

THE UPR PROJECT AT BCU



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About the UPR Project at BCU:

Birmingham City University's Centre for Human Rights was created in 2014 to promote human rights, ensure access to justice, and enhance the rule of law around the world. We seek to achieve this through world leading research, education, and consultancy. We submit expert reports to international human rights regions, provide advisory services to governments and nongovernmental organisations, and draft legal opinions and file legal briefs in domestic courts and in international human rights courts.

The Centre for Human Rights established the UPR Project in 2018 as part of our consultancy service. We engage with the Human Rights Council's review process in providing support to the UPR Pre-sessions, capacity building for UPR stakeholders and National Human Rights Institutions, and the filing of stakeholder reports in selected sessions. The UPR Project is designed to help meet the challenges facing the safeguarding of human rights around the world, and to help ensure that UPR recommendations

are translated into domestic legal change in member state parliaments. We fully support the UPR ethos of encouraging the sharing of best practice globally to protect everyone's human rights.

Our Partner:

For this submission the UPR Project at BCU partners with the Sudanese Human Rights Initiative (SHRI) based in Khartoum, Sudan. SHRI is a nongovernmental Sudanese organization founded by Sudanese lawyers in 2008, in response to human rights violations committed by the state. SHRI was established with the goal to defend the rights of Sudanese people and to build the capacities of Sudanese civil society to do the same. SHRI has now more than 500 members, and an expansive network of lawyers, human rights defenders and journalists. SHRI Advocacy Officer: Assel Abuzer. Email: info@sudanesehumanrightsinitiative.org. Address: Sudanese Human Rights Initiative SHRI, P.O Box 131345, Khartoum, Sudan.

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INTRODUCTION

1. Sudan is party to seven of the nine core international human rights treaties for which it should be commended.¹ This includes the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).²
2. Since the outbreak of armed conflict in April 2023, Sudan has experienced a significant deterioration in the protection of fundamental human rights. Reports of arbitrary detention, torture, enforced disappearance, and other serious violations have become increasingly prevalent, raising concerns regarding compliance with Sudan's obligations under international human rights law. The ongoing conflict has further weakened legal safeguards, judicial oversight, and accountability mechanisms, exacerbating risks for civilians.
3. This Stakeholder Report assesses Sudan's implementation of its obligations under the ICCPR and CAT, focusing on two interrelated themes: **(1) capital punishment** and **(2) unlawful detention and torture**.
4. We make recommendations to the Government of Sudan on these key issues, implementation of which would also see Sudan moving towards achieving Sustainable Development Goal 16 which aims for peaceful and inclusive societies, access to justice for all and effective, accountable and inclusive institutions at all levels.
5. In this submission, we encourage Sudan to commit to improving its human rights protection and promotion by engaging meaningfully with the fourth cycle of the UPR. This includes giving full and practical consideration to all recommendations made by Member States, effectively implementing those recommendations it accepts, and actively engaging with civil society throughout the process.

CAPITAL PUNISHMENT

A. Sudan and International Law on the Death Penalty

6. The death penalty has remained a distinctive feature of Sudan's penal system prior to the country's independence through to the Transitional Government's rule. Precolonial practices of the death penalty in Sudan were largely characterised by customary law. Present laws on the death penalty are, to a large degree, the result of Islamization efforts of the 1980s and the early 1990s.³
7. Although the Constitutional Charter for the Transitional Period of 2019 omits most other articles from the old 1998 Constitution that relate to Islamic precept and notions, it maintains the sovereign right to impose the death penalty. Article 44 provides every human

being with the fundamental right to life and Article 54 follows the same limitations as the 1998 Constitution, namely that “the death penalty may only be inflicted as retribution (qisas), a hudud punishment, or as a penalty for crimes of extreme gravity, in accordance with the law” but fails to define what it considers as ‘crimes of extreme gravity’. Those under 18 or above 70 are exempt from the death penalty, however an exception to this rule is made for over 70s in cases of qisas or hudud.

8. There is a procedural nuance within the 2019 Constitution, as Article 42(2) (incorporating international obligations) and Article 44 (inherent right to life) suggest the non-application of the death penalty in general but Article 54 explicitly permits the use of the punishment contrary to international human rights law.

