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19 February 2020

SDN200103.E

Sudan: Military coup of 2018, including the impact of the regime change on government operations and State institutions; situation and treatment of political opposition (2018-February 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to sources, after months of protests, a military coup ended the presidency of Omar al-Bashir on 11 April 2019 (Radio Dabanga 12 Aug. 2019; Al Jazeera 13 Apr. 2019; International Crisis Group 21 Oct. 2019, i, 3); al-Bashir was replaced by the Transitional Military Council (TMC) (Radio Dabanga 12 Aug. 2019; International Crisis Group 21 Oct. 2019, 7).

On 5 July 2019, an agreement was reached on a power-sharing arrangement between the military and protest leaders (Vox July 5 2019; Al Jazeera 4 Aug. 2019; Radio Dabanga 12 Aug. 2019), namely, the TMC and the Forces for Freedom and Change (FFC) [1], who signed the agreement on 17 July (Radio Dabanga 12 Aug. 2019). An agreement was reached on a Constitutional Declaration in August 2019 (Radio Dabanga 12 Aug. 2019; Al Jazeera 4 Aug. 2019; International Crisis Group 21 Oct. 2019, 9), which was signed on 17 August, establishing a transition period of 39 months, leading to elections (International Crisis Group 21 Oct. 2019, 9). Sources report that on 21 August 2019, economist Abdalla Hamdok became Sudan's Prime Minister (International Crisis Group 21 Oct. 2019, i; Al Jazeera 21 Aug. 2019) and a new Cabinet took office on 8 September 2019 (International Crisis Group 21 Oct. 2019, i; Al Jazeera 8 Sept. 2019).

Sources report that on 10 October 2019, the state of emergency in Sudan was extended for three months and that in January 2020, Prime Minister Hamdok requested another extension of the state of emergency (Sudan Tribune 23 Jan. 2020; MEMO 24 Jan. 2020), but this request was rejected by the Sovereignty Council [see section 2.1 of this Response for details on the Sovereignty Council] (MEMO 24 Jan. 2020).

2. Main State Institutions

Entering into force "from its date of signature" [4 August 2019] (Sudan 2019, Art. 1), the Draft Constitutional Charter specifies that there are three levels of government: federal, regional or provincial, and local (Sudan 2019, Art. 8(1)). The bodies of the transitional government consist of the Sovereignty Council, the Cabinet and the Legislative Council (Sudan 2019, Art. 9). The same source lists the Supreme Judicial Council, the Judicial Authority and the Constitutional Court as national judiciary bodies (Sudan 2019, Art. 28-30).

Article 19 of the Draft Constitutional Charter provides the following: "The chairman and members of the Sovereignty Council and ministers, governors of provinces, or heads of regions, are not be entitled to run in the public elections that follow the transitional period" (Sudan 2019). An article by Human Rights Watch indicates that "the charter does not contain benchmarks or consequences for failure to make any specific reforms or to ensure justice and accountability" and that it

"provides immunity for sovereign council members, including Mohamed Hamdan Dagalo, or 'Hemedti' [Hemedti] [2], who is the head of the Rapid Support Forces (RSF)," [Sudan's "pre-eminent paramilitary force" (International Crisis Group 21 Oct. 2019, 12)], which has "a well-documented record of abuses committed in Darfur, Southern Kordofan, and Blue Nile" (Human Rights Watch 23 Aug. 2019).

2.1 The Sovereignty Council

According to the Draft Constitutional Charter,

10.

1. The Sovereignty Council is the head of state ... and the Supreme Commander of the armed forces, Rapid Support Forces, and other uniformed forces. It is formed by agreement between the Transitional Military Council and the Forces of Freedom and Change.
2. The Sovereignty Council consists of 11 members, of whom five are civilians selected by the Forces of Freedom and Change, and five are selected by the Transitional Military Council. The eleventh member is a civilian, selected by agreement between the Transitional Military Council and the Forces of Freedom and Change.

... (Sudan 2019, Art. 10)

Among other powers, the Sovereignty Council appoints the Prime Minister and confirms cabinet members, confirms appointments at the legislative and judiciary levels, signs laws and ratifies rulings, and can declare war, states of emergencies and give out pardons (Sudan 2019, Art. 11).

