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## Freedom in the World 2011 - Sudan

**Capital:** Khartoum

**Population:** 42,272,000

Political Rights Score: 7 \*

Civil Liberties Score: 7 \*

Status: Not Free

### Overview

Sudan's first national, multiparty elections in 24 years, held in April 2010, were marred by fraud involving the main parties in the North and the South. President Omar al-Bashir won another five-year term but faced mounting pressure from the International Criminal Court, which in July issued a warrant for his arrest on charges of genocide in the Darfur region. Fighting intensified in Darfur during the year, after one of the main rebel movements pulled out of peace talks. Meanwhile, the autonomous Government of Southern Sudan prepared to hold a referendum on independence from the North in early 2011.

Sudan has been embroiled in nearly continuous civil wars since gaining independence from Britain and Egypt in 1956. Between 1956 and 1972, the Anyanya movement, representing mainly black Africans in Southern Sudan, battled Arab Muslim-dominated government forces. In 1969, General Jafar Numeiri toppled an elected government and established a dictatorship. The South gained extensive autonomy under a 1972 accord, but Numeiri reneged on the deal in 1983 and imposed Sharia (Islamic law), igniting a civil war with the main Southern rebel group, the Sudan People's Liberation Army (SPLA). The fighting lasted until 2004, causing the deaths of an estimated two million people and the displacement of millions more. Numeiri was ousted in 1985, and a civilian government elected in 1986 was overthrown three years later by General Omar al-Bashir. Over the next decade, al-Bashir governed with the support of senior Muslim clerics including Hassan al-Turabi, who served as leader of the ruling National Congress Party (NCP).

Al-Bashir fired al-Turabi in 1999 and oversaw deeply flawed presidential and parliamentary elections a year later, which the NCP won overwhelmingly. The government ended the civil war with the South in January 2005 by signing the Comprehensive Peace Agreement (CPA) with the SPLA and its political arm, the Sudan People's Liberation Movement (SPLM). The pact established a power-sharing government, with the NCP retaining a slight majority in the parliament. The CPA also granted autonomy to a Government of Southern Sudan (GoSS) led by the SPLM, and allowed for a referendum on Southern independence to be held after a six-year transitional period. Non-SPLM opponents of the NCP were excluded from the deal. The CPA implementation process suffered a serious setback when longtime SPLM leader John Garang died in a

helicopter crash shortly after being sworn in as first vice president in 2005. His deputy, Salva Kiir, became SPLM leader and first vice president.

While the CPA was being negotiated, a separate conflict erupted in Darfur. Rebels from Muslim but non-Arab ethnic groups attacked military positions in 2003, citing discrimination by the Arab-dominated government. In 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring the inhabitants, slaughtering and stealing livestock, and raping women and girls. The military also bombed settlements from the air. More than two million civilians were displaced. The scale of the violence led to accusations of genocide by international human rights groups and the United States.

In 2006, the government reached a peace agreement with a faction of the Sudan Liberation Army, one of Darfur's rebel groups. All the other major groups refused to sign the pact, and fighting continued over the subsequent years despite the presence of international peacekeepers. In March 2009 the International Criminal Court (ICC) issued an arrest warrant for al-Bashir on charges of war crimes and crimes against humanity in Darfur.

The focus of the international community shifted from Darfur toward the South as the end of the CPA's interim period approached. Fraught negotiations over the terms of the Southern referendum ended with an agreement that secession would be contingent on a "yes" vote by a simple majority of the Southern electorate, with a turnout of at least 60 percent. The referendum bill also defined who would be able to vote in 2011.

With the ground rules set for the referendum, officials proceeded with delayed national elections, which took place in April 2010. While large sections of the electorate showed an eagerness to participate in the country's first multiparty balloting in 24 years, the process was undermined by intimidation and vote-rigging by the NCP in the North and the SPLM in the South. It was further compromised in the North when the SPLM decided to boycott the presidential election, citing unfair campaign conditions. Other parties, including the Democratic Unionist Party (DUP) and Umma, followed suit, extending their boycott to the parliamentary and gubernatorial contests as well.

