

Sudan: Joint Civil Society Statement regarding Sexual Violence in Conflict

19 June 2016

On the occasion of the International Day for the Elimination of Sexual Violence in Conflict the undersigned 24 individuals and civil society organisations call on the Sudanese government to end the widespread sexual violence committed by its security forces and to reverse the atmosphere of impunity that fosters it.

In Darfur, as the report of the UN Secretary General noted in April 2016, Sudanese government forces have continued to use sexual violence during attacks on villages and displaced persons over the last 12 years. This was reflected in President Bashir's indictment by the International Criminal Court (ICC) in 2009, which includes charges of rape committed by Sudanese forces as a crime against humanity.¹

In 2015, the African Union-United Nations Mission in Darfur (UNAMID) peacekeeping mission documented 80 cases of conflict-related sexual violence in the limited areas the mission staff could access.² In October 2014, during a three-day attack by government forces on the town of Tabit, Human Rights Watch documented credible evidence that 221 women and girls were raped.³ Following this attack, UNAMID was not allowed to access the area for weeks, and then only in the presence of Sudanese government officials. There has been no evidence that the survivors of the attacks have received necessary medical and psychosocial services, and there are continuing concerns for the victims' security. In December 2014, authorities shut down the mission's human rights office in Khartoum, and to date, no one has been held to account for the crimes.

In Southern Kordofan and Blue Nile states, where ongoing conflict and the government's persistent aerial bombardments have forced half of the population to flee their homes,⁴ Sudanese forces have also repeatedly engaged in sexual violence. In February 2015, for example, the Sudanese monitoring group, Human Rights and Development Organisation (HUDO), reported how government forces raped at least 8 women in Kadugli, the capital of Southern Kordofan, in one week.⁵ In late 2014, large numbers of women fleeing government-controlled areas in Blue Nile told Human Rights Watch researchers how they were raped by government soldiers.

The scale of sexual violence is likely much greater than any reports indicate. Independent monitors are unable to access most of Sudan's conflict affected areas and survivors often do not report incidents, due

¹ International Criminal Court, The Prosecutor v Omar Hassan Ahmed Al Bashir, <https://www.icc-cpi.int/darfur/albashir/pages/alleged-crimes.aspx>

² United Nations Security Council, Report of the Secretary General on conflict related sexual violence, 20 April 2016, S/2016/361, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf

³ Human Rights Watch, "Sudan: Mass rape by army in Darfur, 11 February 2015, <https://www.hrw.org/news/2015/02/11/sudan-mass-rape-army-darfur>

⁴ Sudan Consortium and NHRMO, "Human Rights Violations in Southern Kordofan and Blue Nile: 2015 in Review," 20 April 2016, http://www.sudanconsortium.org/darfur_consortium_actions/reports/2016/2015ARFINAL.pdf

⁵ Radio Dabanga, "Govt. forces rape, wreak havoc in South Kordofan," 23 February 2015, <https://www.dabangasudan.org/en/all-news/article/govt-forces-rape-wreak-havoc-in-south-kordofan>

to insecurity, stigma, the fear of reprisal and other obstacles. Among the obstacles are laws and policies that fail to ensure a safe environment for reporting sexual and gender based violence incidents and a consistent failure to prosecute these crimes. Despite recent changes to the definition of the offence of rape in Sudan's criminal law, the law remains unclear about evidence standards that apply and women who report sexual offences remain at risk of prosecution for adultery or committing "immoral acts" if they fail to prove a rape case.⁶

In addition, many of the international and domestic organisations expelled from Sudan following the ICC indictment provided medical, legal, and psychological services to women, and local civil society groups have faced serious difficulties filling this gap.⁷ Severe restrictions on freedom of expression also extend to the public discussion about sexual violence. In May 2015, authorities confiscated and suspended newspapers and there were strong reasons to believe the censorship was to prevent coverage of a press conference by the United Nations expert on violence against women who said she had serious concern about the "silence and the denial" of the existence of violence against women in Sudan by state officials and some members of civil society.⁸

Accountability for sexual violence is rare to non-existent. The United Nations' Secretary General's report on conflict related to sexual violence found that "in 2014, 63 incidents reported to the police resulted in just two convictions."⁹ This is in part due to restrictive practices in terms of what evidence is considered to be admissible but also issues mentioned above.¹⁰ Prosecutions are made even more difficult by the broad immunities granted to Sudan's armed forces and government officials, which cover "acts performed in the line of duty." These immunities can only be lifted by the Ministry of the Interior or Justice in the event they elect to prosecute.

