clear: it would be fundamentally wrong to jettison or expect the Sudanese people to accept less reform in the name of political expediency. The US Congress has a key role to play in preventing a return to business as usual in Sudan and that there is no rolling back on progress made so far.

- i. Congress should continue to call for the release of all political detainees, including all those detained because of their peaceful participation in demonstrations. It should raise concern around the military's decision to press charges against government officials.
- ii. Congress should call for the US administration's policy and responses to developments in Sudan to reflect, acknowledge, and be supportive of the wishes of the Sudanese people as represented by the country's civil society groups and broad-based protest movements.
- iii. Congress should press the Biden administration to urge Sudanese authorities to ensure that peaceful protests are allowed to take place without fear of repression.
- iv. Congress should call on the Sudanese authorities to allow for independent monitoring and reporting of the human rights situation in the country, notably by the UN political mission and the Office of the UN High Commissioner for Human Rights (OHCHR), and should fully cooperate with the new OHCHR-designated [expert](#) on Sudan.
- v. Congress should call for accountability for recent and past serious abuses by members of the security forces including the SAF, RSF, and police. It should also make clear that there should be no rollbacks on reforms achieved so far, notably in terms of domestic accountability efforts that were underway and cooperation with the ICC, including calling on Sudan to hand over the three ICC suspects in government custody.
- vi. Congress should press for an assessment of what the US has done and what more it could do going forward to support aspects of the reform agenda. Sudanese reformers will not accept and should not be forced to accept less.
- vii. Congress should make clear that the US will consider restrictive measures so that key reform agendas are implemented.

Families of those killed in recent weeks and in previous years deserve to see international partners help protect them and promote their efforts for justice and disavow impunity and further repression. All Sudanese deserve no less.