

“Chaos and Fire”

An Analysis of Sudan’s June 3, 2019
Khartoum Massacre

Executive Summary

March 2020



Fifteen-year-old Nassir was at the Khartoum sit-in on the morning of June 3. When the violence broke out, he was shot in the head behind his left ear. Rushed to the hospital, he was not expected to survive, but a neurosurgeon was able to remove the bullet from Nassir's brain.

The boy spent two days in the ICU. Unable to talk because of his brain injury, he then remained at the hospital as an anonymous patient for weeks. "He was very scared of us, and he wouldn't even eat or drink the first few days," his psychotherapist said. "He couldn't speak, and we didn't know his name."

Nassir experienced severe episodes of post-traumatic stress and would cover his face to hide whenever anyone came into his hospital room. Although he could not express himself, staff surmised what had happened from pictures he drew. "He started drawing the sit-in, the pick-up trucks and officers and blood ... He would draw red hats [the Rapid Support Forces uniform]," said his therapist.

Hospital volunteers asked him names of areas and Nassir would shake his head or nod until they determined his neighborhood. They made missing person posters and hung them there, to no avail. Finally, they recited numbers to him, and he nodded until the volunteers were able to construct a phone number, which finally led them to Nassir's uncle.

According to PHR's clinician investigator, Nassir's continued seizures and inability to articulate clearly more than three months after the injury raise concerns about his ability to recover fully. For many like Nassir, the extreme violence unleashed upon them on June 3 is highly likely to lead to a lifetime of chronic pain and disability.

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Protesters walk past burning tires in Khartoum on June 3, 2019.

Photo: Ashraf Shazly/AFP/Getty Images

In the early morning hours of June 3, 2019, Sudanese security forces launched a violent attack against pro-democracy demonstrators at the protests' central sit-in site in Khartoum, near the headquarters of the army, navy, and air force – a neighborhood known in Khartoum as "al-Qiyada," or headquarters. Reports in the aftermath of that attack indicated that the violence resulted in the deaths of scores of people and injured hundreds more.¹ Witnesses and survivors of the violence – referred to as the June 3 massacre – reported that various uniformed elements of Sudan's security forces were responsible for extrajudicial killings and forms of torture, including excessive use of force; cruel, inhuman, and degrading treatment; and sexual and gender-based violence.² In addition, there have been allegations that the security forces forcibly disappeared³ dozens of protesters detained on or around June 3.⁴

This extraordinary political moment in Sudan was a crucial turning point in the revolution which had started on December 18, 2018, when civilians began protesting for an end to 30 years of dictatorship. The National Intelligence and Security Service (NISS), along with other security forces, had previously attacked multiple protest sites, causing deaths and injuries. On April 6, 2019, civilians protested at al-Qiyada, and responded to attacks by security forces – who used tear gas and crowd-control weapons – by creating a public sit-in camp there. Following violent attacks on civilians from April 6 to 10, President Omar al-Bashir stepped down on April 11. The protesters remained at the sit-in to demand civilian rule. Security forces attacked protesters on multiple occasions in early and late May, but the civilian communities that had formed within the sit-in persevered. After April 11, many civilian groups raised tents and chose to live communally within the sit-in area. Participants recalled that evenings in the sit-in area were full of social and political activities, and that this experience led to a powerful shared vision of a civilian-led Sudan in which freedom, peace, and justice would be available for all.

