

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	230
Land:	Sudan
Kilde:	International Federation for Human Rights
Titel:	Sudan. Observatory for the Protection of Human Rights Defenders. Annual Report 2011
Udgivet:	25. oktober 2011
Optaget på baggrundsmaterialet:	31. oktober 2011

SUDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, in the run-up to the referendum on Southern Sudan independence, repression intensified against all dissenting voices, largely conducted by the National Intelligence and Security Services (NISS). As in previous years, crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur continued, and humanitarian workers working in that region were subjected to further attacks and restrictions on freedom of movement. Journalists reporting on human rights violations also faced censorship and harassment. Human rights defenders promoting fair, transparent and free electoral processes and a number of women's rights defenders were also targeted.

Political context

Although crucial steps for the implementation of the 2005 Comprehensive Peace Agreement (CPA)¹ were undertaken in 2010 and 2011 with the organisation of the first multi-party general elections since 24 years in 2010² and the referendum on the independence of Southern Sudan in January 2011, President Omar Al Beshir – who is currently subject to two arrest warrants by the International Criminal Court (ICC) for “war crimes”, “crimes against humanity” and “genocide” committed in Darfur³ – was re-elected on April 26, 2010 in a process marred by widespread irregularities and human rights violations both in the north and in the south⁴. On the same day, Mr. Salva Kir was confirmed as President of the Government of Southern Sudan.

In addition, in the run up to the referendum on Southern Sudan independence, repression intensified against all dissenting voices, largely conducted by the National Intelligence and Security Services (NISS),

1/ The CPA brought an end to twenty years of civil war between the Sudanese Government and the Sudan People's Liberation Army (SPLA).

2/ Elections were held on the same day for the President of the Republic of Sudan, the President of the Government of Southern Sudan, the Governors of the 25 States, the Members of the National Legislative Assembly, the Members of the Southern Sudan Legislative Assembly and Members of State Legislative Assemblies.

3/ On July 12, 2010, the ICC Pre Trial Chamber issued a second arrest warrant for Mr. Omar Al Beshir on charges of “genocide” committed in Darfur.

4/ See African Centre for Justice and Peace Studies (ACJPS) Report, *Sifting through Shattered Hopes: Assessing the Electoral Process in Sudan*, May 2010. In addition there was little competition, since a few days before the elections several opposition political parties withdrew from the presidential elections including the Sudan Peoples' Liberation Movement (SPLM), Umma Party, and the Sudan Communist Party.

which retain the power of arrest and detention under the 2010 National Security Act. In May 2010, the NISS resumed pre-print censorship, a practice that President Al Beshir had lifted through decree in September 2009⁵. Repression culminated when, following popular revolts in Tunisia and Egypt, youth activists started organising peaceful protests across Northern Sudan calling for President Al Beshir to abdicate power and for the National Congress Party (NCP) to rescind austerity measures imposed to combat the economic effects of southern secession⁶. National security forces used pipes, tear gas and sticks against protesters in Khartoum, Omdurman, El Obeid, Wad Medani and Kosti. More than one hundred people were arrested on the first day of protest on January 30, 2011 and several were severely injured. Many of the detainees were tortured and released at different dates afterwards. More were arrested on the following days, including journalists and human rights defenders, before being subsequently released⁷. In addition, gender-based violence was used as a new tool to repress women demonstrators as several cases of protesters being raped were reported⁸.

From January 9 to 15, 2011, the referendum on the independence of Southern Sudan took place in a mostly peaceful environment and on February 7, 2011, the Electoral Commission announced that 98.83% of the voters had backed independence⁹. However, unresolved issues such as border demarcation, resource-sharing, citizenship and particularly the future status of Abyei area¹⁰ could still “derail Sudan’s north-south peace process” as stated by the United Nations (UN) Expert on Human Rights in Sudan following the violent clashes that erupted there after the referendum¹¹. Stability in Southern Sudan was also jeopardised by recurrent clashes in Jonglei between the Sudan People’s Liberation Army (SPLA) and a rebel group led by George Athor Den, a former SPLA member, which led in February 2011 to the displacement of 20,000 people and the killing of over 200 people, mostly civilians¹².

