



# جامعة ستاردوم

للداسات القانونية والسياسية



— مجلة ستاردوم العلمية للدراسات القانونية والسياسية —

تصدر بشكل ربع سنوي عن جامعة ستاردوم

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الْحَمْدُ لِلَّهِ الَّذِي  
خَلَقَ السَّمَوَاتِ وَالْأَرْضَ  
وَالَّذِي يُضَوِّبُ الْمَوْتِ  
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## هيئة تحرير مجلة ستار دوم للدراسات " القانونية والسياسية "

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جميع حقوق الملكية الأدبية والفنية محفوظة  
لمجلة ستاردوم للدراسات القانونية والسياسية

## كلمة مدير مجلة ستاردوم

يسر مجلة ستاردوم للدراسات القانونية والسياسية أن تصدر عددها الثالث بهدف تعزيز المكون البحثي المتعلق بحجر الزاوية في الأفكار البحثية الدقيقة المتعلقة بالموضوعات القانونية والسياسية، وذلك لإثراء ونقل المعرفة، حيث أن هذا الهدف ثابت مع رسالة الجامعة الأكاديمية التي تسعى إلى تحقيقها من خلال الربط بين العلوم الأكاديمية والبحثية من خلال الاستفادة من نتائجها. لتعزيز المجتمعات والنهوض بها. وتعرض مكونات مجلة ستاردوم العلمية للدراسات القانونية والسياسية لهذا العدد، والتي تصدر فصليا، لتعزيز الفكر والمعرفة، والتي تناولت عددا من المواضيع تتلخص في مجملها في مناقشة المواضيع القانونية و السياسية التي تخدم المجتمع العربي بوجه الخصوص و الدولي بوجه عام.

ومن خلال تلك المواضيع القانونية و السياسية التي حظيت باهتمام كبير في التحكيم والتدقيق، يمكن تقديمها كحلول تطبيقية ومخرجات نظرية تساعد في إيجاد مساهمات في مشاكل المواضيع المعتمدة.

ويسعدنا أن ننتهز هذه الفرصة لتقدم بعظيم الشكر والامتنان لجميع من قدموا أبحاثهم التي تمت الموافقة عليها بموافقة المكونات العلمية المعتمدة في مجلة الدراسات القانونية والسياسية. ونأمل المزيد من الأبحاث والتعاون العلمي من خلال إثراء البحث الأكاديمي للباحثين والمهتمين بالبحث العلمي من خلال نشر قضايا تتعلق بطبيعة وأهداف المجلة المذكورة.

**أ. ليلى حسين العيان**

**مدير مجلة ستاردوم**

◀ الآليات الإدارية المستقلة لحماية المنافسة التجارية في موريتانيا  
الباحث: محمد يحي محمد الأمين

▶ Social Justice and Human Rights Violations in Sudan in Light of the Criminal Law  
(concepts - protection - obstacles and solutions)  
Dr. Yasein Hassan M. Osman

◀ رهن البضائع المنقولة بحرًا عن طريق سند الشحن في القانون اليمني والفقہ الإسلامي  
د. محمد إبراهيم النجاشي - الباحث: محمد يحي محمد الأمين

◀ مشروعية عقوبة العمل الإلزامي في مؤسسة عامة بأجر بديلاً عن عقوباتي الأشغال الشاقة  
والعمل الإلزامي في مؤسسة عامة بدون أجر بديلاً عن عقوبة الحبس قصير المدة  
د. عبد القادر قائد سعيد المجيدي

## شروط النشر في مجلة ستاردوم العلمية للدراسات القانونية والسياسية

### مجالات النشر:

- ✓ تهتم مجلة ستاردوم للدراسات القانونية والسياسية، بالأبحاث والأوراق العلمية في المجالات التالية:
- ✓ العلوم القانونية والإدارية والاقتصادية ذات الصلة.
- ✓ العلوم السياسية.
- ✓ البيئة.
- ✓ العمران.

### شروط النشر:

1. أن يتسم البحث بالأصالة والجدة والموضوعية، ويُمثل قيمة علمية ومعرفية جديدة في مجال العلوم القانونية والسياسية
  2. تُقبل الأبحاث باللغتين العربية والإنجليزية، على أن تتسم بالأصالة والجدية العلمية
  3. ألا يكون البحث قد سبق نشره، أو نُشر جزئياً أو كلياً، أو أُرسِل للنشر في مجلة أخرى، أو تم تقديمه لمؤتمر أو أي جهة أخرى. ويُقدّم الباحث تعهداً خطياً بذلك، وبعدم إرساله لمجلة أخرى إلا بعد موافقة خطية من مجلة ستاردوم العلمية للدراسات القانونية والسياسية.
  4. تقبل المجلة الأبحاث المُستَلَّة من رسائل الماجستير والدكتوراه، بعد إعادة صياغتها من جديد، والإشارة إلى أنه بحث مُستَل في الصفحة الأولى من البحث، وإرفاق نسخة إلكترونية من الرسالة للمجلة، لعرضها على هيئة تحرير المجلة والمحكّمين؛ لاقتراح أي تعديلات جوهرية –إذا لزم الأمر.
  5. للمجلة الحق بإجراء أي تعديلات شكلية على البحث بما يتناسب وطبيعة المجلة.
  6. الأبحاث المُرسلة للمجلة لا يُعاد إرسالها للباحثين سواء تم قبولها أم رُفضت.
  7. الباحث مسؤول مسؤولية كاملة عن صحة الاقتباس من المراجع المشار إليها، كما أن هيئة تحرير المجلة غير مسؤولة عن أي سرقة علمية تتم في هذه الأبحاث، وعند ثبوت ذلك؛ يتم سحب البحث من العدد، وللمجلة الحق باتخاذ ما يلزم من إجراءات حيال الباحث.
  8. يُكتب عنوان البحث باللغتين العربية والإنجليزية، والملخص باللغتين العربية والإنجليزية، على ألا يزيد عدد كلمات كل مُلخص عن (250) كلمة، بالإضافة إلى خمس كلمات مفتاحية على الأكثر.
  9. ألا تزيد عدد صفحات البحث عن (30) صفحة، بما في ذلك الهوامش وقائمة المصادر والمراجع وتُدرج الملاحق بعد قائمة المراجع، (مع العلم بأن الملاحق لا تُنشر، وإنما توضع بهدف التحكيم والاطلاع فقط).
- ### القواعد العامة للنشر في المجلة