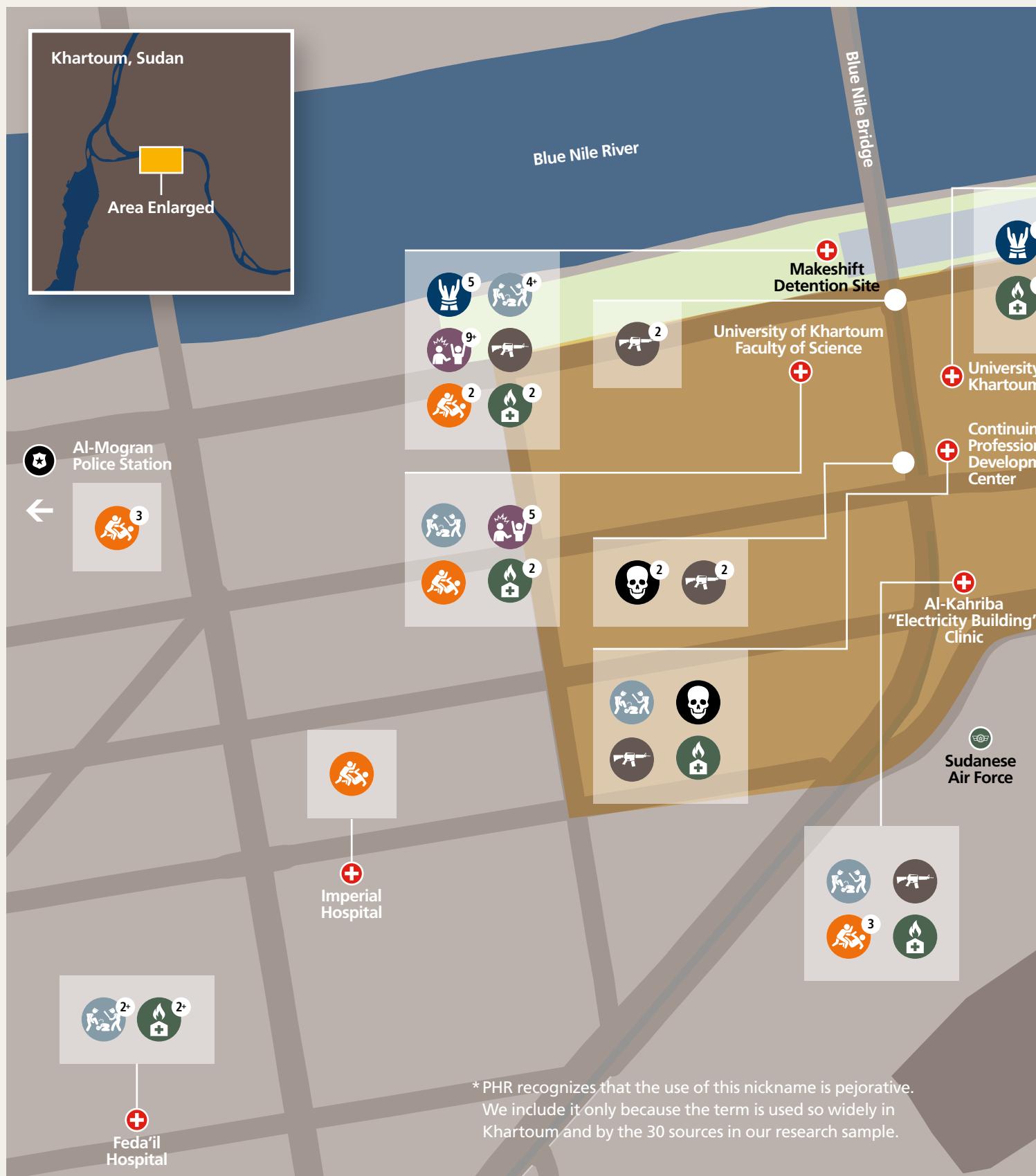
The June 3 violence against protesters – including the massacre by security forces – shocked participants and observers with its disproportionate ferocity and scale; those violations are the focus of this report. But instead of retreating from further protest in the face of unknown numbers of deaths and injuries, Sudanese citizens persisted in demanding civilian governance. The protests helped sustain negotiations between the Forces of Freedom and Change and the Transitional Military Council, which culminated in the signing of a new constitution and the formation of a civil-military transitional government on August 17, 2019.

Physicians for Human Rights' (PHR) investigation into the violations that occurred on June 3 focused on: the nature of the injuries and other physical trauma resulting from events on June 3, 2019 in Sudan; patterns in the testimonies of interviewees and medical evidence to assess allegations of a systematic, widespread, and premeditated campaign of human rights violations by Sudanese security forces; and the extent to which security forces targeted health workers for detention and ill-treatment due to their emergency medical response and other efforts to support the provision of medical care for injured pro-democracy protesters. These issues are central to the discussion among citizens, democratic forces, and human rights defenders in Sudan, where the new transitional government has formed a national commission to investigate the violence. Victims' families and survivors of these and other serious violations await truth and accountability.

For this report, a PHR clinician-investigator conducted semi-structured interviews and brief structured clinical evaluations based on the Istanbul Protocol⁵ in Khartoum between August 23 and November 9, 2019 with 30 survivors and witnesses to the June 3 violence, of whom four were women and 26 were men. These included 21 pro-democracy protesters, and health workers from a wide range of health sectors: four physicians, one pharmacist trained as a medic, one medical coordinator, one volunteer, and one psychologist.