5/ See ACJPS.

6/ The protests were led by the “Youth of 30 January for Change Alliance”, a coalition of student movements such as Girifna, Nahoa Alshari and Aid ala Aid.

7/ An unknown number were charged by the police for “rioting” and released on bail, but the charges were still pending as of April 2011. See ACJPS.

8/ See No to Women Oppression Coalition Press Release, March 1, 2011 and ACJPS.

9/ See European Union Election Observation Mission Press Release, January 17, 2011.

10/ Abyei self-determination referendum to join either Northern or Southern Sudan was supposed to take place on January 9, 2011 but was postponed due to disagreement over voter eligibility.

11/ See UN News Service Statement, March 14, 2011. At least one hundred people were reportedly killed during violence at the beginning of March and up to 25,000 displaced. See Integrated Regional Information Networks (IRIN) Press Release, March 8, 2011.

126 12/ See Internal Displacement Monitoring Centre (IDMC) Statement, February 25, 2011.

While attention was focused on the referendum, the situation in Darfur was deteriorating, with intensified fighting between the Government and armed opposition movements, as well as among rebel factions. In September 2010, the Government, while highlighting its concern about the implications in Darfur of the referendum on the south independence and its new strategy on Darfur aiming at the return of internally displaced persons (IDPs) to their place of origin, launched large scale attacks in West Darfur¹³. The civilian population was increasingly victim of widespread human rights violations such as looting, destruction of property and villages, rape, arbitrary arrests, and killings and at the end of November 2010, 268,500 people were estimated to be newly displaced¹⁴.

Continued crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur

In this context, and following several ICC decisions putting pressure on the Sudanese authorities regarding the situation in Darfur¹⁵, the Government took drastic measures to prevent any independent reporting on the region. Indeed, the attacks on human rights defenders aimed at paralysing the human rights movements in Darfur, which started in 2009 when the ICC began its proceedings against President Al Beshir, continued in 2010-2011. In particular, the Khartoum Centre for Human Rights and Environmental Development (KCHRED), the Amal Centre for the Rehabilitation of Victims of Torture and the Sudan Social Development Organisation (SUDO), NGOs that were dismantled by the authorities in 2009, could still not resume their activities in 2010-2011. On January 13, 2010, the Governor of Khartoum State rejected the appeal filed by KCHRED against its dismantlement, and KCHRED's appeal against this decision before the Administrative Court was still pending at the beginning of 2011. The Amal Centre did not file an appeal. On April 21, 2010, a Khartoum court reversed the 2009 Khartoum State's Humanitarian Aid Commissioner decision to cancel the registration and dissolve the SUDO. However, as of the end of April 2011, the Government was still refusing to return SUDO's assets, which meant it could not resume its activities. Moreover, on December 22, 2010, Dr. Ibrahim Adam Mudawi, former Chairperson of SUDO, was found guilty on appeal of "embezzlement"

13/ See ACJPS.

14/ See OCHA Press Release, November 2, 2010. For more details on the human rights violations committed in Darfur see ACJPS Report, *Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process*, February 2011.

15/ The Decision informing the UN Security Council about the lack of cooperation by the Republic of the Sudan issued in May 2010, the issuance of a second arrest warrant against the President Al Beshir in July 2010 as well as two decisions issued on August 27, 2010 informing the UN Security Council and the Assembly of the States Parties to the Rome Statute about President Al Beshir's visit in Chad and Kenya.

and sentenced to a one year suspended prison term and a fine of 3,000 Sudanese pounds (about 770 euros) by the judge who had acquitted him based on the same evidence in March 2009. Dr. Ibrahim Adam Mudawi was immediately taken to Kober prison, and transferred the following day to Soba prison. On January 25, 2011, the same court that sentenced him on December 22, 2010 upheld the conviction but decided that he should not serve his sentence. Neither Mr. Mudawi, who was consequently released, nor his lawyer were present at the hearing.

