June 21, 2019

General Abdel Fattah al-Bourhan

Transitional Military Council (TMC)

Government of Sudan

**Re: Violent Suppression of Protests Violating Fundamental Rights to Freedom of Expression and Assembly**

General Abdel Fattah al-Bourhan:

The International Lawyers Assisting Workers Network (ILAW), representing over 200 lawyers worldwide, expresses our very deep concern over the violent suppression of peaceful protesters, including workers participating in a general strike called by the Sudanese Professional Association (SPA).[[1]](#footnote-1) ILAW denounces the death and injury of numerous protestors by the security forces of the government of Sudan, and strongly urges it to respect the fundamental human rights of its citizens to protest, including the rights to freedom of speech, assembly and association. Further, the government must investigate and prosecute fully those responsible for the violation of protestors’ rights, including their right to life.

According to credible reports, government forces attacked Sudanese citizens participating in a sit-in on June 3, 2019, resulting in the deaths of at least 100 people with hundreds more injured. It was reported that the Rapid Support Force (RSF) and riot police surrounded the sit-in area and shot live ammunition and tear gas into the site and beat unarmed people and burned their tents. The bodies of those killed were thrown into the Nile River.[[2]](#footnote-2) In response to this brutality, the SPA called for a general strike on June 9 that lasted three days and included workers from around the country including private and some public bank employees, airport workers, and doctors.[[3]](#footnote-3) There are reports that four people were killed on the first day of the strike and many airport workers, bankers and doctors have been intimidated, dismissed from employment and arrested by the RSF.[[4]](#footnote-4)

Sudan’s obligations under the International Covenant on Civil and Political Rights (ICCPR) require the protection of the right to protest, including the right to freedom of speech, assembly and association. As such, the peaceful protests, including strikes, demonstrations, and sit-ins, to demand a democratic, civilian transition government are protected right under international law.[[5]](#footnote-5) The U.N. Human Rights Committee (“UNHRC”) has explained that “The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force.”[[6]](#footnote-6) The use of force to disperse an assembly should always comply with the principles of necessity and proportionality, which means there is no other alternatives available and should be as limited as possible.[[7]](#footnote-7) These principles require that all feasible steps be taken in planning, preparing, and conducting an operation related to an assembly to avoid the use of force or, where force is unavoidable, to minimize its harmful consequences.[[8]](#footnote-8)

The Sudanese military has admitted that “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,”[[9]](#footnote-9) in clear contravention of its obligations under national and international laws. The use of guns, tear gas, and beatings of unarmed individuals to disperse the sit-in does not meet the principles of proportionality and necessity required under international law.

As workers’ rights lawyers, we urge the government of Sudan to protect and enable the rights of its citizens to speak, assemble and associate and to fully investigate and to prosecute those who violated national and international law, including those leading to the death and injury of protestors. We echo the call for the African Union to establish a Commission of Inquiry into human rights violations against protestors and urge the government of Sudan to accept and cooperate with such a Commission.

Mary Joyce Carlson, United States

Maria Elena Sabillon, Honduras

Rudiger Helm, South Africa

Max Garces, Brazil

Steven Barrett, Canada

Trevor Clarke, Australia

Makbule Sahan, Belgium

Samson Lardy, Ghana

Somchai Homlaor, Thailand

Tae wook Kim, Republic of Korea

Jeffrey Vogt, United States

cc:

António Guterres, Secretary-General, United Nations

H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission, African Union

Guy Ryder, Director General, International Labour Organisation

1. The Sudanese Professional Association is an umbrella organization of 17 trade unions. According to its website, the SPA is a continuation of the long history of Sudanese professionals’ persistent attempts to form independent trade unions and bodies to defend their rights and seek to improve their working conditions. Several attempts to form such bodies were made in the past; most notably the attempts to form a professional alliance in 2012 and 2014. Both failed to achieve their goal because of the regime’s opposition which extended to the persecution and arrest of key founding members. [↑](#footnote-ref-1)
2. Declan Walsh, “Sudan Protestors, Devastated but Defiant, Regroup Underground After Crackdown,” NY Times, June 9, 2019, [https://www.nytimes.com/2019/06/09/world/ africa/sudan-protest-crackdown.html](https://www.nytimes.com/2019/06/09/world/%20africa/sudan-protest-crackdown.html); *See also* Human Rights Watch, “Investigations and Monitoring Needed in Response to Sudan Violence,” June 7, 2019, [https://www.hrw.org/news/ 2019/06/07/investigations-and-monitoring-needed-response-sudan-violence#](https://www.hrw.org/news/%202019/06/07/investigations-and-monitoring-needed-response-sudan-violence) [↑](#footnote-ref-2)
3. See Statement of the Sudanese Professional Association, June 8, <https://www.sudaneseprofessionals.org/en/spa-precautionary-statement/> [↑](#footnote-ref-3)
4. The Washington Post, “General Strike Launched in Sudan After Security Crackdown,”

[https://www.washingtonpost.com/world/africa/sudans-protesters-launch-general-strike-after-crackdown/2019/ 06/09/2da676ba-8a99-11e9-b6f4-033356502dce\_story.html](https://www.washingtonpost.com/world/africa/sudans-protesters-launch-general-strike-after-crackdown/2019/%2006/09/2da676ba-8a99-11e9-b6f4-033356502dce_story.html); *See also* Declan Walsh, “Sudan’s Protesters Call Off Strike and Agree to Resume Talks With Military,” NY Times, June 11, 2019, [https://www.nytimes.com/2019/06/ 11/world/africa/sudan-military-protester-talks.html](https://www.nytimes.com/2019/06/%2011/world/africa/sudan-military-protester-talks.html) [↑](#footnote-ref-4)
5. International Covenant on Civil and Political Rights, Art. 21, 19, and 6

 <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; [↑](#footnote-ref-5)
6. UN Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Doc. A/HRC/31/66, 4 February 2016 (UNHRC Joint Report), para. 57. [↑](#footnote-ref-6)
7. UN Special Rapporteur on the rights to freedom of peaceful assembly and association, “The Right to Freedom of Peaceful Assembly,” 2017, <http://freeassembly.net/wp-content/uploads/2017/09/FOAA-Online-The-Right-to-Freedom-of-Peaceful-Assembly.pdf> [↑](#footnote-ref-7)
8. UNHRC Joint Report, para. 52 [↑](#footnote-ref-8)
9. Al Jazeera, “Sudan military admits it ordered brutal crackdown on protesters,” June 14, 2019, [https://www.aljazeera.com/news/ 2019/06/sudan-military-admits-ordered-brutal-crackdown-protesters-190614042623354.html](https://www.aljazeera.com/news/%202019/06/sudan-military-admits-ordered-brutal-crackdown-protesters-190614042623354.html) [↑](#footnote-ref-9)