International Law Promoting the Restriction and Abolition of the Death Penalty

9. The United Nations’ framework for regulating the application of the death penalty comprises a corpus of international human rights law and jurisprudence. Of particular relevance are Articles 6, 7, and 14 ICCPR,⁴ its Second Optional Protocol,⁵ the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty,⁶ the Secretary General’s quinquennial reporting,⁷ the Secretary General’s Question on the Death Penalty,⁸ and the Human Rights Committee decisions.⁹ Other relevant treaties include the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment¹⁰ and the Convention on the Rights of the Child.¹¹
10. The General Comment on the Right to Life¹² provides an interpretive lens on the death penalty. Concerning ICCPR Article 6(6), which states “[n]othing in this article shall be invoked to delay or to prevent the abolition of capital punishment”, it reaffirms the position that “States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future.”¹³
11. The growing international consensus against capital punishment is reflected in the UN General Assembly’s biennial resolution to impose a global moratorium on the use of the death penalty. The tenth and most recent iteration of the resolution was passed on 17 December 2024. A total of 130 votes were recorded in favour with 32 votes against and 22 abstentions. Sudan has voted no in all such resolutions to date.¹⁴
12. Sudan has been a consistent signatory to the Joint Permanent Missions’ *note verbale* of dissociation, which records a formal objection to the Secretary General of the United Nations on the attempt to create a global moratorium on the death penalty.¹⁵ This is also reflected in Sudan’s comments made at the 2015 Human Rights Council’s High-level Panel on the Death Penalty. During the discussions, Sudan referred to “the principle of non-interference in the internal affairs of a country and each country can choose its own legal and judicial system based on national legislation in order to guarantee peace and stability to all citizens.”¹⁶

13. The death penalty remains a lawful punishment in Sudan for offences and conduct which contravene the evolving jurisprudence on ‘most serious crimes’ under international law.¹⁷ For example, in Sudan’s Criminal Act 1991,¹⁸ Firearms and Ammunitions Act 1986,¹⁹ Drugs and Narcotics Act 1994,²⁰ The Anti-Terrorism Act 2001,²¹ Armed Forces Act 2007,²² The National Security Act 2010,²³ and The Combating Human Trafficking Act 2013.²⁴

B. Implementation of Recommendations from Cycle Three in 2022

14. Sudan received 283 recommendations in the Third Cycle of which 244 were accepted and 39 were noted. A total of 16 recommendations focused on the death penalty, and all were ‘noted’ by Sudan.²⁵

Recommendations concerning Sudan’s Adoption of International Law

15. **Chile** (para 137.7), **Lithuania** (para 137.8), **Sierra Leone** (para 137.9), **Paraguay** (para 137.11), **Namibia**, **Slovenia**, **Armenia** (para 137.45), **Nepal** (para 137.46), **Canada** (para 137.47), **Latvia**, **Iceland**, **Italy** (para 137.48), **Uruguay** (para 137.54), and **Argentina** (para 137.56) all recommended Sudan to ratify the Second Optional Protocol to the ICCPR.

16. These recommendations have **not been implemented**. Sudan’s continued non-ratification of this instrument reflects a reluctance to commit to irreversible abolition at the international level.

Recommendations concerning Abolition and/or Moratorium

17. **Lichtenstein** (para 137.114), **Marshall Islands**, **Estonia** (para 137.115), and **Cote d’Ivoire** (para 137.116) recommended Sudan to abolish the death penalty. **Latvia**, **Iceland**, **Italy** (para 137.48), **Georgia** (para 137.111), **Spain**, **Australia**, **Portugal** (para 137.112), and **Switzerland** (para 137.113) recommended a moratorium on the death penalty with a view to domestic abolition. Uruguay also urged Sudan to “strengthen awareness campaigns on the death penalty and public debates on the subject”. Whilst such recommendations are welcomed, it is crucial that they remain specific and measurable in order to assess the level of implementation as broad recommendations, whilst easy to accept, lack any impetus to bring about real change.²⁶

18. As the armed conflict in Sudan enters its fourth year, serious and widespread violations of international human rights law and international humanitarian law continue across the country. The Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF), along with affiliated security and intelligence structures, have been implicated in patterns of arbitrary arrest, torture, enforced disappearance, and unfair trials leading to the imposition of the death penalty.