1. الالتزام بشروط وقواعد وأخلاقيات البحث العلمي وضوابطه المنهجية المتعارف عليها في التخصص.
2. الأبحاث المخالفة لشروط النشر وقواعده لن يتم النظر فيها أو الردّ عليها.
3. للمجلة الحق في رفض أي بحث علمي حتى بعد قبوله؛ إن اتضح وجود مخالفات لقواعد وسياسة النشر بالمجلة.
4. تخضع جميع الأبحاث لفحص أولي، وفحص درجة الاستلال، على ألا تزيد عن (30%)؛ للتأكد من أهلية البحث قبل تقديمه للتحكيم، وتقوم هيئة تحرير المجلة ببيان أسباب الرفض للبحث.
5. تخضع الأبحاث لتحكيم سري تام، وحسب الأصول العلمية من قِبَل مُحكّمين اثنين على الأقل متخصصين في مجال البحث، ويتم تزويد الباحث بأسباب رفض البحث أو بالتعديلات المقترحة في غضون عشرة إلى خمسة عشر يوماً من تاريخ استلام الباحث كتاباً يفيد بالموافقة الأولية على البحث، ويلتزم الباحث بإجراء هذه التعديلات المطلوبة في غضون خمسة إلى سبعة أيام من تاريخ استلامه قرار التعديلات، ومن ثم إعادة إرسال التعديلات للمجلة، وإلا سيُصرف النظر عن البحث.

6. يتم الردّ بقبول البحث بصورة نهائية أو رفضه في غضون ثلاثة الى ستة أشهر من تاريخ استلام البحث، وبعد إجراء الباحث للتعديلات المقترحة والالتزام بها.
7. تُعبّر الأبحاث المنشورة عن وجهات نظر مؤلفيها فقط، ولا تُعبّر بالضرورة عن وجهة نظر المجلة، كما ويتحملون مسؤولية صحة المعلومات والنتائج ودقتها.
8. تعتمد المجلة نظام الجمعية الأمريكية لعلم النفس (APA 6.0) للتوثيق والنشر العلمي.
9. يخضع ترتيب الأبحاث عند النشر لاعتبارات فنية فقط، ولا تمس بمكانة الباحث أو بقيمة بحثه.
10. جميع حقوق الطباعة والنشر محفوظة للمجلة، وذلك بعد قبول ونشر البحث، ولا يجوز النقل أو النشر إلا بالإشارة للمجلة.

#### عناصر البحث المقدم للنشر

1. عنوان البحث باللغتين العربية والإنجليزية، اسم الباحث ثلاثياً، الرتبة العلمية، المؤسسة التعليمية التي ينتمي إليها، والبريد الإلكتروني.
2. ملخص البحث باللغتين العربية والإنجليزية، بما لا يزيد عن (250) كلمة، ويشتمل الملخص على: أهمية البحث، الهدف من البحث، المنهج المتبع، إضافة إلى خمس كلمات مفتاحية على الأكثر.
3. مقدمة تحتوي على:
  - ✓ تمهيد للبحث أو ما يعبر عنه بالتعريف بموضوع البحث.
  - ✓ إشكالية البحث
  - ✓ اهداف البحث
  - ✓ المنهج المتبع
4. الخاتمة والتي يجب ان تحتوي على
  - ✓ ملخص بسيط للبحث
  - ✓ النتائج المتوصل اليها
  - ✓ المقترحات التي يمكن الخروج بها من البحث
5. قائمة المصادر والمراجع والتي تبدأ بالعربية منها، ثم الاجنبية وتكون مرتبة زمنيا بالنسبة للنصوص الرسمية واجديا بالنسبة لباقي المراجع.

#### تنسيق ورقة البحث

- يجب تنسيق ملف البحث على برنامج مايكروسوفت ورد (MS Word)، حسب النظام التالي:
- ✓ الورق: حجم (A4) بأبعاده القياسية (210×297) ملم.
  - ✓ الهوامش للأبحاث العربية والإنجليزية: (2.54 سم) من أعلى وأسفل، (3.18 سم) من اليمين واليسار، هوامش "عادي".
  - ✓ المسافة بين الأسطر: 1 سم
  - ✓ تُدرج أرقام الصفحات في أسفل الصفحة.
  - ✓ يجب ألا يتجاوز حجم الجداول والأشكال والرسومات البيانية حجم وهوامش الصفحة.
  - ✓ الخطوط:
  - ✓ الأبحاث المكتوبة باللغة العربية: نوع الخط (Simplified Arabic).
  - ✓ الأبحاث المكتوبة باللغة الإنجليزية: نوع الخط (Times New Roman).
  - ✓ حجم الخط: (14) غامق للعنوان الرئيس، (12) غامق للعناوين الفرعية.



## **Social Justice and Human Rights Violations in Sudan in Light of the Criminal Law**

**(concepts - protection - obstacles and solutions)**

**Prepare by:**

**Dr. Yasein Hassan M. Osman**

**Associate professor: University of Nyala**

**Faculty of Law & Sharia – Public /Criminal Law Department**

## Abstract

The study came under the title Social Justice and Violations of Human Rights in Sudan in the Light of the Sudanese Criminal Law (concepts - protection - obstacles and solutions), the problem of the study was to answer these questions: Why are human rights violations increasing in Sudan? Do dictatorial and military regimes have a role in human rights violations and threaten the security and stability of society? What are the human rights obstacles and proposed solutions? The study objectives are: knowing the concepts of social justice and the impact of human rights violations in Sudan on the stability of society, familiarity with the principles and provisions of the Sudanese criminal law related to the protection of human rights, as well as the contribution of the study to suggesting solutions that contribute to reducing human rights violations in Sudan.

The researcher used the descriptive and analytical approach to find out the concepts of the human rights, social justice and the reasons for the violation of human rights and the provisions and principles related to the legal protection of human rights in the Sudanese criminal law. The study showed violations of human rights such as killing, violence, and illegal detention continue in Sudan to a very large extent during the transitional period, crimes and ethnic conflicts have spread alarmingly in Sudan, especially in the Darfur region, threatening local and international peace and security. One of the most important recommendations is that the State must stop human rights violations and carry out reconciliations between the conflicting tribes to achieve justice in the country, guarantee basic rights and freedoms, and implement the principle of the rule of law and respect of human rights.

**Keywords:** social justice, violations, tribal conflict, human rights, rule of law, human dignity.

## **Introduction:**

To achieve social and legal justice in the society it requires the establishment of a democratic state that respects human rights and applies the rule of law without any discrimination and prevents all forms of violations against human. Therefore, the state must adopt the democratic option, which considers human rights as one of its most important pillars. The protection of human rights is also a manifestation and a component of social justice that is based on human dignity. In this context, we find that the Sudanese Criminal Law has stipulated a set of principles related to the protection of human rights and criminalizing acts that are considered a violation of human rights in order to stabilize society and achieve human dignity and humanity.

