



# SUDAN (48)

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## SUDAN [note 1]

The 1989 military coup that overthrew Sudan's democratically elected government brought to power Lieutenant General Omar Hassan Al-Bashir and his National Salvation Revolution Command Council (RCC). Bashir and the RCC suspended the 1985 constitution, abrogated press freedom, and disbanded all political parties and trade unions. In 1993 the RCC dissolved itself and appointed Bashir President. In 1996 Bashir won highly structured national elections as President, while a National Assembly with 275 of 400 members popularly elected in a deeply flawed process replaced the transitional national assembly. The opposition boycotted the electoral process. Despite the adoption of a new Constitution through a referendum in June 1998, the Government continued to restrict most civil liberties. Since 1989 real power has rested with the National Islamic Front (NIF), founded by Dr. Hassan al-Turabi who became Speaker of the National Assembly in 1996. In November 1998, the NIF renamed itself the National Congress (NC); NIF/NC members and supporters continue to hold key positions in the Government, security forces, judiciary, academic institutions, and the media. On December 12, Bashir declared a 3-month state of emergency, dismissed Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. The judiciary is subject to government influence.

The civil war, which is estimated to have resulted in the death of 2 million persons, continued into its seventeenth year. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the insurgency. In April 1997, the South Sudan Independence Movement/Army, which broke away from the SPLA in 1991, and several smaller southern factions concluded a peace agreement with the Government. However, the SPLM/SPLA and most independent analysts regard the 1997 agreement as a tactical government effort to enlist southerners on the Government's side. The 1997 agreement remains largely unimplemented, and there was significant fighting between progovernment and antigovernment elements of the Southern Sudan Independence Movement (SSIM) during the year. The SPLM/SPLA and its northern allies in the National Democratic Alliance (NDA) carried out military offensives in areas along the borders with Ethiopia and Eritrea and in large parts of the south during the year. As in 1998, neither side appears to have the ability to win the war militarily. There was limited progress toward peace during the year. Government and SPLM/SPLA delegations met with mediators from the Intergovernmental Authority for Development (IGAD) in Nairobi from July 18-23 and participated in IGAD-mediated peace talks. The Bahr El Ghazal cease-fire, which began on July 15, 1998, was extended by both the Government and the SPLM in January, in April, and again in July. On August 10, the government offered a comprehensive cease-fire, which it extended in October through January 15, 2000. The SPLM similarly extended its cease-fire through the same dates, but effectively limited its offer to the humanitarian cease-fire as agreed to in Bahr El Ghazal. The Government and the SPLM met in Oslo May 25-26 and agreed in principle to the establishment of cross-line rail and road corridors for the delivery of humanitarian relief. Surveys were made during the year of possible routes.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintains an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), whose mission includes enforcing proper social behavior, including restrictions on alcohol and "immodest dress." In addition to the group of regular police forces, there is the Popular Police Force, which is made up of nominees from

neighborhood popular committees for surveillance and services, and which acts with police powers for political and social ends. Members of the security forces committed numerous serious human rights abuses.

Civil war, economic mismanagement, over 4 million internally displaced persons in a country of an estimated 27.5 million persons, and, to a lesser extent, the refugee influx from neighboring countries have devastated the country's mostly agricultural economy. Approximately 80 percent of the labor force is engaged in agriculture. Exports of gum Arabic, livestock, and meat accounted for more than 50 percent of export earnings. Private investment in the oil sector led to significant increases in oil production during the year. Reforms beginning in the early 1990's aimed at privatizing state-run firms and stimulating private investment failed to revive a moribund economy that is saddled with massive military expenditures and a huge foreign debt of approximately \$21.5 billion. Per capita national income is estimated at \$900 per year.

The Government's human rights record remained extremely poor, and it continued to commit numerous, serious abuses. Citizens do not have the ability to change their government peacefully. Government forces were responsible for extrajudicial killings and disappearances. Government security forces regularly tortured, beat, harassed, arbitrarily arrested and detained, and detained incommunicado opponents or suspected opponents of the Government with impunity. Security forces beat refugees, raped women, and reportedly harassed and detained persons on the basis of their religion. Prison conditions are harsh, prolonged detention is a problem, and the judiciary is largely subservient to the Government. The authorities do not ensure due process and the military forces summarily tried and punished citizens. The Government infringed on citizens' privacy rights. The Government still does not fully apply the laws of war to the southern insurgency and has taken few prisoners of war (POW's).