19. In areas under SAF control or newly retaken territory, authorities have relied heavily on emergency security structures, including military intelligence and so-called “security cells,” to detain individuals accused of collaboration with opposing forces.²⁷ These

practices have occurred in a climate of impunity and limited judicial oversight, raising serious concerns under international human rights law.

20. Further concerns remain regarding the continued use of the death penalty during the ongoing armed conflict. Information received indicates that Sudanese courts issued at least 108 death sentences between January and June 2025, predominantly in cases involving alleged affiliation or collaboration with the RSF. Many of these cases were reportedly prosecuted under Articles 50 and 51 of the Criminal Act 1991, relating to undermining the constitutional order and waging war against the State. Issues have also been raised regarding the disproportionate prosecution and sentencing of individuals originating from Darfur and Kordofan.²⁸
21. Proceedings leading to the imposition of death sentences have raised significant questions regarding fair trial guarantees. Some defendants were tried before military or special courts, experienced restrictions on access to legal counsel, and faced expedited proceedings that limited their ability to prepare a defence or challenge convictions. Reports further suggest that some convictions may have relied upon coerced or otherwise unreliable evidence.²⁹ These shortcomings call into question compliance with fundamental due process guarantees and the progressive restriction of capital punishment, ultimately undermining efforts to bring domestic practice into closer conformity with international human rights standards.

C. Further Points for Sudan to Consider

Adopting the UPR Recommendations to Enable the People of Sudan to Benefit from Advances in Effective Penology

22. The right to benefit from scientific advancement should also apply to the progress in social science research on the death penalty. The Universal Declaration of Human Rights, Article 27, states, “[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits,”³⁰ and the ICESCR article 15 (1)(b) recognises the right of everyone, “[t]o enjoy the benefits of scientific progress and its applications.”
23. Leading social science and criminological investigations into the death penalty worldwide have concluded:

[t]hose who favour capital punishment ‘in principle’ have been faced with yet more convincing evidence of the abuses, discrimination, mistakes, and inhumanity that appear inevitably to accompany it in practice. Some of them have set out on the quest to find the key to a ‘perfect’ system in which no mistakes or injustices will occur. In our view, this quest is chimerical.³¹
24. Social science investigations now demonstrate that reflecting appropriate government means that whilst capital punishment could be created within a legitimate parliamentary

process,³² it is now clear that the application of the death penalty renders an illegitimate and inhumane outcome.³³ Abolition in Sudan would enable the people of the country to benefit from the advancement of the leading social scientific research on punishment policies.

D. Recommendations

We recommend that, before the next cycle of review, the Government of Sudan should:

- i. Uphold and enforce its international obligations to safeguard the right to life, pursuant to Articles 6, 7 and 14 of the ICCPR.
- ii. Ensure it complies with the ‘most serious crimes’ principle, under Article 6 ICCPR, which restricts punishment to crimes of intentional killing only.
- iii. Conduct prompt, independent, and transparent investigations into all deaths in custody.
- iv. Ensure that all detainees are granted immediate access to legal counsel and fair trial guarantees.
- v. Suspend the use of military and special courts to try civilians.
- vi. Immediately halt the imposition and execution of death sentences where fair trial guarantees are not fully complied with.
- vii. Develop, in consultation with civil society and relevant regional bodies, a comprehensive action plan to work towards a moratorium, with a view to abolition, within the next three years.
- viii. Affirm its commitment to SDG 16 on access to justice and strong institutions through its support at the next biennial vote on the UNGA Resolution on the moratorium on the use of the death penalty.

UNLAWFUL DETENTION AND TORTURE

A. Sudan and International Law on Torture

25. The prohibition of torture and inhuman treatment is enshrined in numerous regional and universal human rights instruments such as, but not limited to, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); Article 5 UDHR; Articles 4, 7, 10 ICCPR; and Article 4 of the African Charter on Human and Peoples’ Rights.
26. This prohibition is universally accepted as a fundamental principle of customary international law and, therefore, is binding upon all States, irrespective of any ratification of the international instruments explicitly codifying the prohibition. In sum, “torture and inhuman treatment are prohibited for everyone, everywhere and in all circumstances.”³⁴
27. The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has confirmed that this prohibition requires States to:

adopt a holistic approach to eradicate, prevent, investigate and prosecute any such abuse, and to ensure adequate and effective reparation to victims and their families. This includes a duty to integrate all these elements into national legislation and policies; applying implementation procedures, such as procedural safeguards, training of law enforcement, and warranting humane conditions of detention; and creating mechanisms of accountability and oversight.³⁵

28. The only reference to torture in the 2019 Constitution of Sudan appears in Article 51 which states that “[n]o one may be subjected to torture or harsh, inhumane, or degrading treatment or punishment, or debasement of human dignity.” However, it fails to define the term itself.