Furthermore, several human rights defenders working on Darfur were forced to flee the country after being arbitrarily arrested and receiving threatening messages. On January 16, 2010, Mr. **Abdel Amajeed Salih**, a human rights defender employed by the Khartoum office of the Darfur Transitional Authority, involved in the monitoring of human rights violations, was released after spending six months and fifteen days in Kober prison's political security section. During these six months of detention, Mr. Abdel Amajeed Salih was tortured. He was not charged with any crime. Upon release, the NISS ordered him to report weekly to their offices and he reported receiving threatening phone calls. On March 28, 2010, he was arrested again by NISS while working with the Carter Centre on elections observation and detained for several hours. He consequently fled the country in June 2010. On February 22, 2010, Mr. **Taj Albanan Taj Alasfya**, the Coordinator of the South Darfur section of the Justice Africa organisation¹⁶, was arrested at his office in the Imtedad area in Nyala by NISS agents and kept in detention until February 24, 2010. He was threatened with being re-arrested should he reveal the circumstances of his arrest and requested to cooperate with NISS on providing information on activities of NGOs in Nyala. He received several threatening messages after his release and finally fled the country at the end of September 2010¹⁷.

In an effort to completely stop any reporting on the region and the human rights violations taking place on a daily basis, in October and November 2010, the NISS conducted a crackdown on Darfurian human rights defenders and journalists. On October 30, 2010, Mr. **Abdelrahman Mohamed Al-Gasim**, the Legal Aid and Training Coordinator of the Darfur Bar Association, was the first one to be arrested in Suq al Arabia in Khartoum by NISS agents. The same day, the NISS conducted a raid

16 / Justice Africa is an international NGO based in London and advocating for justice in Africa which runs a programme in Sudan and particularly about Darfur.

17 / See ACJPS.

at the Human Rights and Advocacy Network for Democracy (HAND)¹⁸. They confiscated the organisation's equipment and arrested Messrs. **Abdelrahman Adam Abdelrahman** and **Dirar Adam Dirar**, respectively Deputy Director and Administrative Officer of HAND, as well as Ms. **Manal Mohamed Ahmed**, Ms. **Aisha Sardo Sharif**, Ms. **Aziza Ali Edris**, Ms. **Kuwather Abdelhag Mohamed**, and Messrs. **Abu Ghassim El Din**, **Zacharia Yacoub**, **Ibrahim Adam**, **Adam Alnour Aldam Momen Abdelrahman Adam** and **Khalid Ishag Mohamed Yosuf**, all members of the HAND network. On November 3, 2010, Mr. **Jaafar Alsabki Ibrahim**, a Darfuri journalist working for *Al Sahafa*, was arrested in a NISS raid on the newspaper's offices. All men were detained at Kober prison and the women at Omdurman women's prison. They were all released without charge on January 13 and 23, 2011, except for Messrs. Jaafar Alsabki Ibrahim and Abdelrahman Adam Abdelrahman, who remained in detention without charge as of the end of April 2011. The repression went so far as to harass individuals who had not yet published their writing, as happened to Ms. **Fatima Mohamed Alhassan**, a Darfurian employee of the Nyala tourism authority who was writing a book about accountability and justice in Darfur and was arrested by the Nyala's police in South Darfur on December 5, 2010. The police seized her notes including testimonies she had collected. On December 7, 2010, her relative and room-mate was also arrested. Both of them were taken to the central police station in Nyala and charged by the Military Intelligence of South Darfur of "undermining the constitutional system" and "waging war against the State", an offence that could be punished by the death penalty. On December 12, 2010, Ms. Fatima Mohamed Alhassan was interrogated by NISS for three hours before being returned to police custody. The following day, she was transferred to Nyala women's prison along with her relative. On January 25, 2011, the charges were modified to "participation in a terrorist or criminal organisation" pursuant to Article 65 of the Criminal Code and punishable by a sentence of a maximum of ten years¹⁹. Ms. Fatima Mohamed Alhassan and her relative were released on bail on January 16, 2011. As of April 2011, the case had not been referred to the court. In addition, as of April 2011, the case filed in 2009 by the NISS against Mr. **Abu Talib Hassan Emam**, a lawyer from El Geneina and a member of the Darfur Bar Association, under Article 53 of the Sudanese Criminal Act 1991 for "espionage against the country", was still pending without referral to the court.