The easing of restrictions on press freedom, which began in 1997, ended as the Government repeatedly suspended publications that criticized or disagreed with the government line, and detained journalists. Moreover, all journalists continue to practice self-censorship. The Government continued to restrict severely freedom of assembly, association, religion, and movement. In the context of the Islamization and Arabization drive, pressure--including forced Islamization--on non-Muslims remained strong. Fears of Arabization and Islamization and the imposition of Shari'a (Islamic law) fueled support for the civil war throughout the country. There are no independent human rights organizations.

Violence and discrimination against women and abuse of children remained problems. Prostitution is a growing problem, and female genital mutilation is widespread. Discrimination and violence against religious minorities persisted, as did discrimination against ethnic minorities and government restrictions on worker rights. Child labor is a problem, and slavery remained a problem. Trafficking in persons continued. Government security forces were responsible for forced labor (including forced child labor), slavery, and the forced conscription of children.

Cooperation with U.N.-sponsored relief operations was mixed. The Government allowed U.N. teams to perform humanitarian assessments in the Nuba Mountains on two occasions. Government forces periodically obstructed the flow of humanitarian assistance. Problems with relief flights in the south centered on the Government's frequent denials of aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS), particularly for Western Upper Nile.

Insurgent groups continued to commit numerous, serious abuses. The SPLM/SPLA continued to violate citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controls, and in many cases, has controlled for many years. The SPLM/SPLA was responsible for extrajudicial killings, beatings, rape, arbitrary detention, forced conscription, and occasional arrests of foreign relief workers without charge. The SPLM/SPLA again failed to follow through on its promise to investigate a 1995 massacre. A local Red Crescent worker and three government officials

who were accompanying an International Committee of the Red Cross (ICRC) team in the south were killed while in the custody of the SPLA. SPLM/SPLA officials were guilty of, or complicit in, theft of property of nongovernmental organizations (NGO's) and U.N. agencies operating in the south. The ICRC reported in 1996 that the SPLA had begun to observe some basic laws of war; it takes prisoners on the battlefield and permits ICRC visits to some of them. However, the SPLA did not allow the ICRC to visit prisoners accused by the insurgent group of treason or other crimes, or those held in Southern Blue Nile State.

## RESPECT FOR HUMAN RIGHTS

Section I Respect for the Integrity of the Person, Including Freedom From:

### a. Political and Other Extrajudicial Killing

In their attacks on insurgent forces, government troops killed a large number of civilians (see Section 1.g.). There were credible reports that government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which reportedly resulted in some deaths. On numerous occasions, the Government bombed civilian facilities resulting in a number of civilian deaths, including children (see Section 1.g.). Explosions by government-laid landmines resulted in some deaths (see Section 1.g.). There were reports that during raids on civilian settlements government forces killed a number of persons (see Section 1.g.).

According to Human Rights Watch, at least three persons, Abdallah Chol, Hassan Abu Adhan, and Gladino (Sam) Okiety, reportedly died as a result of torture while in police custody. They had been detained in connection with the June 30, 1998 Khartoum bombings. There was no investigation into their deaths, nor were any police officers held accountable. University of Khartoum law student Mohamed Abdelsalaam Babeker was found dead on October 4, 1998, in a university dormitory, after being arrested by NIF security forces. An autopsy indicated that the cause of death was a brain hemorrhage allegedly caused by a head wound. A case was filed against an unknown person and the police reportedly conducted an investigation, but released no information. At year's end, the case was stalled due to failure to identify the defendants.

There was no investigation into the January 1998, reports of reprisal killings of Dinka men by government forces.

In July two State Ministers and numerous civilians reportedly were killed in Unity State during fighting between progovernment and antigovernment militias. It is widely believed that the Government provided direct support to the militia loyal to Paulino Matip. Both militias assert that the other was responsible for the killings. In May a barge operated by the U.N. World Food Program was attacked near the town of Adok resulting in the death of one persons and injuries to three others (see Section 1.g.). The area was the scene of fighting between progovernment and antigovernment militias, and it is not clear who was responsible for the attack.