There is a great interest from the international community on human rights, due to the large number of grave violations that human beings are subjected to and which undermine the stability of society as is the case in Sudan and other countries such as Somalia, Palestine and Ukraine. Although Sudanese legislation guarantees human rights, violations are still continuing and serious, such as murder, torture, and illegal arrests... In this study, we will obtain examples of the most violating rights in Sudan, we also list the provisions of legal protection in the Sudanese criminal law, in addition to analyzing some of the human rights obstacles in Sudan and the proposed solutions to contribute to limiting those violations.

**Study problem:** The study problem mainly centers on answering this questions:

1. Why are human rights violations increasing in Sudan?
2. Do dictatorial and military regimes have a role in human rights violations and threaten the security and stability of society?
3. How to stop or limit the grave violations that people are exposed to?

**Importance of the study:** The importance of the study lies in the following points:

1. Researching the reasons for the increase in human rights violations in Sudan,
2. The study's contribution to consolidating the concept of social justice and human rights,
3. Studying and clarifying the rights that are the most violated and that threaten the security, safety and stability of society,

**Study Objectives:** The study aims to:

1. Knowing the concepts of social justice and human rights and the impact of violations on the stability of Sudanese society,
2. Familiarity with the principles and provisions of the Sudanese criminal law related to the protection of human rights,
3. Finding solutions that reduce human rights violations in Sudan.

**Study Methodology:** The researcher used the descriptive and analytical approach to know the concepts of social justice and human rights and analyze the most violated rights, and know the principles of protection in the Sudanese criminal law.

**Study Hypotheses:** In this study we assume:

1. The current regime in Sudan and the excessive use of force and the imposition of a State of emergency without justification is a clear violation of human rights.
2. Failure to hold perpetrators of crimes accountable and abuse of immunities lead to more violations.
3. The authority's commitment to implement the rule of law and respecting human rights reduces human rights violations and contributes to the stability of society and the achievement of social justice.

**The limits of the study:**

### **1. Spatial and temporal limits of the study:**

This study is limited to dealing with human rights violations in the Sudan region during the democratic transition period of the year (2019-2022).

### **2. The objective limits of the study:**

The subject of the study is: the concepts of social justice and human rights violations in Sudan and the provisions of legal protection for those rights, along with proposals and solutions that contribute to reducing violations, stabilizing society and achieving justice.

**Structure of the study: The structure of the study is as follows:**

### **1. The concept of human rights and social justice in general:**

- 1) The concept of human rights
- 2) The concept of social justice
- 3) The relationship between social justice and human rights

### **2. Reasons for human rights violations in Sudan:**

- 1) The legal nature of regime in Sudan
- 2) Weak economy, lack of social stability and political incompatibility
- 3) Weakness of the State's authority to enforce the rule of law
- 4) The spread of the epithelium of tribal conflicts during the transitional period in Sudan (2019-2022)

### **3. Provisions relating to the legal protection of human rights in the Sudanese criminal law:**

- 1) The most important rights protected by criminal law and protection principles
- 2) Obstacles to human rights and public freedoms in Sudan
- 3) Suggested solutions to contribute to reducing human rights obstacles

### **I. Conclusion: (findings and recommendations)**

#### **Section one: Concept of human rights and social justice**

There are various concepts and principles for human rights based on people and their needs, in terms of gender and age group. There are also terms and legal principles that were used in social and legal fields, which were meant to achieve human rights, such as the rights to life and physical integrity from torture.

There have some characteristics that set human rights apart from the other legal principles, of which: they are deeply rooted in every human being and cannot be sold, bought, acquired or inherited. It is a taken as a whole, equally, as they are "universal", regardless of gender or religion. These human rights principles are constant and inalienable. Human rights are also imprescriptible from the local authorities. No body, an entity or a group has the right to deprive any human from his/her natural rights, as they are interconnected.

Despite the differences in human rights concepts in some communities, they all aim to protect humans wherever they are, and seek to achieve stability and justice in these communities. That's why there is a link between the concept of human rights and social justice, in terms of general principles. In the same token, social justice has its elements and hindrances, as well as the methods to reinforce others, like human rights<sup>1</sup>.

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Rifaat Al-Mirghani, Transitional Justice in Arab Contexts, Evaluating the Sudanese Experience, Arab Organization<sup>1</sup> for Human Rights, First Edition, 2014, pp. 120-128.

## Section 1: the Concept of Human Rights

Human Rights as a legal term are vast and have various significances. At times, the term denotes general rights and liberties. Some view it as ordinary, standards and the basic needs that humans cannot have dignified life without it. That's because they constitute all the necessary rights which make Humans feel their humanity. Moreover, some compare human rights with freedom; while total freedom means non-adherence to anything, without taking into account other people's rights<sup>1</sup>.

Human rights include aspects of human's life; the civil, political, economic, social and cultural ones. They are regarded as fundamental for justice in society and safety on earth. That's why some view the term "right" as: "an interest protected by law". Others defined it as "the capacity or the will permitted by law for a person in a given scope". Another concept for human rights adopted by some scholars who view them as "privileges that need guarantees and protection, in terms of procedures and government actions which touch upon the fundamental freedom and human dignity, and attack or underestimate the human's role in social life of the State system. The researcher considers this definition as more inclusive to human rights, as it comprehends (the extent of the State's commitment with justice principles). The authors add that there is a difference between "freedoms" and "right" according to the Universal Declaration of Human Rights (UDHR) or as it were reported in the French Declaration of Human Rights, or the other ones. However, the two terms are used as synonyms, as both are employed interchangeably.

What we mean by human rights and its liberties:

They are the norms, standards and the basic needs that humans cannot live decently without, while freedom are the "groups of indispensable needs without which humans cannot live, and which the State recognizes, organize and protect; each of which has a group of elements and challenges that hinder stability of society, and contribute in the increase of violations; such as dictatorship or militarization of the ruling system, increase of successive governments, political and security instability, besides multi-party and existence of opposition and impunity.

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<sup>1</sup> The French Declaration of Human Rights issued in the aftermath of the French Revolution of 1789 defines freedom as "the right of the individual to do all that does not harm others."

## **Section Two: the concept of social justice:**

We mean by social justice distribution of wealth, opportunities and privileges inside the same society, equally, meeting society needs. In some civilizations, we mean by it guaranteeing that society members play their roles and responsibilities toward their society, and to have what they deserve as rights. So, social justice represents the set of natural rights; whether they are social, civil, political, economic or cultural. Thus, we observe a clear resemblance between the different types of social justice and human rights. They go hand in hand when it comes to gender, social, civil, economic and cultural rights<sup>1</sup>.

Social justice is one of the social systems through which we can have equal job opportunities, wealth and privileges sharing, political rights, education, healthcare, etc. So, society members will have a decent life, regardless of their gender, race, religion or economic situation, without impartiality. Social justice aim also to achieve welfare, stability of society, protecting its members and groups from authorities meddling into the fundamental freedom, and engage them to perform certain acts or not to do in order to preserve human dignity. Other scholars see human rights as social justice itself<sup>2</sup>.