18 / HAND is a coalition of nine grass roots Darfuri organisations that publicises monitoring reports about the situation of human rights in Darfur.

19 / See ACJPS.

Ongoing attacks and restriction on freedom of movement of humanitarian workers in Darfur

The crackdown on human rights defenders was coupled with grave restrictions on humanitarian actions in the region. Humanitarian aid never fully recovered from the expulsion of thirteen international aid NGOs in March 2009 following an order of the Sudanese authorities as none of them were able to resume their activities. In addition, the Organisation of Voluntary and Humanitarian Act of 2006 remains in force and continued to be used to restrict the work of humanitarian groups. For instance, on January 22, 2010, the Humanitarian Act Commission revoked the licences of 26 relief groups²⁰ operating in Darfur while warning thirteen to conform to the law within thirty days²¹. In addition, in August 2010, two international staff members of the International Organisation for Migration (IOM) were ordered to leave the country by the authorities without explanation²². On February 22, 2011, the Governor of South Darfur ordered the NGO Doctors of the World France (*Médecins du monde* - MDM) to leave the country. As a result, the NGO stopped all its activities in Darfur²³. Moreover, humanitarian staff who continued their activities in the region worked in a very difficult environment, facing attacks and abductions. African Union-United Nations Hybrid Operation in Darfur (UNAMID) staff members were particularly targeted. For instance “on October 7, 2010, the house of UNAMID staff was broken into. Three staff members were taken hostage, two of whom managed to escape within a few hours of being kidnapped. The other hostage was held for ninety days and finally released on January 5, 2011. On November 4, three aviation staff contracted by the World Food Programme, were kidnapped in Nyala, Southern Darfur. They escaped after 35 days in captivity”²⁴. Humanitarians also faced increased restrictions to their freedom of movement and access to beneficiaries. For instance, in August 2010, after fighting started in Kalma IDPs camps, humanitarian workers were prevented from accessing the camp for two weeks²⁵.

20/ The 26 NGOs are Prospect Sudan, Counterpart International, Feed the Children, Food for the Hungry, Safe Harbour, The Halo Trust, Right to Play, Air Serve, Mercy International, Global Peace Mission, Population Media Centre, Sudanese International Development & Relief Association, Royal Dutch Aid, Canadian Association for African Development, Stichting Projectkoppeling Eindhoven Gedaref (SPEG) - Holland, Norwegian League for the Disabled, African Association for Development, Health Assistance for Children, Nabata Charitable Foundation, Impact, Cins-Italy, Ulfa Aid, Joint Projects Organization, Arabic Centre for Immigrant Labours, Tomp/Germany and Human Relief and Peace.

21/ See ACJPS.

22/ See IOM Sudan Press Briefing Note, July 15, 2010.

23/ See MDM.

24/ See UN Security Council, *Report of the Secretary-General on the UNAMID*, UN Document S/2011/22, January 18, 2011.

25/ See ACJPS.

Humanitarian agencies as well as UNAMID were also constantly denied access since February 2010 to a certain portion of East Jebel Marra²⁶.

Crackdown on human rights defenders promoting fair, transparent and free electoral processes

