

Reference: C.N.88.2019.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/105/19

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 email received from the UN legal counsel - Treaty Section concerning the requirements of notifications under article 4 (3) of ICCPR, has the honor to convey that on February 22nd, 2019, the President of the Republic of the Sudan, H.E. Omer Hassan Ahmed Al-Bashir, declared a National State of Emergency. In this respect the Mission is pleased to convey the following:

1. The declaration of a National State of Emergency duration is of one year, started on February 22nd, 2019 and will be concluded on February 21st, 2020.
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 by 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. The National State of Emergency was declared in order to address the high levels of violence and destruction associated with the protest. During this violence thirty one lives from civilians and the police were lost. Violence substantially subsided after the declaration of the State of Emergency. Moreover, they were declared to enable the Government to effectively address the challenges facing the national economy (smuggling of natural resources and subsidized goods, illegal dealing with hard currency, counterfeiting national currency, etc.).
5. As constitutionally required, the declaration was tabled before the National Legislative Assembly (Parliament) which, in turn, has considered the declaration during its session scheduled for March 6, 2019 and it is still being debated by parliamentarians. The decision of the Assembly will be communicated in due course. Moreover, the practice of the Government of the State of Emergency is subject to the monitoring of the National Legislative Assembly.
6. 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.
7. The National State of Emergency, although is declared for one year, is reversible. It will be reviewed according to the political and security situation prevailing throughout the country. It may be lifted in the light of the ongoing political process (the new phase of the National Dialogue) before the end of the specified period.

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”

Subsequently, on 13 March 2019, the Permanent Mission of the Republic of the Sudan notified the Secretary-General that the National Legislative Assembly “the Parliament” approved on 11 March 2019 by the majority of votes the State of Emergency and shortened it from one year to six months.

22 March 2019

