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TEXTS ADOPTED

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**P8\_TA(2018)0080**

**The arrest of human rights defenders in Sudan, notably the case of Sakharov Prize laureate Salih Mahmoud Osman**

**European Parliament resolution of 15 March 2018 on the arrest of human rights defenders in Sudan, notably the case of Sakharov Prize laureate Salih Mahmoud Osman (2018/2631(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Sudan,
- having regard to the statement of 9 February 2018 by its Vice-President responsible for the Sakharov Prize Network and by the Chair of its Human Rights Subcommittee on the Sakharov Laureate Salih Mahmoud Osman,
- having regard to the local statement of 11 January 2018 by the Heads of Mission of EU Embassies on the recent protests in Khartoum,
- having regard to UN Security Council resolution 2400 (2018), adopted at its 8177th meeting on 8 February 2018,
- having regard to the statement of 31 January 2018 by the President of the UN Security Council in connection with the Security Council’s consideration of the item entitled ‘Reports of the Secretary-General on the Sudan and South Sudan’,
- having regard to the statement by the UN Resident and Humanitarian Coordinator in Sudan on the abduction of an aid worker in Darfur, issued in Khartoum on 9 October 2017,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,
- having regard to the statement of 27 June 2016 by the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the Sudanese Government’s announcement of a four-month unilateral cessation of hostilities,

- having regard to the revised Cotonou Partnership Agreement,
  - having regard to the African Charter on Human and Peoples' Rights of June 1981,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the situation in Sudan continues to constitute a threat to international peace and security in the region; whereas the Sudanese authorities have carried out a crackdown on peaceful protest, civil society and human rights defenders;
  - B. whereas in connection with sporadic protests that began around Sudan on 7 January 2018 over a rise in the cost of food and medicines, at least 140 opposition party members, human rights defenders, students and women's rights activists have been arrested and detained by the Sudanese National Intelligence and Security Services (NISS); whereas protests have been met with an excessive use of force by Sudanese forces, leading to the death of one protester and injuries to several others, in addition to a nationwide crackdown on journalists and activists; whereas the clashes in January and February 2018 are the latest examples of constant abuses in the country;
  - C. whereas those arrested include political opponents, with three Sudanese Congress Party leaders arbitrarily arrested and detained; whereas other opponents arrested include Mohamed Mukhtar al-Khatib, the political secretary of the Sudanese Communist Party; Mohamed Abdalla Aldoma, the deputy chairperson of the National Umma Party; Mohamed Farouk Salman, a leading member of the Sudan National Alliance; and two members of the Sudanese Communist Party central committee, Mohieldeen Eljalad and Sidgi Kabbalo;
  - D. whereas Sudanese NISS forces arrested Salih Mahmoud Osman – the Vice-President of the Darfur Bar Association, a member of the Democratic Lawyers Association, a human rights lawyer who has promoted the establishment of the rule of law and advocated for legal reform through the National Assembly of Sudan, and recipient of the 2007 Sakharov Prize – at his law firm on 1 February 2018; whereas he was recently transferred to Dabak prison, 20 km north of Khartoum, and the authorities have refused to provide information on his health and denied visits to his lawyer and family;
  - E. whereas following the arrest of Salih Mahmoud Osman, the EU Head of Delegation to Sudan initiated a démarche with the Sudanese Ministry of Foreign Affairs and an appeal was made by the EU's Special Representative for Human Rights, Stavros Lambrinidis, to the 37th session of the UN Human Rights Council on 27 February 2018;
  - F. whereas a number of women activists have likewise fallen victim to this campaign of mass arrests; whereas women's rights defenders are being subjected to sexual violence, prosecution and violent punishments imposed by government security forces; whereas women's organisations are kept under close surveillance and are campaigning against laws which generally discriminate against women;
  - G. whereas in mid-February 2018 the Sudanese Government announced the release of 80 detainees, including Rawa Jaafar Bakhit, Nahid Jabrallah, Amel Habani, Hanan Hassan Khalifa and Mohamed Abdalla Aldoma following ill-treatment while in detention; whereas the head of the NISS conditioned the release of other detainees on their promise to stop organising protests; whereas these declarations are contrary to Sudan's

international human rights commitments; whereas, however, several prominent human rights defenders and opposition political activists remain in prison, including Osman Salih and Amjeed Fareed, a human rights defender who has been in detention in Khartoum since 18 January 2018; whereas those detained have not been charged with any crime and have not been brought before a court of law;