The Sovereignty Council is headed by the TMC's General Abdel Fattah al-Burhan (International Crisis Group 21 Oct. 2019, 12; Al Jazeera 18 Aug. 2019); his deputy, Hemedti, is also a member (Al Jazeera 18 Aug. 2019). International Crisis Group refers to Hemedti's role in the Sovereignty Council as one of "increasing dominance" (International Crisis Group 21 Oct. 2019, 12). The Draft Constitutional Charter provides that the military members of the Sovereignty Council are to select a leader for the first 21 months of the transitional period, while the following 18 months are to be led by someone selected by the FFC (Sudan 2019, Art. 10(3)).

2.2 The Transitional Cabinet

According to the Draft Constitutional Charter, the Transitional Cabinet is

composed of a Prime Minister and a number of ministers not exceeding 20 from national talent of independent counsel, appointed by the Prime Minister from a list of candidates from the Forces of Freedom and Change, and confirmed by the Sovereignty Council, except for the Ministers of Defense and Interior, who is [*sic*] nominated by the military component of the Sovereignty Council. (Sudan 2019, Art. 14(1))

Among other powers, the Transitional Cabinet can form independent national commissions, "[a]ppoint and dismiss the heads of the civil service, oversee and guide the work of state agencies, including the activities of ministries, public institutions, bodies and authorities and the companies subordinate or connected thereto, and coordinate between them," and "[s]upervise the enforcement of the law in accordance with the various competencies and take all measures and procedures to perform its transitional duties" (Sudan 2019, Art. 15).

2.3 Transitional Legislative Council

According to the Draft Constitutional Charter, as "the authority responsible for legislation and oversight over the executive's performance" (Sudan 2019, Art. 9(3)), 67% of the members of the Transitional Legislative Council are selected by the Forces of Freedom and Change, and 33% are selected by other forces who did not sign the Freedom and Change Declaration. The appointments take place and the percentages of each force are determined in consultation between the Forces of Freedom and Change and the military members of the Sovereignty Council. (Sudan 2019, Art. 23(3))

Among other powers, the Transitional Legislative Council "[e]nact[s] laws and legislation," "[o]versees the performance of the Cabinet, hold[s] it accountable, and withdraw[s] confidence therefrom or from any of its members, if necessary," "[a]pprove[s] the general budget of the state," and "[r]atify[ies] bilateral, regional and international agreements and treaties" (Sudan 2019, Art. 24).

As of early 2020, sources indicate that the Transitional Legislative Council has not been formed (Associate Professor 4 Feb. 2020; AA 15 Jan. 2020).

2.4 Governing Relations Between the TMC and FFC

According to International Crisis Group, the Sudanese military generals "continue to wield enormous influence, and they have shown few signs that they intend to respect the Sudanese people's demand for a civilian-led administration" (International Crisis Group 21 Oct. 2019, i). In an interview with the Research Directorate, an associate professor of sociology at the University of Calgary who conducts research on Sudan, including on immigration and conflict, indicated that the FFC does not hold much power within the Sovereignty Council (Associate Professor 4 Feb. 2020). In January 2020, Radio Dabanga, a news website about Sudan, reported that the Sudanese Professionals Association (SPA), an "important member" of the FFC, criticized the appointment of three ministers of state in the transitional government, calling it "a violation of the Constitutional Declaration" and stating that there had been "no consultation with the FFC" (Radio Dabanga 27 Jan. 2020). On 30 January 2020, the Sudan Tribune, a non-profit website based in Paris and run by "a team of independent Sudanese and international journalists and editors" (Sudan Tribune n.d.), reported that the FFC "organized rallies in support of the completion of the transitional authority institutions" (Sudan Tribune 30 Jan. 2020). The same source adds that the SPA "launched calls for demonstrations and sit-ins to put pressure on the transitional government to complete the structures of the transitional authority, and to appoint civilian state governors" (Sudan Tribune 30 Jan. 2020).