The June 3, 2019 Khartoum Massacre

Map of PHR-Documented Incidents of Violence Against Protesters by Sudanese Security Forces





Executive Summary

continued

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In many cases, perpetrators identified themselves to their victims as belonging to the Rapid Support Forces (RSF), a then-paramilitary group now incorporated into the Sudan Armed Forces (SAF).⁶ This report documents the nature of the injuries resulting from events on June 3, as well as patterns in the testimony and medical evidence that support allegations of a systematic, widespread attack. While more data may be necessary to generalize knowledge about the intentionality and purpose of the attack, this investigation contributes to the public record of violence carried out against civilians on June 3.

Our investigation found that Sudanese authorities had, in the days prior to the June 3 violence, purposefully pre-positioned large numbers of security forces in and around the sit-in site, particularly in late May, in what appeared to be part of coordinated pre-attack planning. Interviewees who participated in the sit-in from April 6 through the end of May noted that security forces who had interacted peacefully with protesters were withdrawn in the weeks prior to the June 3 attack and replaced with forces that were openly hostile to protesters, including many with accents and features identified as belonging to the Rizeigat tribe from the Sudanese region of Darfur, long known for its participation in the Janjaweed militia, which in 2013 was formed into the RSF. Those forces were armed with weapons including tear gas, whips, batons, sticks, pieces of pipe, and firearms, including Kalashnikov assault rifles.

That hostility and weaponry was deployed in the violence that security forces unleashed on the sit-in participants on June 3 in the form of extrajudicial killings and excessive use of force. Interviewees described how they witnessed security forces shoot unarmed protesters in the head, chest, and stomach, from a distance. Large groups of armed men in RSF and riot police uniforms surrounded and beat people with batons, whips, and the butts of their rifles. Interviewees recounted how security forces taunted them while beating, burning, and cutting them. The brutality described by interviewees was supported by PHR's clinical evaluations of the wounds of survivors of the violence. Survivors and witnesses described how security forces continued to victimize detained pro-democracy demonstrators through torture and other deliberately degrading treatment, including forcing detainees observing the daylight fasting of the Muslim holy month of Ramadan to drink from puddles of dirty water on the street.

Sexual and gender-based violence was also a key component of the abuse that security forces inflicted on pro-democracy demonstrators. Interviewees described how forces grabbed the genitals of both male and female protesters and threatened to take off women's pants. A witness described an attempt by armed men to sexually assault him after they detained and tortured him by cutting open a healed wound and putting out cigarettes in it. Several interviewees reported witnessing gang rapes of women in open-air settings. Another described encountering rape survivors while being held in a women's jail.

The June 3 assault continued a pattern of attacks by Sudanese security forces on health care providers, institutions, and patients, as well as the blocking of access to care at surrounding hospitals. Relevant RSF violations against health workers and health infrastructure included the imposition of siege-like conditions on health facilities, restricting ambulances and other vehicles from transporting injured protesters to health care facilities, and beating or shooting health care workers, patients, or visitors who tried to enter or leave health care facilities on foot.

On August 17, 2019, Sudan established a transitional civil-military government and adopted a new constitution containing explicit commitments to promote human rights and access to justice. Article 7(16) of the Constitutional Declaration created a commission tasked with conducting a "transparent, meticulous investigation" of the violations committed on June 3, 2019 but did not provide a clear accountability mechanism. In addition, the Constitutional Declaration did not abrogate or otherwise modify laws that prevent access to justice for survivors and families of the dead, instead incorporating existing laws governing security forces that provide immunity for acts committed in the line of duty.⁷ PHR welcomes official reports that victims and family members of the dead will be provided access to justice through the legal system,⁸ yet it remains concerned with the well-documented flaws in Sudanese criminal and immunity-from-prosecution laws that remain unchanged by the adoption of the new constitution.⁹ The leader of the RSF, General Mohamed "Hemedti" Hamdan Dagalo, serves as the vice president of the governing Sovereign Council. Advocates in Sudan may therefore find it difficult to prosecute cases against members of the armed forces, including the RSF, at the highest levels of command responsibility.¹⁰

PHR urges all Sudanese organizations – as well as international organizations and governments with an interest in promoting peace and democracy by rejecting impunity in Sudan – to support the pursuit of justice and accountability for the abuses of June 3, 2019 through impartial and independent investigations. Those same organizations should support the longer-term strengthening of human rights mechanisms in Sudan by providing international technical and financial assistance. PHR supports its Sudanese colleagues in rejecting impunity and pursuing justice and accountability for victims, survivors, and their families in every forum available, including, where necessary, in international courts as provided for in Article 67(g) of the new constitution. Experience has shown that peace and justice are mutually reinforcing, and that without acknowledgment of suffering, justice cannot be achieved.

Witnesses and survivors ... reported that uniformed elements of Sudan's security forces were responsible for extrajudicial killings and forms of torture, including excessive use of force; cruel, inhuman, and degrading treatment; and sexual and gender-based violence.