B. Implementation of Recommendations from Cycle Three in 2022

29. There were 13 recommendations made regarding legal safeguards against torture of which Sudan expressed support for 11.³⁶ It is likely that the two recommendations which did not enjoy State support did so because they also urged Sudan to ratify the Second Optional Protocol to the ICCPR.³⁷
30. **Zambia** (para 137.3), **Lichtenstein** (para 137.4), **Cote d’Ivoire** (para 137.49) and **Armenia** (para 137.50) recommended Sudan ratify the UN Convention Against Torture. These recommendations **have been implemented**. Sudan ratified this core human rights treaty on 10 August 2021. Despite this, the 2019 Constitution and current law in Sudan do not contain a definition of torture as a criminal act, in line with UNCAT.
31. **Czechia** (para 137.2), **Zambia** (para 137.3), **Lichtenstein** (para 137.4), **Lithuania** (para 137.8), **Denmark**, **Lebanon** (para 137.44), **Togo** (para 137.53), **Italy** (para 137.55), and **Argentina** (para 137.56) further recommended Sudan “Ratify the Optional Protocol to the Convention against Torture”. These recommendations have **not been implemented**.
32. The 2019 Constitutional Declaration replaced the NISS with the General Intelligence Services (GIS). Unlike its predecessor, GIS’ powers are restricted to gathering and analysing information. In July 2019, the National Security Act (NSA) was amended to reflect this change in the Constitution. Despite this, in May 2020, a spokesman for GIS publicly claimed that the organisation retained powers to arrest, detain and interrogate. In practice, the agency continues to detain individuals, including former regime security officers.
33. The legal conditions of arrest, whether undertaken by the police or by GIS, remain a cause for concern. Under the Criminal Act 1991, a detained person is not granted the right to immediate legal representation; their family cannot be informed of the arrest unless it is with the approval of the Prosecuting Attorney or the Court; there is no standard requirement for making and retaining interrogation records; and detainees cannot request a medical examination following their arrest. Importantly, the Act does not require the detained person to be given an independent judicial review within 24 hours of their arrest.

34. The absence of these basic legal safeguards is a failure to protect the Sudanese people from torture and mistreatment. This is compounded by the institutionalised acceptance of human rights abuses by state officials in the past. Without these safeguards, members of the security forces persist in abusing their power to target activists and political dissenters.

Human Rights Violations by the Sudanese Armed Forces (SAF)

35. Serious concerns remain regarding detention practices during the ongoing armed conflict. Information received indicates that civilians continue to be subjected to arbitrary arrest and detention by security and intelligence actors affiliated with the Sudanese Armed Forces (SAF). Individuals are frequently detained on suspicion of collaboration with opposing forces, often on the basis of ethnicity, geographic origin, perceived political affiliation, or humanitarian activity. Reports indicate that arrests are regularly carried out without warrants, legal justification, or judicial authorisation, and that detainees are often held for prolonged periods without charge or access to judicial review.³⁸
36. There is also an increasing use of military bases, intelligence facilities, and other unofficial locations as places of detention. Detainees are frequently transferred between multiple locations, making it difficult for families and legal representatives to determine their whereabouts. In military-controlled areas, so-called “security cells” have reportedly played an increasing role in identifying, arresting, and detaining individuals suspected of posing security threats, raising concerns regarding the lack of transparency, oversight, and due process safeguards governing their activities.³⁹
37. Particular attention must also be given to the continued use of incommunicado detention and enforced disappearance. Information received indicates that families are often denied information concerning the location, condition, or legal status of detainees, while in some cases authorities have reportedly refused to acknowledge detention altogether. These practices have significantly restricted access to legal representation and judicial remedies, leaving detainees outside the protection of the law and contributing to a broader erosion of procedural safeguards during the conflict.
38. Reports continue to be received of incidents of torture and other forms of cruel, inhuman, or degrading treatment in detention facilities. Detainees have reportedly been subjected to severe physical abuse during interrogation, including beatings and other forms of violence, as well as denial of food, water, medical care, and adequate sanitation.⁴⁰ Reports further indicate the use of coercive methods to obtain confessions and instances of sexualised and degrading treatment of women detainees.⁴¹ Many victims have reportedly suffered long-term physical and psychological harm as a result.
39. Questions also remain regarding deaths occurring in custody and the adequacy of accountability mechanisms. SHRI documented 20 cases of torture or other forms of cruel, inhuman, and degrading treatment by security forces affiliated with the military, alongside two reported deaths in custody. The OHCHR further confirmed at least ten deaths in custody between January and June 2025 involving individuals detained by both the SAF