### **Components of social justice:**

Social justice components are based on the following:

1. Realizing dignity amongst people in society.
2. Disseminating love and peace among people, as the aim of human rights.
3. Spreading equality among society members, without unbiased discrimination and enhancing spirit of solidarity and cooperation.
4. Respect and reinforcement of social justice concept so as to have good use of the available resources in a just way.

### **Obstacles to social justice:**

They are represented in the following:

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<sup>1</sup> The French Declaration of Human Rights issued in the aftermath of the French Revolution of 1789 defines freedom as "the right of the individual to do all that does not harm others".

<sup>2</sup> Rifaat al-Mirghani, previous reference, pp. 120-128.

1. Expropriation of freedom by the State. It is one of the features of a dictatorial or military regime.
2. Spread of injustices, corruption and nepotism at work. In countries where the rule of law is absent,
3. Inequality in wealth and resources sharing among local communities, and inequality at work, education, healthcare opportunities and the other services. Such obstacles abound in the central system of government, which is focused on developing the political capital only.

### **How social justice can be reinforced?**

#### **Firstly: Raising awareness regarding the concepts and importance of social justice among society:**

Having awareness with social justice and disseminating its concepts through accepting the differing views, dialogue with others and knowing their ideas and thoughts and respecting them.

#### **Secondly: supporting the institutions which operate to achieve equality among community members:**

There's a necessity to eliminate the injustices, exploitation, persecution and prevention from wealth and power or both, and engaging the whole society in their rights and freedom in an equal and just manner, without discrimination amongst its members or the groups and regions inside the same country, encouraging them to achieve social justice and creating balance and equality in society<sup>1</sup>.

#### **Thirdly: Adopting developmental and volunteer projects:**

This is the State's role to take care of its all members, guaranteeing what realizes their welfare and enjoying their whole social, economic, political and cultural rights equally, and to be just toward all their members so as to engage them in social solidarity.

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<sup>1</sup> Iyad Yunus Mohammed al-Saqli, Amer Hadi Abdullah al-Jubouri, previous reference, 230-239.



#### **Fourthly: eliminating discrimination based on gender, religion, race and culture:**

One of the obligations of the State is to implement all the international and regional conventions and local laws principles related to protection of human rights without any discrimination. It's noteworthy to know that in the case of Sudan violations against the civilians perpetrated during the former regime were numerous, represented in genocide and crimes against humanity attributed to the then President of Sudan (Omer el-Bashir), and some of his aids. They violated human rights in Darfur region in western Sudan because of the racial discrimination based on race, culture and color. This what has been proved by the causes of the outbreak of war in the region, violating the provisions of article (2) of the UDHR of 1948 which ensure that: (any human has the right to enjoy all his rights and freedom as reported in the Declaration, without any discrimination of any form, especially the one based on race, color, gender, language, religion, political or apolitical opinion, national or social origins, wealth, birth or any kind...). Proceedings of the international trial are still continuing with one of the defendants in those crimes (Ali Kosheib) who surrendered himself to the International Criminal Court (ICC) voluntarily in the Republic of Central Africa on June 9, 2020 as he was accused of committing 31 crimes of war and crimes against humanity in Darfur between August 2003 and April 2008<sup>1</sup>. And one of the State's obligations is to combat all forms of discrimination on the ground of gender, religion or culture.

#### **Fifthly: Reinforcement of human dignity and equality among people:**

Reinforcement of human dignity can be through respecting the human and not violating his/her rights, as well as protecting and persevering them in the local laws, imposing severe sanctions on anyone who violates them. The State has also to

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<sup>1</sup> United Nations News, the ICC and the trial of Ali Kushayb for his human rights violation, crimes against humanity and war crimes in Darfur. Kushayb on 9 July, 2021. These charges are: (Deliberately directing attacks against the civilian population, premeditated murder, looting, and destruction of enemy property, outrage on personal dignity, rape, forcible transfer, persecution, torture, cruel treatment, and attempted premeditated murder). It is worth noting that the ICC issued an arrest warrant against Ali Kushayb in 2007, <https://news.un.org/ar/story/2022/04/1098182>, 5/4/2022, accessed: 24/4/2022.

implement the rule of law principle without favoritism and equally between the ruler and the ruled in case of committing crimes.

### **Sub-section Three: Relationship of social justice with human rights:**

We saw previously how social justice is based on equality and equal opportunity, encouraging to have a decent life and meeting the basic needs for every person, attaining happiness and welfare as human's aim. The UDHR in article (3) stipulated that individuals have the right to life, freedom and physical integrity... According to the International Covenant on civil and political rights of 1966 article (2), the rights to life are non-derogable for all humans, and law obliges that these rights must be protected and no one has to be prevented from life arbitrarily (prevention of imposing political death penalty). Generally, we can say that relationship between human rights and social justice meets in the following:

- a. The rights to life are non-derogable for every human being and the law has to protect these rights, and nobody has to be arbitrarily prevented from life.
- b. In the countries where death penalty is not abolished, this penalty mustn't be executed except for the most dangerous crimes according to the applied legislation at the time of committing the crime, and which is not against the provisions of this covenant and the convention of genocide prevention. Killing may not be a penalty except for the most dangerous crimes according to the legislations in force at the time of committing crime. However, Sudan still applies the capital penalty in the political crimes If only it were not dangerous.

The researcher view that social justice is as vast a concept as human rights; both are considered as legal terms which are essential for humans' life. And their existence in a given environment may not be perceived without having a link between rights and justice. Continuous violations of human rights were marked in Darfur region until now; there are still killing, racial conflicts, displacement and homelessness, as well as excessive violence from the part of the Sudanese government against the peaceful protestors and widespread arrests violating human rights<sup>1</sup>.

### **Section Two: Causes of human rights violations in Sudan:**

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<sup>1</sup> Yasein Hassan M. Osman/ Mohammed Hassan Jamaa' crocodile, Controls of Arrest and their Effects on Human Rights, Journal of Rights and Human Sciences, Issue Four, Volume 13, December 2020, pp. 144-162.

Generally, causes of human rights violations are common for the majority of local communities, and the major motifs are similar as they are based on the government system in the country, absence of State's authority as weakness and the existence of insurgent groups. In Sudan, we find that the causes of continuation of war and the increase of human rights violations resides particularly in the absence of State authority. That is because the actual regime in Sudan in the transitional period (2019-2022) is (a military-party rule) and is itself one of the reasons of violations, as excessive violence has spread from the regular forces against the civilians who are exerting their right of peaceful expression represented in the peaceful gatherings and their demand of freedom and to have a civil rule<sup>1</sup>.