- H. whereas human rights defenders and civil society organisations, including lawyers and bar associations, play a central role in ensuring democracy, human rights, the rule of law, stability and sustainable development;
- I. whereas the activities of civil society organisations and opposition political parties are severely restricted, and the NISS prevents civil society organisations and opposition parties from holding many events; whereas international NGOs are regularly expelled from the country and are targets for pressure and intimidation by the government;
- J. whereas the National Security Law of 2010 and the amendment to Article 151 of the Constitution adopted on 5 January 2015 have conferred wide-ranging powers of arrest and detention on the NISS, enabling it to hold suspects for as long as four and a half months without any scope for judicial review; whereas it is alleged that these powers are being used to arbitrarily arrest and detain people who, in many cases, are tortured and subjected to other ill-treatment; whereas, under the same law, NISS officers are immune from prosecution for any act committed in the course of their duties, which has created a culture of general impunity;
- K. whereas in May 2016, the Government of Sudan rejected the UN's recommendations calling on it to repeal the impunity provisions of the 2010 National Security Law and to arrange for independent inquiries to be launched with a view to prosecutions for crimes under international law and breaches of human rights committed by members of the NISS, the armed forces and the police;
- L. whereas several of the human rights defenders who have been detained have been subjected to torture and ill-treatment; whereas detainees held in custody by the NISS are especially at risk of ill-treatment; whereas the NISS is known for its ill-treatment and torture of detainees;
- M. whereas the ongoing violence by government forces, pro-government militia groups and anti-government armed groups forms the backdrop to continued harassment, arbitrary arrests, incommunicado detentions and the alleged torture of human rights defenders by Sudanese military and security forces;
- N. whereas the European External Action Service (EEAS) has declared the easing of sanctions by the United States as an important step in overall efforts to reintegrate Sudan into the international community, and has signalled that the EU stands ready to accompany Sudan in this process; whereas during the first ever mission to Sudan of Parliament's Subcommittee on Human Rights in December 2017, the Sudanese Government expressed a willingness to re-engage with the international community; whereas Salih Mahmoud Osman has on several occasions visited EU institutions, including the European Parliament, in order to express strong reservations about the EU's re-engagement with Sudan;
- O. whereas the Sudanese authorities prevented Mohamed Aldoma from travelling and

seized his passport while he was en route to Cairo for medical treatment on 8 March 2018, following ill-treatment while in detention;