Insurgent forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict; however, details generally were unavailable. Sometime before March 30, a local Red Crescent worker and three government officials who accompanied an ICRC team near the town of Kong in the south were killed while in the custody of the SPLA under circumstances that remain unclear. The four were riding in an ICRC vehicle with two foreign ICRC workers on February 18 when they were detained by the SPLA. The two foreign workers were released on March 12. The SPLM alleges that the four were killed in crossfire during a rescue attempt. The SPLM neither arranged for the return of the bodies nor permitted an independent investigation.

Rebel forces killed a large number of civilians during their attacks on government forces (see Section 1.g.). Insurgent forces laid landmines indiscriminately on roads and paths that



killed and maimed both soldiers and civilians. Prisoners reportedly have died while in SPLA custody due to poor prison conditions (see Section 1.c.). There are reliable reports that rebel forces that captured villages along the border with Ethiopia in 1997 carried lists used to identify leading government figures whom they killed summarily.

The SPLM/SPLA again failed to follow through on its promise to investigate a 1995 massacre.

Ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in eastern Equatoria led to a number of deaths (see Section 5). On January 16, in Chukudum local Didingas led by an SPLA captain killed a Dinka SPLA captain and several officers. The killing led to an outbreak of violence among Dinka and Didinga refugees in the Kakuma refugee camp in Kenya. The fighting, which began on January 26, resulted in at least six deaths and numerous injuries. In October Dinka SPLA soldiers killed a Didinga chief. On November 8, gunmen attacked an aid vehicle carrying members of the Sudan Relief and Rehabilitation Agency (SRRA), the humanitarian wing of the SPLM/SPLA, outside of the town of New Cush and killed two persons, apparently in retaliation for the October killing. Later that evening, Dinka SPLA soldiers killed another SRRA official, apparently in reaction to the vehicle attack. No one has been held accountable for the killings.

In February fighting between Arab pastoralists and African Masaleet tribes in Darfur led to more than a hundred deaths (see Section 5).

#### b. Disappearance

There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south and the Nuba mountains. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to their lawyers or family members.

There were reports that during raids on civilian settlements government forces abducted persons, including women and children (see Section 1.g.). Observers believe that some of the abductees were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, observers believe that the abductees were eventually released or ransomed, and that in other cases some abductees were killed.

In 1996 the Government established the Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the 1995 U.N. General Assembly. The commission technically still is functioning, but has yet to produce a final report. In May the Government formed the Committee for the Eradication of the Abduction of Women and Children. The committee and UNICEF jointly sponsored a workshop on abductions from July 27-29, during which the committee recognized abduction as a problem that the Government could and should address. The committee formed mechanisms to identify and return abductees. Several high-ranking Government officials participated in the activities of the committee. These mechanisms resulted in the identification and release of several hundred abductees, although the abductees had not been returned to their homes by year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The new Constitution, implemented early in the year, prohibits torture; however, the Government's official and unofficial security forces continued to torture and beat suspected opponents and others. Security forces tortured youths, student leaders, and others whom they deemed opponents of the Government. The Government reportedly harassed, detained, and tortured lawyers whom they viewed as political opponents (see Section 1.c.). In 1997 the U.N. Special Rapporteur on Torture described torture as a fairly extensive problem. Refugees also were subjected to beatings and mistreatment (see

Section 2.d). There continued to be reports that security forces regularly harassed and at times used threats and violence against persons on the basis of their religious beliefs and activities (see Section 2.c.). Security forces used excessive force, including beatings and tear gas, to disperse unapproved demonstrations (see Section 2.b.). Members of the security forces rarely, if ever, were held accountable for such abuses.

According to Amnesty International, journalist Mohammed Abd Al-Seed, who was arrested and detained by security forces for more than a month in April and May (see Section 1.d.), required medical treatment for infected wounds on his arms and legs as a result of being tortured severely while in detention.

There were reports that security forces continued to torture persons in "ghost houses," places where security forces detain government opponents incommunicado under harsh conditions for an indeterminate time with no supervision by the courts or other independent authorities with power to release the detainees.

Government forces were responsible for injuring many civilians during attacks on insurgent forces, during raids on civilian settlements, and while bombing civilian targets (see Section 1.g.). The explosions of government-laid landmines resulted in a number of injuries (see Section 1.g.). Soldiers were responsible for raping women (see Section 1.g.).

In December police in Khartoum State injured five persons during a conflict over a church school (see Section 2.c.).

The Criminal Act provides for punishments including flogging, amputation, and crucifixion--the public display of a body after execution. In a case involving ethnic clashes in the Darfur region in the west (see Section 5), an emergency court sentenced 10 persons to hanging and subsequent crucifixion. At year's end, the sentence had not been carried out pending confirmation of the High Court of Appeal and presidential approval.