In 2010-2011, the authorities systematically repressed any attempts by civil society to advocate in favour of democracy and transparent elections since the beginning of 2010. Members of “Girifna”²⁷, a youth group created before the general elections to encourage civic participation as well as voter education and promotion of social change and democracy through peaceful actions, were particularly targeted. For instance, on March 6, 2010, police and NISS in Khartoum broke up a peaceful election campaign denouncing corruption held by Girifna at a bus stop in central Khartoum. Three students and members of Girifna, Messrs. **Taj Alsir Jafar Taj Isir**, **Abdallah Mahadi Badawi** and **Hisham Mohamed Alhaj Omer**, were taken to Khartoum Shimal police station, and the police filed a complaint against them for “public nuisance”. They were all released on bail the following day and at the end of April 2011, the complaint was still pending. In addition, on March 15, 2010, Mr. Abdallah Mahadi Badawi was abducted by two armed men in Khartoum and taken to a room in an unknown location, where he was severely beaten by thirteen men with sticks, hoses, and electric wires, and interrogated about Girifna’s activities and sources of funding. After being released, Mr. Abdallah Mahadi Badawi held a press conference on March 18 in Khartoum, during which he talked about his arrest and detention condition. He consequently received death threats by NISS and fled the country on April 31, 2010. On August 7, 2010, the police arrested Messrs. **Hassan Ishag**, **Azzi Eldine Al-Anssari** and **Hassan Mohamed**, three students members of the Girifna movement, in Khartoum while they were distributing the Girifna magazine. They were taken to police station five in Alhaj Yousif area. The police filed a complaint against them for “breach of public peace” and “calling for opposition to the public authority by violence or criminal force”. Late at night, NISS agents took the detainees from police custody to NISS offices, where they were questioned extensively about the movement and tortured. They were taken back to police and released on bail on August 9, 2010. As of the end of April 2011, the police complaint was still pending. On January 22, 2011, Mr. Taj Alsir Jafar was arrested again together with Messrs **Osman Al Jamery** and **Taj Al Sir Mahjoub** by the NISS in Khartoum Bahri after distributing the Girifna magazine. They were all released after a few days, without charge²⁸.

26 / See Security Council, *Report of the Secretary-General on the UNAMID*, UN Document S/2011/22, January 18, 2011.

27 / “Girifna” literally means “we are fed up”.

28 / See ACJPS.

Targeting of women's rights defenders

Women's rights activists initiatives in Sudan were also targeted. On December 14, 2010, a peaceful demonstration organised by the "No to Women's Oppression Coalition" in front of the Ministry of Justice in Khartoum, was dispersed by the police. The demonstration was to denounce the use of public order laws in Sudan and their discriminatory application towards women²⁹, and call for amendments of such laws. Before the demonstration began, the NISS and police reportedly cordoned off the area and forcefully disbanded the group. Forty-three persons including members of NGOs, lawyers, members of Girifna and journalists were arrested and taken to Alsh mali police station before being released on bail a few hours later. Another group of seven persons was taken by the police to Alemtidad police station in Khartoum and released on bail at the end of the day. All of them were charged with "publication of false news", "rioting" and "public nuisance" and were awaiting trials as of April 2011. In addition, the *BBC* Correspondent in Khartoum, Mr. **James Copnall**, was attacked by the NISS while he was covering the demonstration and his recording equipment was confiscated³⁰. On the same day, Dr. **Abdelbasit Murgany**, Director of the Al Finar Psychosocial Support Centre, was arrested in Khartoum by the NISS after hosting a meeting of the "No to Women's Oppression Coalition" at the Centre in Khartoum. Mr. Abdelbasit Murgany was detained incommunicado and without charge until his release on December 20, 2010. Moreover, the case filed by the Public Order Police (POP) in Khartoum on July 20, 2009 against Ms. **Ammal Habani**, a journalist for *Ajras Al-Hureya* newspaper and a defender of women rights, for "defaming the POP" under Article 159 of the Criminal Code was still pending as of April 2011. She was charged following the publication on July 12, 2009 of an article she wrote in defence of Ms. Lubna Ahmad Hussein, who was condemned for wearing "indecent clothing" to forty lashes. The first court session was expected in mid-2011.

Repression of doctors denouncing poor working conditions

In 2010, several doctors protesting over poor working conditions and difficulties to access medical treatment were subjected to judicial harassment. On June 1, 2010, Dr. **Walaa Alden Ibrahim** and Dr. **Alhadi Bakhiet**, leaders of the Sudanese Doctor's Strike Committee, were arrested by NISS agents immediately after announcing the Committee's decision to hold a strike. Both doctors were released later that day, but arrested again after they made public statements about the torture they sustained

29/ For instance, Article 152 of the 1991 Criminal Code, which incriminates "obscene and indecent acts", is regularly used to sanction women's behaviour.