2.5 Armed Forces

Article 34 of the Draft Constitutional Charter provides that the armed forces and RSF are "subordinated to the Supreme Commander of the Armed Forces and subject to the sovereign authority" (Sudan 2019). International Crisis Group explains that, according to the power sharing deal, as of 21 August 2019, the TMC ceded its authority to the Sovereignty Council (International Crisis Group 21 Oct. 2019, 10).

According to International Crisis group, the TMC was formed out of an "awkward alliance of the competing security forces" that remained after President al-Bashir's removal, each with their "own loyalties and political backgrounds" (International Crisis Group 21 Oct. 2019, 10). *Foreign Policy (FP)* further reports that

the army, RSF, and internal security forces all have competing loyalties, interests, and cultures, opening up the possibility of different parts of the security sector going into battle against each other.

Notwithstanding the revolution, the entire security sector remains shrouded in secrecy, with off-the-books financial flows that make accountable governance impossible. (*FP* 6 Dec. 2019)

3. Treatment of Political Opponents

3.1 Protestors and Opposition Supporters

Sources report that on 3 June 2019, security forces opened fire on pro-democracy protestors in Khartoum (*The New York Times* 3 June 2019; *FP* 6 Dec. 2019). According to sources, over 100 people were killed (AFP 11 June 2019; *The Guardian* 5 July 2019; Radio Dabanga 12 Aug. 2019). According to the *New York Times*, it was "unclear" which parts of the military and security forces were involved; the US embassy "blamed the ruling Transitional Military Council," while "videos and eyewitness accounts pointed to the Rapid Support Forces" (*The New York Times* 3 June 2019). Radio Dabanga similarly reports that the "TMC demanded the protests to stop, and called for the dispersal of the mass sit-in in front of the army command in Khartoum. When the protestors did not comply," members of the RSF "violently dispersed them" (Radio Dabanga 12 Aug. 2019). The same source adds that in addition to those killed, "hundreds [were] injured, and dozens were reportedly raped. More than 100 people went missing" (Radio Dabanga 12 Aug. 2019). *FP* also reports that the

[e]xact lines of responsibility for what is now referred to as the Khartoum massacre are the subject of an independent investigation, but victims [the reporter] spoke with told of gang beatings by the government's Rapid Support Forces (RSF) militia carrying sticks, and being shot at by sniper fire from a nearby building. The dead bodies of protesters, weighed down by bricks, were later retrieved from the Nile. (*FP* 6 Dec. 2019)

On 21 September 2019, the Sudan Tribune reported on the "decision to set up an investigation committee into abuses against demonstrators since the protests against the former regime until the brutal raid on pro-democracy sit-in last June" (Sudan Tribune 21 Sept. 2019). The same source indicates that Prime

Minister Hamdok declared that "the independent investigation committee will be composed of 7 jurists including a judge from the Supreme Court, and representatives of the Ministry of Justice, Ministry of Defense, Ministry of Interior (Member), a national figure and two other independent lawyers" (Sudan Tribune 21 Sept. 2019). However, according to an article by Human Rights Watch,

[t]he proposed seven-member committee already raises concerns about meeting the basic standards. The committee includes a representative from the Ministry of Defense, which oversees all armed forces, including the Rapid Support Forces (RSF) that Human Rights Watch and others found were responsible for a wide range of abuses that took place just outside of the ministry's buildings on June 3.

A Supreme Court judge is also a committee member, which considering how compromised Sudan's judiciary has been over the years, won't necessarily bring greater independence and impartiality to the committee. (Human Rights Watch 24 Sept. 2019)

According to the *FP* article, "perhaps more than any other public institution, the judiciary is filled with NCP [National Congress Party, the party of former president Omar al-Bashir] loyalists whose independence is widely refuted" (*FP* 6 Dec. 2019).

The *Guardian* reports that on 30 June 2019, seven protestors were killed and "nearly 200" injured during a protest calling for the TMC to transfer power to civilian authorities (*The Guardian* 1 July 2019). In late July, the *New York Times* reported that thousands of students were protesting in "Khartoum, and cities across the country [on 30 July 2019], a day after four teenage demonstrators and an adult were killed" (*The New York Times* 30 July 2019).