Weak economy in Sudan was one of the reasons of human rights violations, in addition to lack of security in the local communities which resulted in their displacement in search of security and stability. Furthermore, not having social justice led to imbalance in power and wealth sharing equally. That was one of the major demands of the insurgents, reflected in human rights violations causes<sup>2</sup>. Absence and weakness of the State's authority in implementing the rule of law is serious threat to the local and regional community in its security and peace, which requires the interventions of the international entities to keep security and peace. The widespread racial conflicts in Sudan is one of the major threat to peace and social security, as it disharmonize the Sudanese society which was known by its strong unity in demanding it's rights and freedom; this constitutes a human rights violation. Thus, killing, theft, burning villages... which were committed by the tribes against each other are a result of the absence of rule of law implementation, especially for those who violate human rights<sup>3</sup>. The causes of human rights violations can be summarized as the following:

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<sup>1</sup> Abdel Karim Abdellawi, presented by Hani Megally, *The Experience of Transitional Justice in Morocco*, First Edition, Cairo Institute for Human Rights Studies, Cairo, 2013, p. 46.

<sup>2</sup> Rifaat al-Mirghani, previous reference, pp. 120-128.

<sup>3</sup> Ali Ahmed El-Sayed, *Immunity from the Criminal Issue in Sudanese Criminal Laws and Islamic Law*, 1st Edition, Meroe Library Press, Khartoum, Sudan, 2006, pp. 8-9.

### **Sub-section One: The legal nature of system of governance in Sudan:**

The legal nature of actual system of governance in the transitional period from 2019 up until 2022 cannot be specified according to the known systems. But we can say, if that is possible, that it's a mixed system between the ministerial and presidential Para-electoral one; the power is represented by the Prime minister, chosen by the majority of the nation and parties so as to lead the country in the transitional period. After the coup on the 25th of October 2021 there is no longer a Prime minister, the semi consensual Sovereign Council was dissolved, and the military high ranks in power opted for a new Sovereign Council through a deal with some political parties which signed to the Peace Agreement after being political factions/parties warring and opposing the ancient regime. Some tribal communities exploited the absence of power in implementing the rule of law to disseminate problems among some tribes and to have armed conflicts sporadically to trade. As an example we saw human rights violations in Darfur west state, in Moun Mountain area and Kreinik<sup>1</sup>.

The researcher consider the government system in Sudan in this period is mixed, as it depends on a military presidential framework, that have a Sovereign Council, military and civil appointed and not elected for the democratic transition. The Sudanese army Commander is the Head of State and the Prime minister for a multi-parties system; such kind of system cannot be easily be described, as it has many disadvantages and weaknesses in decision making, such as the decision that violate human rights to use violent methods against the peaceful civilians that resulted in death, harm, arbitrary arrests, and repression in terms of rights and freedom, like freedom of expression and peaceful gathering, organization of manifestations and total absence of national will to manage the country.

### **Second sub-section: Weakness of economy and absence of social stability and political consensus:**

Human Rights are closely related with the economic situation of the State, the social stability and political consensus; as achieving welfare and improving people's level

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<sup>1</sup> The UN Human Rights Council report criticized Sudan in its reports, and "the government's repressive practices that violate basic civil and political rights, restrict religious freedoms, and ignore obligations to protect civilians under international humanitarian law." International reports also focus on what is happening in conflict areas, especially in West Darfur.

of life and eliminating poverty represent the economic rights as reported in the UDHR of 1948, as well as the local Constitutions. And the economic situation all over Sudan is in a continuous deterioration, which very alarming. Thus, the State must find rapid economic solutions and establish developmental projects that achieve human dignity and his welfare.

Those who follow Sudan's economy during this period will find that the majority of human violations are because of bad situation and deterioration of the State's economy, as an evidence the big number of conflicts over the natural resources, spread of crimes, looting and killing with the aim of steeling money. We also observe that the Sudanese government does not put into account its pledges toward the international community and does not respect the commitments and international charters that Sudan adopted, despite lifting the American sanctions that were imposed due to committing human rights violations by the former government in a span of three decades. Hence, the economy is one of the major causes that lead to human rights violations<sup>1</sup>. Suspension of grants and international assistance to the government of Sudan because of the decisions of October 25th<sup>2</sup>, which resulted in dissolving the government, caused the economy deterioration<sup>3</sup>. While others think that this economic crisis can be solved by the government itself, through improving living situations and prioritizing basic needs of the people in terms of food and medication, in addition to laws reform due to the fact that they are related to principle of social justice<sup>4</sup>. The researcher see that, Sudan remains deadlocked, one year after military coup. Several regions are hit by conflicts as the country suffers from an economic crisis and the freezing of international aid, and this, in turn, will lead to an alarming increase in human rights violations.

The Military Authority thought that after the coup, the course of the Sudanese revolution would be corrected, but a year after the coup of October 25, 2021, which

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<sup>1</sup> Abd al-Karim Abd al-Lawi, previous reference, pp. 172-189.

Military coups in Sudan in 25th October 2022.<sup>2</sup>

<sup>3</sup> Abdel Hamid Awad, Human Rights in Sudan... Violations that Exhaust Citizens, <https://www.alaraby.co.uk>, Khartoum, December 11, 2018, accessed 4/21/2022 AD.

<sup>4</sup> Khaled Desouky/Francis Press, Poverty, marginalization and suppression of freedoms in Sudan, Al-Araby Al-Jadeed, Khartoum, December 11, 2018.

brought about the democratic transformation that began in 2019, the authority did not control the people's protests, and people took to the streets to protest against the army, which in 2021 blamed the chosen government. The situation was deteriorating, and the protests were met with arbitrary arrests and the use of excessive force against the demonstrators and beating them with bullets, which led to the death of a large number of them.<sup>1</sup>

Absence of political consensus in Sudan and the process of government system transition according to the political decisions of (25 October 2021) that led to dissolve the fragile government system transition, and to form a government to manage the State's affairs until forming a consensual government, or heading to the elections, these are decisions fundamentally oppose all international Human Rights laws, thus undermining the constitutional principles "coup"<sup>2</sup>, and also the principles of the Transitional Constitution Document in Sudan and the other founding documents on State's management in this transitional period<sup>3</sup>. The characterization of these decisions according to what has been mentioned above falls in international human rights violation represented in freedom of expression repression, arbitrary detentions and the use of excessive violence against protestors and killing them<sup>4</sup>. That is because every undemocratic transition that comes through regular military takeover or any civil group to seize power without consensus or elections is a coup<sup>5</sup>.