30/ See ACJPS.

in detention. On the same day, in the evening, the Head of the Doctor's Strike Committee, Dr. **Ahmed Alabwabi**, was arrested at his house in Khartoum. On June 2, 2010, a demonstration organised by students of the Khartoum University's School of Medicine in solidarity with the detained doctors, was violently dispersed by the police with tear gas. As a result, twelve people were injured and six students were arrested, taken to Khartoum north police station and charged for "public nuisance". The students were released on bail in the evening, without charge. Three other doctors were arrested on the following days, Dr. **Mahmoud Khairallah**, Dr. **Abdelaziz Ali Jame**, Vice-President of the Strike Committee, and Dr. **Ahmed Abdulla Khalaf Allah**. All doctors were detained in Kober prison and released without charge on June 25, 2010 after an agreement was reached between the Doctors' Strike Committee, the Federal Ministry of Health, and the Sudanese Medical Society³¹.

Censorship and harassment of journalists reporting on human rights violations

When the NISS resumed censorship in May 2010, the coverage of certain topics linked to human rights such as violations of civil liberties, the situation in Darfur and the ICC, was regularly censored. For instance, on May 26, 2010, the newspapers *Al Sudani*, *Al Sahafa* and *Ajras Alhurria* reported that the NISS had called their editors late in the evening and threatened them in order to prevent them from publishing articles related to, among other topics, the arrest of Mr. **Salih Mahmoud Osman**, a human rights lawyer, along with Ms. **Mariam Alsadig Almahadi**, an opposition politician and activist, and Mr. **Albukhari Abdalla**, an international lawyer, at the Khartoum airport to prevent them from attending the ICC Review Conference in Kampala, scheduled from May 31 to June 11, 2010. On June 3, 2010, due to the number of articles censored by the NISS, *Ajras Alhurria* newspaper could not be published. *Ajras Alhurria* resumed publication afterwards but was prohibited from publishing any news regarding the doctors' strike, the ICC, or the arrest and trial of journalists³². Journalists who reported on the rape of a demonstrator by NISS agents on February 13, 2011 faced judicial harassment upon NISS request. Ms. **Ammal Habani** and Mr. **Faisal Mohamed Salih**, a journalist for *Al-Akhbar* newspaper, were interrogated on March 13, 2011 by the Media and Publication Prosecutor and an investigation opened for "defamation" (Article 159) and "propagation of false news" (Article 66 of the

31/ See ACJPS. Doctors in all Sudan went on strike on June 2 to protest against the arrest and detention of their colleagues. The authorities allegedly promised to release the six detained doctors if they gave up the strike, which they did on June 24.

32/ See ACJPS.

Criminal Code). They were both released on bail on the same day and as of April 2011, the investigation was still continuing. In addition, Ms. Ammal Habani was dismissed from her work with *Ajras Al-Hureya* newspaper in March 2011 as a result of pressure by the NISS on the newspaper's owner.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
13 human rights defenders, including Messrs. Abdelrahman Mohamed Al-Gasim, Dirar Adam Dirar Abdelrahman Adam Abdelrahman	Arbitrary detention / Ill-treatments	Urgent Appeal SDN 001/1110/ OBS 129	November 2, 2010
		Open Letter to the authorities	January 14, 2011
Dr. Abdul Basit Margani	Arrest / Incommunicado detention / Risk of torture	Urgent Appeal SDN 002/1210/ OBS 146	December 17, 2010
	Release	Open Letter to the authorities	January 14, 2011
Dr. Mudawi Ibrahim Adam	Ongoing arbitrary detention / Judicial harassment	Open Letter to the authorities	January 14, 2011
Messrs. Abdelazim Mohamed Ahmed and Ahmed Mahmoud Ahmed	Arbitrary detention / Acts of torture	Urgent Appeal SDN 001/0211/ OBS 020	February 15, 2011