

Reference: C.N.87.2019.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

SUDAN: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 8 March 2019.

(Original: English)

“No. SUN/104/19

The Permanent Mission of the Republic of the Sudan to the United Nations presents its compliments to the Executive Office of the Secretary-General of the United Nations and with reference to the SG of the UN note verbale (LA 41 TR/IV- 4/Sudan/1/PEN, dated February 14th, 2019 concerning the requirements of notifications under article 4 (3) of ICCPR, has the honor to convey that on January 1st, 2019, the President of the Republic of the Sudan, H.E. Omer Hassan Ahmed Al-Bashir, declared a State of Emergency in the State of Kassala and in the State of North Kordofan. In this respect the Mission is pleased to convey the following:

1. The declaration of a State of Emergency duration is of 6 months, started on January 1st, 2019 and will be concluded on June 30th, 2019.
2. The declaration is announced in accordance with the 2005 Interim Constitution of Sudan (Article 58 (1)) and the 1997 Emergency and Public Safety Act (Article 4/1), and in full compliance with international law. The President of the Republic may, during the state of emergency, take by virtue of law exceptional orders and measures to suspend parts of the Bill of Rights without infringing on the non-derogable rights. The President is also empowered by the State of Emergency to dissolve or suspend any of the state (Provincial) executive organs. Those are powers that the President could not normally exercise. Neither the National Legislative Assembly nor the states' legislative assemblies have been dissolved.
3. In this process, measures taken may involve derogation from the obligations under the International Covenant on Civil and Political Rights, permissible in Article 4/1 of the Covenant, and that with regards to articles (9, 12, 13, 21). On the other hand articles 7, 8, 11, 15 and 16 of the International Covenant on Civil and Political Rights, will not be suspended.
Moreover it shall be emphasized that, during the state of emergency, the non-derogable constitutional rights relating to infringement on the right to life, freedom from slavery, freedom from torture, the right of non-discrimination on the basis of race, sex, religious creed, the right in litigation or the presumption of innocence and legal representation,

recognized in Article (211/A) of the Constitution of Sudan.

4. This decision was taken due to numerous reasons that necessitated declaration of a State of Emergency in the two said States, including:
 - i. To successfully continue the arms collection campaign.
 - ii. Strengthening and reinforcing the Rule of Law.
 - iii. Countering the trafficking, smuggling and abusing of persons in particular women and children.
 - iv. Countering illicit drug trade.
 - v. Countering negative phenomena which endanger the safety and security of people and the country.

5. The Government is fully committed to her legal obligations including guaranteeing fair trials which are conducted by independent impartial and competent natural courts established by the provisions of the constitution and the national laws.

The Permanent Mission of the Republic of the Sudan to the United Nations avails itself of this opportunity to renew to the Executive Office of the Secretary-General of the United Nations the assurances of its highest consideration.

8 March 2019”

22 March 2019

A handwritten signature in black ink, appearing to be the initials 'A. h.' with a stylized flourish above the 'h'.