Voting took place over five days in a largely peaceful fashion. Turnout in Darfur was low due to insecurity and the reluctance of internally displaced persons (IDPs) to participate. Parliamentary elections in Southern Kordofan state were postponed until a new census could be taken.

In the presidential contest, al-Bashir capitalized on the withdrawal of his main rivals, capturing 68 percent of the 9 million votes cast. Yasir Arman of the SPLM placed second with nearly 22 percent despite the party's declared withdrawal from the contest. The NCP also swept the parliamentary race, winning 323 of 450 seats – or 73 percent – in the National Assembly, the lower house. That left the SPLM with 99 seats, and smaller parties with the remainder. At the state level, the NCP's dominance was even more overwhelming; it captured 91 percent of the state assembly seats in the North.

The SPLM's victory in the South was similarly crushing. Kiir was elected president of the GoSS with 93 percent of the vote, and the SPLM won 87 percent of the state assembly seats as well as 9 out of 10 governorships. In the Southern Sudan Legislative Assembly, the SPLM won all but 4 seats; the NCP captured a single seat, the SPLM-Democratic Change won two seats, and the final seat went to an independent candidate.

While the United States described the elections as an important milestone, it said they fell short of international standards. The European Union observer mission criticized the dominance of the two main parties and described voter education campaigns as inadequate. African Union monitors said the elections were "imperfect but historic."

Bolstered by his victory, al-Bashir launched a crackdown on civil liberties in the North. Al-Turabi was arrested once more in May and held for two months without charge. Civil society activists, aid workers, and journalists were harassed and obstructed. Meanwhile, international pressure on al-Bashir mounted in July, when the ICC issued a fresh warrant for his arrest, this time on charges of genocide in Darfur.

In the South there was sporadic postelection violence, some of it orchestrated by electoral candidates who believed they had been cheated out of victory. Up to 60 people were killed when a losing candidate in the Jonglei state governor's race mounted an armed rebellion.

After the elections, attention turned to the task of organizing the Southern referendum, scheduled for January 2011. The process, already behind schedule, was further waylaid by arguments about who should sit on the Southern Sudan referendum commission. Despite the challenges, voter registration got under way in November and proceeded smoothly, assisted by the international community. By the end of the registration period in December, 3.9 million Southerners had registered to take part. International observer groups, including the Carter Center, declared the process to have been credible.

A row about voter eligibility deadlocked negotiations on a separate referendum in the contested border enclave of Abyei. Residents there were set to decide whether to join the South or remain in the North. The SPLM accused the NCP of foot-dragging and warned that any effort to derail the referendum would amount to a declaration of war. Both sides acknowledged in December that the Abyei vote would not go ahead as planned.

The prospects of reaching a peace deal in Darfur ebbed and flowed in 2010. A reconciliation pact between Sudan and Chad remained intact, and the two governments stopped using the Darfur border region to sponsor attacks on each other. The most powerful rebel group, the Justice and Equality Movement (JEM), agreed to join long-running talks between the government and various rebel factions in Doha, Qatar, in February. However, it withdrew again in May, accusing the government of continuing to attack its forces.

The security situation on the ground in Darfur sharply deteriorated. The UN Office for the Coordination of Humanitarian Affairs recorded more than 2,300 violent deaths during 2010. Fighting between government forces and rebel factions led to 400 deaths in May alone, making it the deadliest month since the United Nations Mission in Darfur took over from African Union peacekeepers at the end of 2007. The government resumed aerial bombing raids in the region, and clashes between rival factions in one of the largest IDP camps led to the deaths of at least 35 people in July, causing another 25,000 to flee. Separate fighting between Arab groups over land and migration routes caused 157 fatalities in August alone.