In June a Khartoum court ordered that 25 students from Ahlia University be flogged; they were charged with disturbances, and "obscene acts." The obscene acts apparently referred to the actions of the female students in wearing trousers (see 1.f.).

On June 30, 1998, almost a dozen bombs exploded around Khartoum, in an alleged plot to mar official celebrations of the 1989 NIF coup. According to Human Rights Watch, at least three persons detained in connection with the June 30, 1998, Khartoum bombings reportedly died as a result of torture while in custody. According to Amnesty International, Reverend Lino Sebit reportedly confessed to involvement in the Khartoum bombings as a result of his torture and mistreatment (see Section 1.d.).

The Government's "scorched earth" policy resulted in a number of injuries (see Section 1.g.).

According to Amnesty International, nine men convicted of bank robbery and imprisoned were deprived of food and sleep, forced to do heavy exercise in the heat, and had cold water thrown over them during winter by prison officials. One of the convicted robbers was ultimately acquitted, but prison officials tortured him so severely while in detention that he was blinded.

Insurgent forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.). Insurgent forces laid landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians (see Section 1.g.). There are credible reports of beatings and other punishment of prisoners by the SPLA rebels, but the only verifications have been reports by the ICRC and others who have been to SPLM prisoner war camps in earlier years. Conditions in government prisons remain harsh, overcrowded, and life threatening. Built before the country's 1956 independence, most prisons are maintained poorly, and many lack basic facilities such as toilets or showers. Health care is primitive, and food is inadequate. Minors often are held with adults. There was a report

that 16 children who were living with their imprisoned mothers died during the year of diseases. Female prisoners are housed separately from men; rape in prison reportedly is rare. Prison officials arbitrarily denied family visits. High-ranking political prisoners reportedly often enjoy better conditions than other prisoners do.

The Government does not permit regular visits of prisons by human rights monitors. No independent domestic human rights organizations monitor prison conditions.

Prisoners reportedly have died while in SPLA custody due to the poor prison conditions. The SPLM allowed the ICRC to visit some POW's during the year.

#### Arbitrary Arrest, Detention, or Exile

The new Constitution implemented early in the year, prohibits arbitrary arrest and detention without charge; however, the Government continued to use arbitrary arrest and detention in practice. Legal provisions under the 1992 and 1995 National Security Acts and Criminal Code effectively set a fairly simple process to detain anyone for 3 months. A presidential determination, supported by a magistrate, may serve to detain a person for an additional 3 months. Allegations continue that some persons are detained indefinitely.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment. In theory the Government provides legal counsel for indigent persons in such cases; however, reports continue that defendants do not always receive this right, and that counsel in some cases only may advise the defendant and may not address the court. In some cases, courts have refused to allow certain lawyers to represent defendants. For example, in October 1998 the court ruled that leading human rights lawyer Ghazi Suleiman could not represent the accused in the Khartoum bombings trial.

Authorities continued to detain political opponents of the Government during the year. As a result, many political activists reportedly keep overnight bags packed. Human rights activist Ghazi Suleiman was detained frequently (on at least four occasions--see Sections 1.e and 2.b.), as were known leaders of banned political parties. On June 6, 84 persons were detained in Omdurman at the inauguration of a new political party, the Democratic Forces Front, (DFF--see Section 2.b.). In November authorities arrested several members of the government-aligned United Democratic Salvation Front who criticized the Government for its actions in the Unity State; reportedly all four were released later.

A number of journalists were detained during the year, including Mohammed Abd Al-Seed, who was arrested and detained in April for more than a month; the editors in chief of the newspaper Al-Rai al-Akher and reportedly two other editors in chief, who were arrested and detained in June; and the chief editor and editorial director of Al Rai Al Aam, who were arrested and detained in May for a day (see Section 2.a.).

There were reports that refugees were subject to arbitrary arrest (see Section 2.d.). Security forces also detained persons because of their religious beliefs and activities (see Section 2.c.). Generally, detentions based nominally on religion were of limited duration; because the practice of religion is not technically illegal, detainees could not be held formally on those grounds indefinitely. However, the Government often resorted to accusing, at times falsely, those arrested for religious reasons of other crimes, including common crimes and national security crimes, which resulted in prolonged detention. In November authorities arrested a religious leader who criticized the Government for being insufficiently Islamic, and several of his followers. Reportedly, all were released later without charge.