and RSF.⁴² Reports indicate that independent and transparent investigations into these incidents remain limited, contributing to a climate of impunity and raising concerns regarding the implementation of recommendations relating to the prohibition of torture and the protection of detainees.

Human Rights Violations by the Rapid Support Forces (RSF) in Darfur

40. The RSF have been implicated in serious human rights violations in Darfur, including arbitrary detention, enforced disappearance, torture and ill-treatment, sexual violence, extrajudicial killings, and other unlawful deprivations of liberty.
41. Reports indicate that the RSF operates a decentralised detention system comprising seized state prisons, military facilities, civilian buildings, and informal detention sites linked to military operations. These facilities reportedly operate outside formal judicial frameworks and without effective oversight or detainee registration.⁴³
42. Individuals have reportedly been detained without warrants, formal charges, access to legal counsel, or judicial review. Many have been held incommunicado and subjected to physical and psychological abuse, including severe beatings, humiliation, and other forms of torture and ill-treatment. Conditions of detention are reported to be characterised by overcrowding, inadequate food and water, limited medical care, and unsanitary environments.⁴⁴
43. Documented cases indicate that civilians, humanitarian workers, journalists, medical personnel, and community activists have been particularly affected. Reports also include allegations of sexual and gender-based violence in detention contexts, as well as deaths occurring in custody or during transfer. Key affected areas include El Fasher, Nyala, El Geneina, and Zalingei, where RSF-linked detention sites have been reported.⁴⁵
44. These violations have occurred in a broader context of weakened judicial institutions, limited oversight, and widespread impunity, restricting victims' access to effective remedies and accountability mechanisms.

C. Further Points for Sudan to Consider

The Universal Periodic Review Recommendations and the Contribution to the Sustainable Development Goals

45. Sudan should consider adopting the UPR recommendations as an expression of mutual reinforcement of the government's commitment to promoting the Sustainable Development Goals.⁴⁶ The human rights values expressed in both the UPR and the SDGs can be woven together to promote policy coherence.⁴⁷
46. SDG 16 provides for "Strong Institutions and Access to Justice and Build Effective Institutions," but the application of torture is inconsistent with this goal. Specifically, SDG 16.1 aims to reduce death rates, promote equal access to justice, and "protect fundamental

freedoms,” and to further this, SDG 16.A.1 identifies the importance of relevant national institutions, for building capacity at all levels, to prevent violence and combat terrorism and crime.

47. The use of torture and the death penalty do not signal legitimate strength in institutions, but renders counterproductive and inhumane consequences, including a brutalising effect upon society. This was affirmed in the Special Rapporteur’s report on ‘pay-back’ violence and killings.⁴⁸ Torture is antithetical to strong institutional processes for the fostering of the human dignity of the people of Sudan.

D. Recommendations

We recommend that, before the next cycle of review, the Government of Sudan should:

- i. Uphold and enforce its international obligations to prohibit the use of torture, pursuant to Article 7 of the ICCPR.
- ii. Ensure the implementation of UNCAT provisions by undertaking the necessary legislative, policy and institutional measures. This includes the criminalisation of torture in Sudan’s domestic laws, and reforming the policies and practices of the police, intelligence services and armed forces.
- iii. Incorporate a definition of torture, in line with UNCAT, into its legislative framework.
- iv. Provide a public clarification of the extent of the powers of GIS officers to arrest and detain, with reference to the Constitution and the National Security Act.
- v. Immediately end arbitrary arrests and ensure all detentions comply with Article 9 of the ICCPR.
- vi. Disclose the whereabouts of all detainees and end incommunicado detention and enforced disappearance.