Sudan's economy continues to rely on petroleum exports. Oil revenue makes up 98 percent of Southern Sudan's budget and approximately 60 percent of the North's. While most of Sudan's oil is located in the South, the export infrastructure is in the North. For this reason, the ongoing negotiations over how to divide Sudan's oil revenue after the referendum have assumed critical importance.

### **Political Rights and Civil Liberties**

Sudan is not an electoral democracy. The transitional government and legislature in place until May 2010 were unelected, and the presidential and legislative elections of April 2010 failed to meet international standards, according to monitors from the United States, the European Union, and Sudan itself.

There were irregularities at every stage of the polls, beginning with the drawing of district boundaries based on census results that overstated the population in areas controlled by the ruling NCP and undercounted opposition strongholds in the South and Darfur. During the voter registration period there were reports that some people were stopped from registering while others registered illegally. Insufficient attempts were made to educate citizens about the complex voting procedure.

A total of 72 political parties nominated candidates for the elections, but many of them were not allowed to campaign freely. Candidates seeking to hold public events were forced to register with the authorities 72 hours in advance, and approval was often withheld. State broadcasters restricted access to opposition candidates, placing limits on what they could say. The National Elections Commission was accused by opposition parties of favoring the NCP.

The decision by much of the opposition to boycott the elections cleared the way for resounding wins for the NCP in the North and the SPLM in the South. Both parties used intimidation and in some cases violence to ensure victory, particularly the SPLM. Non-SPLM candidates in the South were detained and prevented from campaigning, and voters were threatened. The voting period was plagued by irregularities. Voter rolls were inaccurate or incomplete, polling stations in some constituencies failed to open, and there were reports of the NCP handing cash to voters. Domestic observers were denied access to polling stations in Khartoum and other areas in the North. Moreover, ballot boxes in some districts were mislaid or tampered with. Observers expressed concerns about the vote-counting process; the Carter Center described the procedure as "non-transparent" and "vulnerable to electoral manipulation."

The elections had the effect of sharpening the political polarization between North and South. The NCP dominated the new government in Khartoum. Although SPLM leader and GoSS president Salva Kiir retained his position as the country's first vice president, the SPLM's representation in the 450-seat lower house of parliament, the National Assembly, was slashed from 126 to 99, and NCP ministers took 26 of the 35 seats in the cabinet. In the GoSS, the SPLM took 30 of the 32 cabinet posts. The national parliament's 50-seat upper chamber, the Council of States, was indirectly elected by the new state legislatures in May, and comprises 32 NCP and 18 SPLM members. The winners of the presidential and parliamentary elections will all serve five-year terms.

Sudan is considered one of the world's most corrupt states. The NCP tightly controls the national economy and uses the wealth it has amassed in banking and business to buy political support. During the 2010 elections there were widespread reports that the NCP paid rival candidates to withdraw from the polls. Two NCP members were accused of setting up a Ponzi scheme that defrauded more than 40,000 people in North Darfur state. Victims of the scam demonstrated outside the governor's residence in Al-Fashir, but police opened fire on the crowd, killing 17 people. Corruption and nepotism are also serious problems in the GoSS, whose institutions are chronically weak. However, the government has set up an anticorruption commission that recovered approximately \$5 million in misappropriated funds in 2010.

The 2005 interim constitution recognizes freedom of the press, but the media face significant obstacles in practice. The 2009 Press and Publication Act allows a government-appointed Press Council to prevent publication or broadcast of material it deems unsuitable, temporarily shut down newspapers, and impose heavy fines on those who break the rules. In the North, the NCP government launched a crackdown on the media following the April 2010 elections. Newspaper editors were forced to submit their articles for approval by the National Intelligence and Security Services (NISS) between May and August, and six papers were forced to cancel editions after their articles were rejected. Hassan al-Turabi's newspaper, *Al-Rai al-Sha'ab*, was closed in May, and four staff members were arrested. Three of them were ultimately convicted of "attempting to destabilize the constitutional system," receiving prison sentences of up to five years each. The daily paper *Al-Intibahah* had its license suspended from July to October after being accused of campaigning for Southern secession. Separately in July, journalists were told to complete questionnaires demanding information about their political views and about their friends and families. In October, police raided the Khartoum offices of Radio Dabanga, a major source of news on Darfur, and arrested 13 people.