The Sudanese government's failure to hold to account its own forces responsible for rapes and other sexual violence has fostered an atmosphere of impunity across Sudan – not only in the conflict zones but in everyday life. In Khartoum, armed men believed to be national security officials have on a number of occasions used sexual violence against activists, human rights defenders and protesters over the past five years.¹¹

We therefore urge the government of **Sudan** to:

⁶ ACJPS, Sudan's new law on rape and sexual harassment, one step forward, two steps back? 8 March 2016, available online: <http://www.acjps.org/sudans-new-law-on-rape-and-sexual-harassment-one-step-forward-two-steps-back/>.

⁷ Nobel Women's Initiative, "Survivors Speak Out: Sexual Violence in Sudan", 20 December 2013.

⁸ ACJPS, "Mass censorship of Khartoum newspapers during official visit of human rights experts", 26 May 2015.

⁹ United Nations Security Council, "Report of the Secretary General on conflict related sexual violence," 20 April 2016, S/2016/361, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf

¹⁰ No amendments have been made to the 1994 Evidence Act. In instances of rape four male witnesses are required to testify and pregnancy is often considered evidence for having committed zina (unpublished SIHA Network Research, Osman Mobarak (2015): Zina and Shari'a Law in Sudan)

¹¹ Human Rights Watch, "Good Girls Don't Protest," March 2016, <https://www.hrw.org/report/2016/03/23/good-girls-dont-protest/repression-and-abuse-women-human-rights-defenders>

- Undertake thorough and impartial investigations into all reports of sexual violence whether committed by state or non-state actors;
- Send clear orders that sexual violence shall not be tolerated;
- Provide training for its armed force to ensure compliance with human rights standards;
- Allow full access to humanitarian NGOs (not obstructing the work of programmes dealing with sexual and gender based violence) and grant the UN-AU Mission in Darfur and other competent international investigators full and unimpeded access to investigate allegations of rape within their mandate;
- Undertake a review of all laws and policies, together with independent civil society groups, to ensure effective criminal justice responses to all forms of sexual and gender based violence, including marital rape, domestic violence, and female genital mutilation;
- Ensure the availability of adequate protection and reparation measures for complainants, and the application of appropriate sanctions for offenders;
- Further revise the 1991 Criminal Act (articles 149 and 151) in addition to other laws pertinent to the prosecution of sexual offences such as the Evidence Act of 1994 to ensure they conform with international standards;
- Repeal provisions that grant immunity from prosecution for state officials including the police, the National Intelligence and Security Services, and armed forces, including the Rapid Support Forces;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, as well as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), alongside the Optional Protocol to it of 2000.

We also urge the **United Nations and African Union** to:

- Issue condemnation of the prevalence of sexual violence in Sudan and urge the government to investigate all alleged abuses and hold those responsible for abuses to account;
- Call on Sudan to reform laws that are not currently in line with international standards, such as articles 149 and 151 of the Criminal Act;
- Ensure that UNAMID is afforded greater patrolling capacity and scope for physical protection, particularly of female IDPs in Darfur.
- Increase public support to the ongoing ICC investigation into international crimes, including sexual violence crimes committed in Darfur and lend support to the implementation of the outstanding warrants for arrest of suspects.

The joint statement is signed by the following organisations and individuals:

African Centre for Justice and Peace Studies
 Al Khatim Adlan Center for Enlightenment & Human Development (KACE)
 Act for Sudan, Martina Knee, Co-Founder
 Arab Coalition for Sudan
 Centre for Democracy and Peace, Sabri Elshareef
 DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
 Enough Project
 Face Past for Future Foundation (FP4F)
 Human Rights and Development Organisation (HUDO)
 Human Rights Watch

International Refugee Rights Initiative
International Justice Project
Investors Against Genocide, Eric Cohen, Chairperson
Massachusetts Coalition to Save Darfur, William Rosenfeld, Director
National Human Rights Monitors Organisation
New Sudan Council of Churches
People4Sudan, Valerie Delacretaz, Global Coordinator
Skills for Nuba Mountains, Lazim Suleiman El Basha, Executive Director
Sudanese Rights Group (Huqooq)
Sudan Consortium
Sudan Democracy First Group
Waging Peace, Olivia Warham MBE, Director
Asha Khalil Elkarib, Women rights defender
Najlaa Ahmed, Human rights advocate