¹ See < https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=165&Lang=EN >.

² Sudan is yet to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

³ See Carolyn Fluehr-Lobban, *Islamic Law and Society in the Sudan* (Routledge 2008); Abdelsalam and Medani, ‘Criminal Law Reform and Human Rights in African and Muslim Countries with Particular Reference to Sudan’ in Lutz Oette (ed), *Criminal Law Reform and Transitional Justice: Human Rights Perspectives for Sudan* (Ashgate Publishing 2011).

⁴ International Covenant on Civil and Political Rights (1976) 999 UNTS 171, Article 6 (right to life); Article 7 (the prohibition against torture and inhuman or degrading treatment or punishment); and Article 14 (the right to a fair trial and the principle of equality of arms).

⁵ The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, GA Res. 44/128, December 15, 1989.

⁶ Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Economic and Social Council Resolution, 1984/50; Additions to the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic and Social Council Resolution 1989/64; and the Strengthening of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic Council Resolution 1996/15.

⁷ See eg, ECOSOC Capital Punishment and Implementation of the Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty Report of the Secretary-General UN Doc E/2015/49 (13 April 2015).

⁸ See eg, Report of the Secretary General, Question of the Death Penalty, A/HRC/27/23, 30 June 2014.

⁹ For example, Judge v. Canada, Communication No. 829/1998, U.N. Doc. CCPR/C/78/D/829/1998 (2003).

¹⁰ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, 10 December 1984.

¹¹ Article 37(a) Convention on the Rights of the Child, G.A. Res 44/25, 20 November 1989.

¹² UN Human Rights Committee, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 30 October 2018.

¹³ *ibid* para 50.

¹⁴ Resolution on the Moratorium on the use of the death penalty, UNGA Res. 62/149, 18 December 2007, *adopted by 104 votes to 54, with 29 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 63/168, 18 December 2008, *adopted by 106 votes to 46, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 65/206, 21 December 2010, *adopted by 109 votes to 41, with 35 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 67/176 20 December 2012, *adopted by 111 votes to 41, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 69/186 18 December 2014 *adopted by 117 votes to 37, with 34 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 71/187, 19 December 2016 *adopted by 117 votes to 40, with 31 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 73/175 17 December 2018 *adopted by 121 votes to 35, with 32 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 75/183, 16 December 2020 *adopted by 123 votes to 38, with 24 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 77/222, 15 December 2022 *adopted by 125 votes to 37, with 22 abstentions*; Resolution on the Moratorium on the use of the death penalty, UNGA Res. 79/179, 17 December 2024 adopted by 130 votes to 32, with 22 abstentions.

¹⁵ UNGA, ‘Note verbale dated 13 September 2019 from the Permanent Mission of Egypt to the United Nations addressed to the Secretary-General’ (16 September 2019) UN Doc A/73/1004.

¹⁶ UNHRC, ‘Panel Discussion on the question of the death penalty - 9th Meeting, 28th Regular Session Human Rights Council’ (*UN Web TV*, 4 March 2015) at time 2:36:00; UN Media Release, ‘Human Rights Council holds High-Level Panel on the death penalty’ (*OHCHR*, 4 March 2015) HRC15/015E <www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15640&LangID=E>. See also Report of the United Nations High Commissioner for Human Rights, ‘High-level panel discussion on the question of the death penalty’ (16 July 2015) UN Doc A/HRC/30/21, para 25; UN Doc A/46/40, para 506.

¹⁷ See UN Doc CCPR/C/GC/R.36/Rev.2.

¹⁸ Crimes against the state: undermining of the Constitutional Order (article 50), instigation of war (article 51) and espionage (article 53); Crimes against body and soul: murder (article 130) and instigation of a minor or insane person to commit suicide (article 134); Crimes of honour, public morality and reputation: adultery where the offender is married (article 146(1)), sodomy where the offender is convicted for the third time (article 148 2 (c)), rape that constitutes adultery or sodomy (article 149(3)), incest (article 150(2)), and running a place for prostitution (article 155(3)); Crimes against property: armed robbery (article 168(1)(a)); Corruption (article 177); Crimes against humanity, genocide or war crimes (article 186 of 2009 Amendment Criminal Act 1991); False testimony and fabricating evidence (article 104).