Despite the deteriorating media environment, numerous privately owned dailies and weeklies were able to provide a range of views, including those of the opposition and the GoSS. International media are generally accessible, particularly in the South. However, the government in Khartoum suspended the license of the British Broadcasting Corporation's Arabic service in August, accusing it of smuggling satellite equipment into the country. Authorities also refused to renew the license of Radio France Internationale's Arabic service.

There is generally greater press freedom in Southern Sudan than in the North. Nevertheless, journalists considered unfriendly to the SPLM face harassment and in some cases arrest. Two radio stations in Juba were raided in March 2010 after they broadcast an interview with an independent candidate. In October, the Southern Sudan Union of

Journalists criticized restrictions placed on the reporting of political developments on the border with the North.

Religious freedom, though guaranteed by the 2005 interim constitution, is not upheld in the North. Northern states, which are predominantly Sunni Muslim, are subject to Sharia, unlike those in the South, where most people follow Christianity or traditional religions. The North-South conflict was characterized as jihad by the Khartoum government, and in some cases non-Muslims were forced to convert to Islam. The Christian minority in the North continues to face discrimination. In June 2010, police detained eight people for two days for holding a religious ceremony at their home in the Nuba Mountains without permission. The United States in 2010 renewed its designation of Sudan as a "country of particular concern" for its violations of religious freedom. The GoSS generally respects religious freedom.

Respect for academic freedom is limited. The government administers public universities, monitors appointments, and sets the curriculum. Authorities do not directly control private universities, but self-censorship among instructors is common.

Freedom of assembly is restricted. The authorities routinely withheld permission for opposition rallies and other political meetings during the election campaign. A demonstration in June 2010 by students at Khartoum University in support of a doctors' strike was broken up by police. At least a dozen people were injured. In October, riot police clashed with a crowd of demonstrators holding a rally in favor of Southern secession.

The operating environment for nongovernmental organizations (NGOs) remained difficult in 2010, particularly in Darfur, where aid workers faced obstruction from the government and rebel groups. Two German aid workers were kidnapped in Darfur in May and held for more than a month before being released. An American employee of another NGO was held hostage for more than 100 days in Darfur before being released in August.

Trade union rights are minimal, and there are no independent unions. The Sudan Workers Trade Unions Federation has been co-opted by the government. Six doctors were arrested in June 2010 and held without charge until the end of the month for organizing a strike to protest low pay and poor working conditions.

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. Sudanese criminal law is based on Sharia and allows punishments such as flogging and amputation, although such laws apply only to Northern, Muslim states.

The National Security Act, which took effect in January 2010, gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives. Human rights groups accuse the NISS of systematically detaining and torturing opponents of the government, including Darfuri activists, journalists, and members of the student movement Girifna. Amnesty International documented at least 34 such cases in the first half of 2010.

It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have documented the widespread use of rape, the organized burning of villages, and the forced displacement of entire communities. The GoSS has struggled to provide basic security in the South, leaving communities exposed to violence by rival ethnic groups or clans, and by external forces such as the Lord's Resistance Army of neighboring Uganda. The GoSS has done little to address the proliferation of small arms in the South.

Female politicians and activists play a role in public life in Sudan, and women were guaranteed a quarter of the seats in the new National Assembly. In daily life, however, women face extensive discrimination. Islamic law denies Northern women equitable

rights in marriage, inheritance, and divorce. Female genital mutilation is widely practiced.

The U.S. State Department considers Sudan to be a source, transit, and destination country for persons trafficked for forced labor and sexual exploitation. The Sudanese military, Darfur rebel groups, and Southern Sudanese forces continue to use child soldiers, although the SPLA pledged to end the practice by the end of 2010.

*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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