Recommendations

Sudan is obligated to uphold its commitments under international law and to respect the fundamental rights of its citizens, as described in the Constitutional Declaration of August 17, 2019. Attacks on Sudanese citizens – which erode basic rights and damage health – must stop, and those who are responsible must be held accountable. Physicians for Human Rights calls on all parties to make efforts to strengthen the Sudanese human rights community, and to support the survivors, witnesses, and families of those who died at the hands of the security forces, as well as those of the missing, in seeking justice.

Physicians for Human Rights calls on the governments of Sudan, the United States, and other countries, as well as international bodies, to implement the following recommendations without delay:

To the Sovereign Council of the Government of Sudan:

- Support fully the national commission established to investigate violations that occurred on June 3. Permit the commission to accept support from international actors with relevant knowledge and expertise;
- Hold perpetrators of violations related to the June 3 massacre accountable in fair and transparent legal procedures;
- Ensure accountability mechanisms for all those responsible for excessive use of force and other human rights violations. Specifically, remove the immunity provisions for the uniformed forces and revise laws in accordance with the recommendations of the African Commission on Human and Peoples' Rights;
- Adhere to provisions of Sudanese law that affirm basic human rights principles, including Chapter 14 of the Constitutional Declaration of 2019;
- Address the rights and needs of Sudanese citizens impacted by violations, including the families of victims. Create responsive and accessible health care programming for survivors of sexual and gender-based violence and other forms of torture. Revise laws preventing families from accessing forensic medical records;
- Create a registry for the missing and investigate alleged cases of enforced disappearances of pro-democracy demonstrators in order to determine the circumstances of those disappearances, the whereabouts of the disappeared, and the alleged perpetrators;
- Create a legal framework to facilitate the return of the remains of the dead to their next of kin. Where the return of remains is impossible, family members should be fully informed about the location of grave sites and have unrestricted access to them. They should be given the opportunity to erect memorials and conduct religious ceremonies as needed;
- Prohibit all forms of violence against peaceful protesters and respect United Nations standards for the use of force, which must always be based on the principles of necessity, proportionality (minimum level of force), legality, and accountability, and enforce these laws;
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; sign and ratify the Optional Protocol to the Convention against Torture;

- Implement the national action plan developed with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict in 2018 to prevent and end child recruitment and the use of child soldiers;
- Respect and protect the independence and autonomy of the Sudan Doctors' Syndicate, Central Committee of Sudan Doctors, Sudanese Professionals Association, and other respected independent organizations for their critical contributions to the health and human rights of Sudanese citizens;
- Extend an open invitation to all UN Special Procedures to visit the country;
- Continue and expand cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR), including by welcoming the establishment of an OHCHR office in Sudan for technical cooperation and with a full reporting mandate.

To Norway, the United Kingdom, and the United States* and others in a position to promote and support the development of human rights and accountability in accordance with national and international law in Sudan:

- (*collectively known as "the Troika," which has historically monitored, supported, and facilitated regional discussions related to the promotion of peace in Sudan and South Sudan)
- Support the development of human rights accountability in Sudan by providing expertise and other resources, as desired by the Sudanese human rights community;
 - Introduce and support a resolution at the United Nations Human Rights Council addressing the current situation in Sudan related to accountability for violence against protesters and subsequent human rights violations;
 - Identify suppliers of tear gas, lead pellets, and other crowd-control weapons to Sudanese security forces and make concrete efforts to limit export of these weapons and promote transparency in their chemical make-up, concentrations, and quantities supplied until the government of Sudan has ensured adherence to regulations on their use;
 - Request that Sudan extend an open invitation to the UN Independent Expert on the situation of human rights in the Sudan, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
 - Introduce targeted sanctions against identified individuals responsible for extrajudicial killings and/or torture, including against all branches of the Sudanese armed forces, including security forces and the Rapid Support Forces (RSF).

To the United States Government and Congress:

- Reintroduce and pass a "Protection of Health Care in Conflict Act" (previously introduced as the Medical Neutrality Protection Act – H.R. 2033, 113th Congress), which authorizes accountability mechanisms for governments that attack medical personnel, facilities, transport, or supplies;

Recommendations

continued

To the United States Government and Congress, continued:

- Sanction senior Sudanese officials responsible for gross human rights abuses under the Global Magnitsky Act;
- Include firm requirements in any future investment or trade agreements that require the government of Sudan to take tangible steps toward transparent, independent accountability for the gross human rights abuses committed in Sudan;
- Condition any review of Sudan's State Sponsor of Terrorism designation upon the success of justice and accountability mechanisms in Sudan.