In 1998 the Government arrested Catholic priests Hillary Boma and Lino Sebit and 18 other persons, charged them with involvement in the Khartoum bombings in 1998, and brought them before a military court for trial. Boma, Sebit, and the other defendants in the case have been held for a long period of time in an unknown location without outside contact, including with their families and lawyers. In December all of the defendants were



released by presidential decree.

Persons arrested by government security forces often were held for long periods of time in unknown locations without access to their lawyers or family members. For example, journalist Mohamed Abd Al-Seed, who was arrested on or about April 14, was held without charge until May 26. During most of that period he was held incommunicado (see Section 1.e.).

In late December, the Government announced that it would release all political detainees. Those involved in the June 30 bombing case and the February 1998 Gezira bombing case were released as part of this amnesty in December.

In February the SPLA detained a local Red Crescent worker, three government officials, and two ICRC members who were riding in an ICRC vehicle near the town of Kong in the south. The government officials and the Red crescent worker were killed while in the custody of the SPLA sometime before March 30 under circumstances that remain unclear (see Section 1.a.).

In October two U.N./OILS employees were detained for a day by SSIM militia forces in Toch. There had been active conflict in the area and the local commander's actions apparently were taken independently.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The judiciary is not independent and is largely subservient to the Government. The Chief Justice of the Supreme Court, formerly elected by sitting judges, is nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controls the judiciary. On occasion, some courts display a degree of independence. Appeals courts on several occasions overturned decisions of lower courts in political cases, particularly public order courts.

The judicial system includes four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land and water rights and family matters. In November 1998, Parliament passed a bill to form a constitutional court, which was passed into law in December 1998, and the court's seven members were named that month. Constitutional Court Justices are appointed by the President. Within the regular court system there are civil and criminal courts, public order courts, which hear only minor public order issues, appeals courts, and the Supreme Court.

The new Constitution implemented early in the year provides for fair and prompt trials; however, it resulted in no changes in practice. The 1991 Criminal Act governs criminal cases, and the 1983 Civil Transactions Act applies in most civil cases. Military trials, which sometimes are secret and brief, do not provide procedural safeguards, sometimes have taken place with no advocate or counsel permitted, and do not provide effective appeal from a death sentence. Other than for clemency, witnesses may be permitted to appear.

Trials in regular courts nominally meet international standards of legal protections. For example, the accused normally have the right to counsel, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. However, in practice these legal protections are applied unevenly. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to their lawyers or family members. In the June 1998 bombings case, leading human rights lawyer Ghazi Saleiman was rejected by the court as a member of the defense team, reportedly because he had been requested by the defense counsel rather than by the defendants. Journalist Mohamed Abd Al-Seed, who was

arrested in April, was held for over a month; during most of that period he was held incommunicado (see Section 2.a.).

In 1989 the Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency defenses. Special courts, on which both military and civilian judges sit, handle most security-related cases. Attorneys may advise defendants as "friends of the court" but normally may not address the court. Lawyers complain that they sometimes are granted access to court documents too late to prepare an effective defense. Sentences usually are severe and implemented at once; however, death sentences are referred to the Chief Justice and the Head of State. Defendants may file appellate briefs with the Chief Justice.

The Government dissolved the respected Sudanese Bar Association in 1989 and reinstated it with an NIF-controlled leadership. In 1997 elections for the leadership of the Bar Association, an NIF-associated group won overwhelmingly amid accusations of blatant fraud. Lawyers who wish to practice must maintain membership in the Bar Association. In April leading human rights lawyer Ghazi Suleiman was banned from the Bar Association's club property, arrested, and subsequently prosecuted for disturbing the peace in connection with his attempts to hold a symposium entitled "The Role of the Advocate in His Society." He was found not guilty on appeal. Human rights monitors report that the Government continued to harass, detain, and torture members of the legal profession whom it viewed as political opponents.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act; however, the act permits the possible future application of Shari'a law in the south, if the State assemblies so decide. No reports cited court-ordered Hudood punishments, other than lashings, in government-controlled areas of the south. Fear of the imposition of Shari'a law remained a key problem in the rebellion.