¹⁹ Trade in firearms or running a private store without a license and owning, using or carrying firearms without a license (article 44 (3)).

²⁰ Trade in drugs and narcotics (article 15); Provision of drugs and narcotics (article 16); Commitment of the offences in articles 15-16 in association with an international gang, or as part of an international crime (article 17).

²¹ Incitement to commit an act in furtherance of the purposes of a terrorist state (article 5) and committing an act of terrorism (article 6).

²² Non-compliance with orders and instructions (article 142); abandonment of military posts (article 143 (1)); forcing subordinates to surrender (article 145); surrender or unconditional truce, (article 146); assistance of the enemy (article 147); joining the enemy (article 148 (1)); rebellion against constitutional order (article 162 (1)); dealing with another country with intention to harm the interests of the state (article 163); disclosure of military information and secrets (article 164); violations related to firearms and ammunition (article 182); offences related to military equipment, gear and uniforms (article 183 (1)).

²³ Crimes related to collaboration with an enemy (article 55); Conspiracy and Mutiny (article 56); Endangering the internal or external security of the country (article 57).

²⁴ Human trafficking where the victim dies.

²⁵ See UNHRC, ‘Report of the Working Group on the Universal Periodic Review – Sudan’ (20 April 2022) UN Doc A/HRC/50/16.

²⁶ Amna Nazir, ‘The Universal Periodic Review and the Death Penalty: A Case Study of Pakistan’ 4(1) RSIL Law Review 126, 153.

²⁷ Sudan’s Security Council orders crackdown on armed presence in cities amid recurring incidents (*Sudan Tribune*, 19 May 2026) <<https://sudantribune.com/article/314160>>.

²⁸ On file with SHRI.

²⁹ *ibid.*

³⁰ It is further recalled that the Human Rights Council determined that the basis of the Universal Periodic Review includes consideration of the Universal Declaration of Human Rights, see, Institution-building of the United Nations Human Rights Council, A/HRC/RES/5/1 18 June 2007.

³¹ Roger Hood and Carolyn Hoyle, *The Death Penalty: A Worldwide Perspective* (5th edn, Oxford University Press 2015) 7-8.

³² John Rawls stated, “[a]t some point, the injustice of the outcomes of a legitimate democratic procedure corrupts its legitimacy,” in, *Political Liberalism* (Columbia University Press 2005) 248.

³³ Austin Sarat stated, “law cannot work its lethal will and ally itself with the killing state while remaining aloof and unstained by the deeds themselves,” in, *When the State Kills: Capital Punishment and the American Condition* (Princeton University Press 2001) 21.

³⁴ Nils Melzer, ‘Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’ (22 January 2021) UN Doc A/HRC/46/26, para 10.

³⁵ *ibid* para 11. See also UN Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) 10 March 1992.

³⁶ UNHRC, ‘Report of the Working Group’ (n 23) paras 138.7; 138.8; 138.9; 138.10; 138.22; 138.74 138.75; 138.76; 138.91; 139.11.

³⁷ Lithuania (para 137.8): ‘Ratify the Optional Protocol to the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty’ and Argentina (para 137.56): ‘Consider taking the necessary steps to ratify the Optional Protocol to the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.’

³⁸ Human Rights Watch, ‘Sudan: Arbitrary Detention by Army, Security Forces’ (7 April 2026) <www.hrw.org/news/2026/04/07/sudan-arbitrary-detention-by-army-security-forces>; UN OHCHR, ‘A War of Atrocities: Sudan Civilians Deliberately Targeted, UN Fact-Finding Mission Reports International Crimes on Large-Scale’ (September 2025) <www.ohchr.org/en/press-releases/2025/09/war-atrocities-sudan-civilians-deliberately-targeted-un-fact-finding-mission> accessed 16 June 2026.

³⁹ Human Rights Watch, ‘Sudan: Arbitrary Detention by Army, Security Forces’ (7 April 2026) <www.hrw.org/news/2026/04/07/sudan-arbitrary-detention-by-army-security-forces>; UN OHCHR, ‘Sudan: UN Report Details Rampant Abuse of Detainees Amid Ongoing Conflict’ (6 March 2025) <www.ohchr.org/en/press-releases/2025/03/sudan-un-report-details-rampant-abuse-detainees-amid-ongoing-conflict> accessed 16 June 2026.