- P. whereas Sudan is ranked 174th out of 180 in the World Press Freedom Index; whereas press and media freedoms continue to be severely restricted by the authorities and by the Press and Publications Act, which provides for restrictions such as censorship, the seizure and confiscation of newspapers, closures of media outlets and internet cut-offs; whereas newspapers are regularly censored and confiscated after being printed, which imposes economic sanctions over and above the political sanctions;
- Q. whereas the right to freedom of religion continues to be restricted and the law criminalises apostasy, blasphemy and conversion from Islam to other religions; whereas on 21 February 2018 the journalist Shamael al-Nur, working for the daily newspaper *Al-Tayyar*, was charged with apostasy for having written an editorial on the cuts in national health spending, a charge which carries the death penalty in Sudan;
- R. whereas the International Criminal Court issued arrest warrants for the Sudanese President Omar Hassan Ahmad al-Bashir on 4 March 2009 and 12 July 2010;
1. Expresses deep concern at the ongoing persecution of human rights defenders and civil society in Sudan, particularly involving violations of freedom of expression, freedom to demonstrate, freedom of assembly and religious freedom, and the intimidation of human rights defenders, journalists and NGOs opposed to the regime;
  2. Calls for the immediate and unconditional release of the Sakharov Laureate Salih Mahmoud Osman, as well as of any other human rights defenders, civil society activists and opposition activists who are being held solely as a result of their legitimate and peaceful work in defence of human rights and democracy;
  3. Condemns in the strongest possible terms the practice of torture and ill-treatment towards any detained persons; insists that the conditions of all detainees must comply with international standards, including the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
  4. Calls on the Sudanese authorities to investigate the use of violence against peaceful demonstrators, torture and ill-treatment, and to bring the perpetrators to justice; emphasises that any purported information collected as a result of torture and ill-treatment must never be admissible as evidence in legal proceedings;
  5. Deplores the targeting and abuse of all human rights defenders and activists in Sudan, and calls on the authorities to guarantee in all circumstances that they are able to carry out their legitimate activities without fear of reprisals and free of all restrictions, including judicial harassment;
  6. Urges the Sudanese Government to immediately cease the violations of the rights of political opposition parties and human rights defenders to the freedoms of expression, association and assembly; calls for the fundamental human rights of all people in Sudan to be respected and protected;
  7. Expresses its concern at the continual and frequent violations of women's rights in Sudan, with particular regard to Article 152 of the Criminal Code; calls on the Sudanese authorities to sign without delay and ratify the Convention on the Elimination of All

## Forms of Discrimination Against Women;

8. Underlines its continued commitment to the protection mechanism for human rights defenders at risk; calls on the EEAS to continue to improve its implementation of the EU Guidelines on Human Rights Defenders, by fully utilising all means at its disposal in Sudan; emphasises that EU delegations must prioritise support in their local calls for proposals under the European Instrument for Democracy and Human Rights (EIDHR) for those human rights defenders most at risk, thereby ensuring effective and targeted support;
9. Requests that the EEAS and the EU Delegation to Sudan report back to Parliament on actions taken to provide protection and support for human rights defenders; calls for united EU and Member State action in support of human rights defenders at risk;
10. Reiterates that it is imperative that key laws, including the 2010 National Security Act and laws regulating media and civil society, are reviewed and reformed, in order to bring them into line with international standards which uphold the freedoms of expression, assembly and association;
11. Reminds Sudan of its obligations as a UN Member and urges it to comply with UN Security Council Resolution 1593 (2005), which requires cooperation with the International Criminal Court (ICC); reaffirms its demand that the Sudanese President Omar al-Bashir complies with international law in accordance with the conventions and treaties to which Sudan is a party, and supports the role of the ICC in pursuing the charges against him of war crimes, crimes against humanity and genocide;
12. Urges Sudan to ensure respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders;
13. Shares the concerns expressed by Salih Mahmoud Osman that the current focus on migration may divert the EU's attention away from human rights matters;
14. Calls, therefore, on the EEAS to resume issuing statements in response to widespread human rights violations by actors of the state and militias, as well as statements concerning the shrinking space for civil society, in order to demonstrate that the EU remains deeply concerned about the human rights situation in Sudan;
15. Strongly requests that the EU and its Member States ensure that the implementation of projects with the Sudanese authorities observe the 'Do no harm' principle, which would rule out cooperation with actors responsible for human rights violations;
16. Invites the EU and its Member States to provide support to those within Sudan who are genuinely seeking change, and to provide civil society organisations with technical assistance and capacity-building programmes to improve their human rights advocacy and rule of law capabilities and enable them to contribute more effectively to the improvement of human rights in Sudan;
17. Calls on the EU and its Member States to continue their commitment to support the efforts of the African Union to bring peace to Sudan and the Sudanese people; expresses its support, in this regard, for the renewal of the mandate of the UN-African Union Mission in Darfur (UNAMID) up to June 2018;

18. Instructs its President to forward this resolution to the Council, the Commission, the Government of Sudan, the African Union, the United Nations Secretary-General, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament (PAP).