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<sup>1</sup> Elliott Brachet, Sudan remains deadlocked, one year after military coup, (Khartoum, correspondance), Published on October 25, 2022, [https://www.lemonde.fr/en/le-monde-africa/article/2022/10/25/sudan-remains-deadlocked-one-year-after-military-coup\\_6001741\\_124.html](https://www.lemonde.fr/en/le-monde-africa/article/2022/10/25/sudan-remains-deadlocked-one-year-after-military-coup_6001741_124.html), Arrival date: 04/24/2024.

<sup>2</sup> Michelle Bachelet, Human Rights Violations, United Nations High Commissioner for Human Rights, United Nations News - A Global Perspective Humanitarian Stories, November 5, 2021 AD.

<sup>3</sup> Abdul Wahed Osama Mubarak Allah Jabu, The Sudanese Constitutional Document of 2019 and the Empowerment Removal Law of 2019 and its comparison with the provisions of the International Covenant on Civil and Political Rights, Journal of Legal and Social Sciences, Zayan Ashour University, Volume Five, Issue Three, Jafra, Algeria, 1/9/2020, pp. 762-770.

<sup>4</sup> Ali Mohammed Salih Al-Dabbas / Ali Alyan Mohammed Abu Zaid, Human Rights and Freedoms, Edition 1, Volume 1, House of Culture for Publishing and Distribution, Jordan, 2005, pp. 160-161.

<sup>5</sup> The United Nations High Commissioner for Human Rights, Michelle Bachelet, called the military takeover of power in Sudan "extremely disturbing," adding that it was "a betrayal of the brave and inspiring 2019 revolution and

Political practices in Sudan in the actual transitional period witnessed many changes and political instability resulting from the non-consensus among the political parties, besides multiparty which is an obstacle itself to have consensus among the social components; as there are more than 100 political party, and every party has its own different vision of the State management, which rendered reaching a consensus impossible. On another aspect, we find the military in power has as a pretext the absence of political consensus among the political parties, and that they, the military, seek to build a civil State where freedom is exercised and administered via the elections. The period was marked by many human rights violations, represented in the killing of peaceful civilians and widespread arbitrary arrests of political leaders and some media professionals, as well as human rights activists without regard for their legal and constitutional rights. It is noteworthy to indicate that under the Protocol of security arrangements in Juba Peace Agreement a committee to deal with the issue of war-prisoners and missing persons was formed but had not entered into force<sup>1</sup>.

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inconsistent with all international human rights laws, as well as the country's constitutional document and other founding documents of the transition." The events since the coup have brought to mind a bleak page in the country's history when freedom of expression was stifled and human rights were comprehensively suppressed. The arrest and detention of numerous people – including government ministers, members of political parties, lawyers, civil society activists, journalists, human rights defenders and protest leaders The UN High Commissioner for Human Rights, Michelle Bachelet called the military takeover of power in Sudan "extremely disturbing," adding that it was "a betrayal of The 2019 revolution is brave and inspiring and is inconsistent with all international human rights laws, as well as the country's constitutional document and other founding documents of the transition." The events since the coup have brought to mind a bleak page in the country's history when freedom of expression was stifled and human rights were comprehensively suppressed. and the arrest and detention of numerous people – including government ministers, members of political parties, lawyers, civil society activists, journalists, human rights defenders and protest leaders.

<sup>1</sup> Mohammad Amin Yasein, Human Rights Violations in Sudan, "United Nations News, the Criminal Court begins the trial of Ali Kushayb on charges of war crimes and crimes against humanity in Darfur," Asharq Al-Awsat, No. 15793, 23/2/2022.

### Sub-section Three: State's authority in implementing the rule of law:

There is a total absence of the Sudanese government in implementing the rule of law principle, which is the basis for the legitimacy of the State's actions. And though Human Rights violations being so clear in Sudan in the last three decades, and the existence of complaints against international crimes' perpetrators, there is still no criminal trial against them. This demonstrates the weakness of governance system or unwillingness to conduct any trial for human rights violations perpetrators. That resulted in international criminals perpetrators of human right' impunity, that encouraged in another way those who are in power and officials in the country to commit more violations so as to stay in power the longest possible period, to achieve their goals which oppose the principle of rule of law.

The system of governance in Sudan during 2019-2022 was characterized by the system of mixed consensual council between a military and civil, and is majorly unstable; as the government was changed three times so as to have a political agreement to manage the country in transition, and to meet the Sudanese people demands who aspired majorly to have guaranteed freedom and achieve peace and justice and democratic transition and civil rule of law and establish a civil State<sup>1</sup>. However, multiplicity of governments in a short period, with a rate of one government each year occupied the military and civil institutions from their obligations toward the State and neglected implementing the principle of rule of law which is the most important legal principle to achieve social justice<sup>2</sup>.

Furthermore, the actual system of governance since 2019 up until 2022 is characterized by weakness and absence of impartiality implementing the law on all; as we don't see local or international trials for human rights perpetrators in Sudan, especially in Darfur region and Kordofan<sup>3</sup>. There is a delay of trial for more than

[https://ar.wikipedia.org/w/index.php?title=%D8%AD%D9%83%D9%88%D9%85%D8%A9\\_%D8%A7%D9%84%D8%B3%D9%88%D8%AF%D8%A7%D9%86&action=edit&section=3](https://ar.wikipedia.org/w/index.php?title=%D8%AD%D9%83%D9%88%D9%85%D8%A9_%D8%A7%D9%84%D8%B3%D9%88%D8%AF%D8%A7%D9%86&action=edit&section=3), 29.03.2022, Arrival date: 24/0/2024.

<sup>2</sup> Mohammed Khalifa Hamid, Encyclopedia of Criminal Publications (a comparative jurisprudential study), Part Two, Technical Office of the Supreme Court, Khartoum, Sudan, 2001, pp. 43-44.

<sup>3</sup> Sudan: ICC Holds First Darfur Trial, Landmark Case of 'Janjaweed' Militia Leader Opens April 5th. 2022, (The Hague), The International Criminal Court's trial of Ali Kosheib, or Kushayb, will open on April 5, 2022, and offers the first opportunity to see a leader face prosecution for massive crimes committed in Darfur nearly 20 years ago, <https://www.hrw.org/news/2022/03/29/sudan-icc-holds-first-darfur-trial>, 29.03.2022, Arrival date: 24/04/2024.



two years because of immunities or favoritism, absence of impartiality, which is against the principle of justice itself<sup>1</sup>.