⁴⁰ UN OHCHR, ‘Sudan: UN Report Details Rampant Abuse of Detainees Amid Ongoing Conflict’ (6 March 2025) <www.ohchr.org/en/press-releases/2025/03/sudan-un-report-details-rampant-abuse-detainees-amid-ongoing-conflict>; UN OHCHR, ‘Detention Facilities and Practices in Khartoum State in the Context of the Conflict in the Sudan’ (March 2025) <www.un.org/sexualviolenceinconflict/wp-content/uploads/2025/03/report/auto-draft/report-ohchr-sudan-country-office-detention-facilities-khartoum.pdf>; UN Independent Fact-Finding Mission on Sudan, ‘Sudan: Arbitrary Detention, Torture and Enforced Disappearances Fueling Civilian Protection Crisis’ (15 June 2026) <www.ohchr.org/en/press-releases/2026/06/sudan-arbitrary-detention-torture-and-enforced-disappearances-fueling> accessed 16 June 2026.

⁴¹ UN OHCHR, ‘Sudan: UN Report Details Rampant Abuse of Detainees Amid Ongoing Conflict’ (6 March 2025) <www.ohchr.org/en/press-releases/2025/03/sudan-un-report-details-rampant-abuse-detainees-amid-ongoing-conflict>; Human Rights Watch, ‘Sudan: Arbitrary Detention by Army, Security Forces’ (7 April 2026) <www.hrw.org/news/2026/04/07/sudan-arbitrary-detention-by-army-security-forces> accessed 16 June 2026.

⁴² UN OHCHR, *Human Rights Situation in the Sudan, 1 January to 30 June 2025* (OHCHR, 19 September 2025) <www.ohchr.org/en/documents/country-reports/human-rights-situation-sudan-1-january-30-june-2025> para 45.

⁴³ UN OHCHR, ‘Sudan: RSF Violations in Capture of El Fasher Amount to War Crimes’ (February 2026) <<https://www.ohchr.org/en/press-releases/2026/02/sudan-rsf-violations-capture-el-fasher-amount-war-crimes>> accessed 16 June 2026. See also ‘Sudan Tribune Investigation Reveals Mass Graves and Secret RSF Detention Centers in El Fasher’ (*Sudan Tribune*, 12 January 2026) <<https://sudantribune.com/article/309262>> accessed 16 June 2026.

⁴⁴ See (n 40).

⁴⁵ UN Independent International Fact-Finding Mission for the Sudan, ‘A War of Atrocities: Sudan Civilians Deliberately Targeted’ (September 2025) <www.ohchr.org/en/press-releases/2025/09/war-atrocities-sudan-civilians-deliberately-targeted-un-fact-finding-mission>; UN OHCHR, ‘Sudan: Entrenched Impunity Fuelling Gross Human Rights Violations and Abuses’ (18 February 2025) <www.ohchr.org/en/press-releases/2025/02/sudan-entrenched-impunity-fuelling-gross-human-rights-violations-and-abuses>; UN OHCHR, ‘Sudan: UN Experts Appalled by Reports of Mass Atrocities, Unlawful Killings and Sexual Violence in El Fasher’ (7 November 2025) <www.ohchr.org/en/press-releases/2025/11/sudan-un-experts-appalled-reports-mass-

atrocities-unlawful-killings-and> accessed 16 June 2026; UN Security Council Panel of Experts on Sudan, Final Report UN Doc S/2024/65 (15 January 2024).

⁴⁶ See the UN Sustainable Development Goals website, <https://sustainabledevelopment.un.org/?menu=1300>.

⁴⁷ The first two cycles of the UPR were reviewed under a data mining procedure and of the circa. 50,000 recommendations, it was possible to link more than 50% of those to SDG targets, see, The Danish Institute for Human Rights, Linking the Universal Periodic Review to the SGGs, p. 2.

⁴⁸ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Mission to Papua New Guinea (3 to 14 March 2014), A/HRC/29/37/Add.1, 30 March 2015, para. 96, “...several interlocutors shared the opinion that the death penalty might actually lead to further killings... given the payback culture. While the Special Rapporteur condemns the existence of the payback culture, he acknowledges that payback-related killings might increase if the death penalty is carried out.