Media sources report that on 21 October, protestors were calling for the NCP to be banned (Al Jazeera 21 Oct. 2019; Radio Dabanga 21 Oct. 2019). The Associated Press (AP) reports that the October protests "renewed demands to step up an independent investigation into the deadly break-up of a protest camp in June" (AP 21 Oct. 2019). Sources further report that ahead of the protests, the military issued warnings for protestors to avoid military facilities (VOA 21 Oct. 2019; AP 21 Oct. 2019) and the police "warned against 'creating a state of chaos', which it said could lead to 'unfavourable consequences'" (AP 21 Oct. 2019).

3.2 Political Opposition Leadership

According to sources, in June 2019 Yasir Arman, [the deputy leader of the Sudan People's Liberation Movement-North (Radio Tamazuj 10 June 2019)] was deported to South Sudan's capital, Juba, by Sudanese security forces (Radio Tamazuj 10 June 2019; AFP 11 June 2019). In July 2019, the *Guardian* reported that the SPA, "which has spearheaded the protests demanding civilian rule," announced that two of its leaders had been arrested (*The Guardian* 5 July 2019). AP further reports that, according to the SPA, security forces arrested "Yassin Abdel-Karim, head of the Sudanese Teachers' Committee," which is part of the SPA, in Khartoum, as well as a lawyer, "Abdel-Majed Aidrous in the northern city of Atbara" (AP 2 July 2019). According to the SPA, "security forces searched the homes of three other leaders" (AP 2 July 2019).

The *Guardian* article reports that, in a separate incident, "the bodies of four protesters, thought to be organisers at [the] neighbourhood level, were found in Omdurman"; the source explains that "[n]eighbourhood committee members are the backbone of the uprising" (*The Guardian* 5 July 2019). Voice of America (VOA) reports that the protests in October 2019 were "backed" by the SPA, though they "were initially organized by neighborhood committees and the families of the June 3rd victims" (VOA 21 Oct. 2019). According to Al Jazeera, "[l]ocal district resistance committees played a central role in ... organising the protests that toppled" President Bashir, and since the transitional government was formed, they have "stepped in to provide services on a local level, while reminding the new leadership to keep on track with their reforms" (Al Jazeera 27 Nov. 2019). The Associate Professor also noted that Sudanese youth have organized into neighbourhood committees, to support and monitor post-revolution efforts towards the democratic transition of Sudan (Associate Professor 4 Feb. 2020).

Further information on the treatment of protestors and opposition leadership or supporters between October 2019 and February 2020 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] International Crisis Group describes the Forces for Freedom and Change (FFC) as "a fragile coalition of parties, political personalities, unions and civil activist groups often with competing interests, divergent constituencies and opposing ideologies" (International Crisis Group 21 Oct. 2019, 19). It includes the Sudanese Professional Association (SPA), which "was and remains most prominent in the public eye"; Sudan Call, which is a "collection of Sudan's more established political parties, rebel representatives and civil society activists"; and "other lobbies, including the Families of Ramadan Martyrs and the No to Women's Oppression Initiative" (International Crisis Group 21 Oct. 2019, 19). According to the Declaration of Freedom and Change, dated 1 January 2019 and posted on the SPA website, other signatories of this declaration include Change Now, Women of Sudanese Civic and Political Groups (MANSAM), No to Women's Oppression Initiative, and the Alliance of the National Consensus Forces (SPA 1 Jan. 2019).

[2] According to International Crisis Group, General Muhammad Hamdan Dagalo, or Himedti, was a member of the Janjaweed, "government-backed Darfuri Arab militias responsible for many atrocities in Darfur since 2003"; President Omar al-Bashir is described as having been his "patron" (International Crisis Group 21 Oct. 2019, 13-14). According to the same source, he has "acquired significant wealth, including proceeds derived from stakes in major gold mining operations, which he wields to extend his power and influence" in Sudanese politics (International Crisis Group 21 Oct. 2019, 13).

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Date modified:

2018-06-25