#### **Sub-section Four: Spread of tribal conflicts phenomenon during the transitional period in Sudan (2019-2022):**

The widespread tribal conflicts in Sudan became a social phenomenon in the transitional period in Sudan from 2019 until 2022. It also became a serious security threat to that may lead to the decomposition and destruction of the Sudanese society if it isn't rapidly dealt with from the local and international community. The reason is the absence of State's authority in implementing the rule of law on human rights violations and crimes perpetrators. Crime we s spread amongst the Sudanese communities in all cities; such as thefts, looting and killing. Racial conflicts, particularly in Darfur, became a social phenomenon threatening peace and social security, locally and internationally<sup>2</sup>. The last three months, there has been a frightening increase in the rate of victims of racial conflicts that might reach hundreds in one month. In the city of Kreinik and Ajineina, the capital city of West Darfur state, conflicts victims reached in April of this year more than one hundred. The Sudanese government is still helpless to put an end to these violations and achieve justice. These tribal conflicts will have more impacts on the society, such as killing, theft, burning villages and forced displacement... Whereas impunity of these crimes perpetrators will encourage them to commit more violations. In addition, the question of eliminating violations is the State's obligation with all its institutions; they have to protect the civilians, respect and preserve human rights and freedom as reported in the Constitution<sup>3</sup>.

#### **Section Three: provisions of the legal protection on human rights in the Sudanese Criminal Code:**

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<sup>1</sup> Rifaat al-Mirghani, previous reference, pp. 120-128.

<sup>2</sup> Suhad Othman Qasim, War Crimes and the International Criminal Court, Master's Thesis, Eastern Mediterranean University Faculty of Law, 2014, p. 19 – 56

<sup>3</sup> Michelle Bachelet, Human Rights Violations, United Nations High Commissioner for Human Rights, United Nations News – A Global Perspective Humanitarian Stories, November 5/11/ 2021.

Provisions on human rights protection against violations as reported in the Sudanese Criminal Code texts through criminalizing the acts and violations and imposing penalties, such as criminalizing killing, crimes against humanity and hurt crimes...Hence, Criminal Code is a set of legal rules indicating the crime, demonstrating the penalty when it is committed. This is known as report of criminal responsibility. Here, we can take as an evidence article (8) of the Criminal Code of 1991 stipulating that: (1) no responsibility but on the person who is major and chosen, (2) no responsibility but on an illegal act that is intentionally perpetrated or by negligence. The article shows how the Criminal responsibility is reported, in terms of the age of the defendant, his/her act intention, negligence, result and relationship (causal relationship). These rights and provisions will be dealt with in the following sub-sections.

### **Sub-suction One: The most important rights protected by the Criminal Code and principles of protection:**

#### **1. The rights to life security physical integrity:**

The rights to life and physical integrity was mentioned in the UDHR, article (3) and emphasized on the individual's right in life, freedom and physical integrity, it was also cited in the International Treaty for Civil and Political Rights of 1966 in article (2) which ensured the importance of safeguarding the rights to life, through forbidding any person from life oppressively (interdiction of political death penalty). Article (130) of the Sudanese Criminal Code (1991) reinforced protecting individuals and ensured their physical integrity through criminalizing killing with all its forms, and executing death penalty when violating human's body through killing. Articles 138-142 emphasized on protecting individuals by persevering their physical integrity through criminalizing inflicting physical hurt and violence with all its forms and imposed imprisonment penalty.

#### **2. protection from arbitrary detention because of freedom of expression:**

Article (165) of the Criminal Code stipulated the protection of individuals from any illegal arrest due to exerting the rights to freedom of expression, and imposed imprisonment penalty for everyone who violate the individual's rights to expression

or detaining or opposing him/her without any legal justification. Nevertheless we find cases of arbitrary detentions going on by the military in Sudan<sup>1</sup>.

### 3. Prohibition of private life and rights to security:

Article (166) of the Criminal Code stipulated prohibiting violating privacy through spying on individuals on their private calls, and imprint penalty is imposed on those who commit it<sup>2</sup>.

### 4. Protection of human dignity:

Article (186) of the Criminal Code of 1991, amended in 2009 was in accordance with Rome Statute which emphasizes the rights to human dignity and criminalizing crimes against humanity<sup>3</sup>. It stipulated that any act leading to human dignity must be criminalized, and in return it imposes death penalty or life imprisonment on anyone who violate human rights. In the researcher's estimation, this article was added as a result of the constant pressure on the Sudanese government by the Security Council to extradite the perpetrators of the crimes of genocide and crimes against humanity in Darfur in the year 2003<sup>4</sup>. The authority in power at that time arrested some demonstrators and human rights defenders who exercised the right to expression. Continuing such actions is a dangerous indicator that may lead to tension and generate excessive and unjustified violence, and then the violation develops to the point of individual or collective killing<sup>5</sup>. As a consequence. Sudan remains

<sup>1</sup> Article (165) of the Criminal Code of 1991 states: (A person who imprisons a person in a certain place without a legitimate purpose or continues to imprison him knowing that an order has been issued for his release is considered to have committed the crime of unlawful arrest, and he shall be punished with imprisonment for a term not exceeding one year or with a fine or with both).

<sup>2</sup> Article (166) of the Criminal Law of 1991 states: (Whoever violates the privacy of a person by accessing him in his home without his permission, or without legitimate means by wiretapping him, or viewing his messages or secrets, shall be punished with imprisonment for a period not exceeding six months or with a fine or with both)

<sup>3</sup> Khaled Tohma Safak Al-Shammari, International Criminal Law (the concept of international criminal law and its sources – international criminal responsibility and its types – extradition system – international criminal justice), second edition, Kuwait, 2005, p. 64.

<sup>4</sup> Mustafa Burak Çelebi, International Protection of Human Rights and the United Nations System, Master's Thesis, Selçuk University Institute of Social Sciences, Konya, 2012, pp. 117, 121, 125.

<sup>5</sup> Radwan Nawaser, the expert on the human rights situation in Sudan, who was appointed late last year by High Commissioner for Human Rights Volker Turk at the request of the Human Rights Council to document and report on

deadlocked, one year after military coup. Several regions are hit by conflicts as the country suffers from an economic crisis and the freezing of international aid<sup>1</sup>.

### **Sub-suction Two: Obstacles to implement human rights and general freedom in Sudan:**

The most noticeable hindrances to human rights and freedom in Sudan are as the following:

1. The regime is characterized by dictatorship (military) and lack instability, in addition to the ongoing political conflicts and arbitrary change of government (coup), and freezing some articles of the Constitution and some laws and accords.
2. Weak knowledge of concepts and human rights principles for some local communities in Sudan, non -acceptability and lack of implementation of the principle of rule of law, such as the community of native administrations and regular forces.
3. Spread of violence which transformed into terrorism or civil or sectarian war.
4. Confusing the political and legal relationship, in terms of objectives and tools.
5. The governor itself is violating human right and the non- implementation of the rule of law and impunity of the perpetrators of violations from the penalty.