To the United Nations Special Procedures:

- Request a country visit to Sudan by the UN Independent Expert on the situation of human rights in the Sudan, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
- Monitor and report back on the situation to the UN Human Rights Council.

To the United Nations Security Council:

- Closely monitor and evaluate the impact of the planned drawdown of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) from Darfur and ensure that bases and assets are not given to the RSF;
- Ensure that the post-UNAMID follow-up mechanism has a robust human rights component.

To the African Union:

- Request visits by regional Special Rapporteurs and Working Groups of the African Commission on Human and Peoples' Rights to investigate and report publicly on gross human rights violations committed, and to supplement national accountability efforts;
- Support technical capacity building for national justice and accountability mechanisms;
- Encourage member states to sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance, and to adopt the necessary framework to investigate, prosecute, and provide reparations to victims of enforced disappearances.

Endnotes

1. Alan Yuhas, "100 Killed in Sudan and Dozens of Bodies Are Pulled From Nile, Opposition Says," June 4, 2019, nytimes.com/2019/06/04/world/africa/sudan-war-facts-history.html; A Sudanese lawyers and legal practitioner's association in the UK lists the names of 241 dead: "Sudanese army headquarters massacre," August 10, 2019. On file with PHR.
2. Inter-agency Standing Committee, *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings*, September 1, 2005, unhcr.org/refworld/docid/439474c74.html.
3. UN General Assembly, "International Convention for the Protection of All Persons from Enforced Disappearance," December 20, 2006, ohchr.org/en/hrbodies/ced/pages/conventionced.aspx.
4. "More than 100 Sudanese still missing after 'June 3 Massacre,'" *Radio Dabanga*, August 9, 2019, dabangasudan.org/en/all-news/article/more-than-100-sudanese-missing-after-june-3-massacre.
5. Office of the United Nations High Commissioner for Human Rights, "Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," 2004, ohchr.org/Documents/Publications/training&Review.pdf.
6. While the RSF is now a formal military service under the command of SAF and no longer a paramilitary force, it remains a separate entity from the other service branches. See Constitutional Declaration, Art. 34 (a), n.6, stating that "The armed forces and Rapid Support Forces are a national military institution ... subordinated to the Supreme Commander of the Armed Forces and subset to the sovereign authority" (Sudan Transitional Military Council, "Draft Constitutional Charter"). See also, "عمر جمو شيخ عقل نواب لطيف ماربخ بن اوسيل عيسى ("Sudan: Experts demand the restructuring of the army and the integration of Rapid Support"), *Al Jazeera Al Mubasher*, September 19, 2019, tinyurl.com/r4ayhjw.
7. Sudan Transitional Military Council, "Draft Constitutional Charter," Art. 36. Note that no clear changes to the existing immunity provisions have occurred to date.
8. "Sudan A.G.: 'Perpetrators of human rights violations will be held to account,'" *Radio Dabanga*, October 31, 2019, tinyurl.com/rbz9f4q; رادیتسا دلتوی مین اوسیل ماعل بیانلی تووشع امدهش تاغالب یف تاذیحق تهی ("The Sudanese Attorney General confirms continued investigations into the reports of the martyrs of the revolution,") *Al Bawabah News*, December 8, 2019, albawabnews.com/3826577; See also "Sudanese Public Prosecutor announces the lifting of immunity for those accused of killing protesters," عفر نلیجی مین اوسیل ماعل بیانلی (زیر باطلتم لقب یمهتم نع فناصر ع-Al-Alam News Network, December 8, 2019, tinyurl.com/w7c5gsa. Note that Attorney General Taj Alsir Al Hibri stated publicly that investigations are still ongoing, and only the public prosecutor or a competent court may request that the cases be withdrawn.
9. For detailed analysis of Sudanese immunity laws and suggested reforms in light of the political developments of 2019, see African Centre for Justice and Peace Studies and REDRESS, *A Way Forward? Anti-torture reforms in Sudan in the post-Bashir era*, December 2019, redress.org/wp-content/uploads/2019/12/REDRESS_Sudan-Report_final.pdf. See also African Centre for Justice and Peace Studies (ACJPS), International Federation for Human Rights (FIDH), and International Refugee Rights Initiative (IRRI), "Submission to the Universal Periodic Review of Sudan 2016," September 2015, fidh.org/IMG/pdf/20150922_pj_joint_submission_upr_sudan_2016.pdf.
10. See also Sudan Transitional Military Council, "Draft Constitutional Charter," Art. 21.



Physicians for
Human Rights

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