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human rights violations committed in Sudan since the coup of 25 October 2021, said: “This is destroying a country in a way that is degrading to people,” and “What is happening is as bad as anything I have seen in conflict zones over my long career. It is terrifying, tragic, brutal and completely unnecessary. The full range of human rights – economic, social and cultural – are being violated.” To the same extent, civil and political rights, describing the suffering of civilians from the ongoing fighting as insulting and Sudan suffering from “inhumanity”, Geneva, Tuesday, May 23, 2023, [https://www.ohchr.org/ar/press-releases/2023/05/sudan-suffering-dehumanizing-un-human-rights-expert-radhouane-nouicer#:~:text.](https://www.ohchr.org/ar/press-releases/2023/05/sudan-suffering-dehumanizing-un-human-rights-expert-radhouane-nouicer#:~:text=)

Elliott Brachet, Sudan remains deadlocked, one year after military coup, (Khartoum, correspondance), Published on 1 October 25, 2022, updated on October 25, 2022, [https://www.lemonde.fi/en/le-monde-africa/article/2022/10/25/sudan-remains-deadlocked-one-year-after-military-coup\\_6001741\\_124.html](https://www.lemonde.fi/en/le-monde-africa/article/2022/10/25/sudan-remains-deadlocked-one-year-after-military-coup_6001741_124.html), Arrival date: 04/24/2024.

6. Arbitrariness and abuse of power from some officials and those who have political and social influence in the country and having objective and procedural immunity<sup>1</sup>.
7. Weakness of some of our national legation which ensure human rights and how they conflict with international charters (Security Service Law), with lack of sufficient mechanism to apply Human Rights laws and weakness conflicts resolution.
8. Some movements and political parties tried to dominate rights and natural freedom of the people, via consecrating the State capacity toward their society or their religious groups.
9. Some governments and opposition parties attempted to form structures of organization, groups and offices in the name of human rights, affiliated to them, aiming at raising their ideas and promoting their political propaganda. That may sometimes cause confusion on the human rights issue.
10. Interference in the internal affairs in the country under the pretext of providing humanitarian and economic assistance, in a way that serves their international and regional objectives and interest, whether it was through its financing or some private sector<sup>2</sup>.
11. Confusing between the executive authority and legislative authority in the actual regime in this transitional period: system of governance in Sudan during this period since 2019 lacks the legislative one. Only the executive authority (the sovereign council) enact laws, confliction with the principle of separation of power which stipulate not to centralize authorities in one hand. Hence, this authority will change into a dictatorship, not taking into account, as usual, human rights as is the case in the system of government in Sudan.
12. Lack of human rights respect and the absence of the State to apply the rule of law.

### **Section Three: The proposed solutions to contribute in putting an end to human rights Hindrances:**

There are a number of proposed by the researcher solutions to counter human rights hindrances from some scholars as the following:

1. The importance of transitioning from mixed system of governance or the system of sovereignty council (military - civil) to a total civil rule and implementing democracy principle.

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<sup>1</sup> Ali Ahmed El-Sayed, Immunity from the Criminal Issue in Sudanese Criminal Laws and Islamic Law, previous reference, pp. 8-9.

<sup>2</sup> Yassin Hassan M. Othman, Basic Principles of the Concept of the Rule of Law and the Challenges It Facing, Justice and Human Rights Forum Conference, United Nations Development Program in cooperation with the Judiciary, South Darfur State, Sudan, Nyala, 24/October/2019

2. Spreading concepts related to human rights principles among the Sudanese communities, and seeking to reinforce the role of knowledge of research centers for human rights and community training, especially the native administration community and regular forces to implement the rule of law and not having recourse to customs in the issues of human right violations.
3. The Sudanese government must proceed to the disarmament process and put an end to crimes using the rule of in a just way to all society members so as to eradicate crimes.
4. It's vital that political, legal and social relationship must be well established and separate so as not confuse them and justify the use of excessive violence in order to deny people their freedom, under the pretext of achieving stability and peace.
5. Activating the role of local jurisdiction in the issues of human rights violations and finding effective mechanisms and abolish reconciliation issues in the cases of human rights that were undertaken by native administration in order to put an racial issues.
6. Putting an end to immunities and just trials procedures on the perpetrators of International crimes, human rights violators, with legalizing the role of the native administration and the issues that go in line with the raised subjects based on its social capacity.
7. Finding a way to conduct an intellectual and knowledge dialogue under the slogan of human rights for all parties (government, movements and the people), so that it we are able to meet and have a dialogue around human right.
8. Aspire to have peaceful transition of power and leave the seat peacefully, and to give the final say to the elections ballots, implementing democracy in the governance system.
9. Disarmament of all civilians and trigger national reconciliations process with all conflict parties.
10. To put an end to foreign political interferences putting into consideration the international assistance in terms of human and security aid that aim to achieve integrity of the society.
11. The importance of forming the three authorities in the country and to separate between them, so as to be fully independent and to guarantee democracy.
12. The State must take care of justice principles in the transitional period and must implement the rule of law, reform laws and institutions so as to preserve the human dignity.

## **Conclusion:**

The study handled the topic of human rights violations in Sudan in light of the Criminal Law, focusing on their causes and obstacles facing human rights in Sudan and the proposed solutions to counter them. The research comes up with a number of findings and recommendations, of which:

Study findings:

1. There are still human rights violations, in terms of killing, looting, violence and an ongoing illegal detention in Sudan in the transitional period (2019-2022), on a larger scale threatening society security in the country.
2. There is no social justice in Sudan due to the aspiration have sovereign and economic dominance from some of those who are in power, without bearing in mind to any human dignity.
3. Ruling system in Sudan is characterized by authoritarianism and dictatorship, centralizing authorities in the Sovereign Council and its excessive use of violence and suppression of freedom.
4. We witness a wide spread of crimes and an increase of armed tribal conflicts, particularly in Darfur region, and that threat local and international security and peace.
5. The main problem regarding human rights violations in Sudan resides in the absence of the State's role in implementing the rule of law, and denial of some local communities to adhere to human rights concepts, besides lack of political will for the parties to transition toward a civil society and achieve democracy and social justice.
6. The continuation of human rights violations in Sudan in an alarming manner will threaten international peace and security at the local and regional levels.

## **Recommendations:**

1. To work to end human rights violations and to have tribal reconciliation for those who have armed conflicts, and have recourse to disarmament to reach to social justice in the country.
2. The state has to adopt a d legalize human rights in its national laws, and bring them into line with the international charters, and to apply the principle of rule of law, in addition to finding effective mechanisms to safeguard and adopt human rights, including the ICC.

3. The necessity of having a peaceful power and sovereign practice, forming the government and separating authorities, taking into account as a basis democracy and institutions reforms and holding elections.
4. Activating tools and mechanisms for individuals' protection, holding just trials for the international crimes perpetrators.
5. Raising awareness so as to comprehend the democratic State requirements, letting them know the human concepts, besides enhancing the political will to establish a civil State.
6. The international community must find a fair and effective mechanism to stop human rights violations in Sudan.

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