Parts of the south and the Nuba mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/SPLA-held areas follow a penal code roughly based on the 1925 Penal Code. In rural areas outside effective SPLM control, tribal chiefs apply customary laws. In 1996 the SPLM proclaimed a civilian structure to eliminate the conduct of secret and essentially political trials such as those conducted by military commanders in previous years. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognizes traditional courts or "Courts of Elders," which usually hear matters of personal affairs such as marriages and divorces, and base their decisions of traditional and customary law. Local chiefs usually preside over traditional courts. Traditional courts are particularly active in Bahr El Ghazal. The SPLM is in the process of conducting a needs assessment for the courts.

There are political prisoners in the country, although the Government maintains that it holds none. The Government usually charges political prisoners with a crime, allowing the Government to deny their status as political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The new Constitution implemented early in the year provides for the inviolability of communication and privacy; however, the Government routinely interferes with its citizens' privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. During student demonstrations in



late September (see Section 2.b.), riot police reportedly broke into private homes to search for demonstrators. Some residents of Khartoum filed lawsuits against the riot police for violating their privacy and damaging property; however, the status of the lawsuits was unclear at year's end. In the north, security forces also targeted persons suspected of making alcoholic beverages, which are illegal.

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement.

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (see Section 5); however, this prohibition is not observed or enforced universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards (see Sections 1.c. and 5). On June 13, 24 Nuban students of Ahlia University in Khartoum were arrested while picnicking in a Khartoum park. The students reportedly obtained appropriate permits to hold a picnic. The following day, the students were taken to a public order court and reportedly sentenced to fines of up to approximately \$20 (50,000 Sudanese pounds) and floggings, because they committed "obscene acts"; apparently because female students were wearing trousers and the students were performing traditional Nuban dances that involved men and women dancing together. The sentences reportedly were carried out immediately after the trial. The students subsequently won an appeal and had their fines returned.

Non-Muslim prison inmates were pressured to convert to Islam, as were PDF trainees, children in government-controlled camps for vagrant minors, and persons in government-controlled peace camps (see Sections 1.g and 2.c.).

There were credible reports that government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities.

The Government continued to raze squatter dwellings in Khartoum during the year, but also continued efforts to implement procedures to grant title and move squatters in advance of demolition. In October the First Vice President directed that the demolition of churches and other Christian facilities in Khartoum be suspended and that a committee be formed under the Second Vice President to review the issue (see Section 2.c.).

A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods. The Government disbanded political parties and prevented citizens from forming new political groups (see Section 2.b.). As a result of the adoption of the new Constitution and the passage of a new political parties law in December 1998, political parties are now legal. As of the end of the year, there were 17 registered parties. The Government continued to dismiss military personnel summarily as well as civilian government employees whose loyalty it considered suspect. The government committee set up in 1995 to review cases of persons summarily dismissed since the 1989 coup continued to function in theory; however, it has released no results since May 1996.

Government-instituted neighborhood "popular committees"—ostensibly a mechanism for political mobilization—served as a means for monitoring households' activities. These committees caused many citizens to be wary of neighbors who could report them for "suspicious" activities, including "excessive contact" with foreigners. The committees also furnished or withheld documents essential for obtaining an exit visa. In high schools, students sometimes were pressured to join pro-regime youth groups.

Government forces burned and looted villages and stole cattle (see Section 1.g.).

The Government continued to conscript citizens forcibly, including high school age children (see Sections 5 and 6.c.).

As a result of the prolonged war, approximately 4 million persons are displaced internally (see Section 2.d.).

The insurgent SPLM/SPLA generally is not known to interfere with privacy, family, home, or correspondence in areas that it controls, although correspondence is difficult in war zones; however rebel factions continued to conscript citizens forcibly including high school age children (see Sections 5 and 6.c.).

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Since the civil war resumed in 1983, an estimated 2 million persons have been killed, and 4 million displaced internally as a result of fighting between the Government and insurgents in the south. Although there were numerous deaths during the year, observers believe that there were fewer deaths than in 1998. The civil war continued despite limited cease-fires, and all sides involved in the fighting were responsible for abuses in violation of humanitarian norms. At year's end, the Government controlled virtually all the northern two-thirds of the country, but was limited to garrison towns in the south. Government bombings continued despite unilateral declarations of a cease-fire. The town of Yei, the center of SPLM civil administration, was bombed repeatedly, killing at least one person, injuring several persons, and damaging the clearly marked Norwegian People's Aid-run hospital on March 5. The Government also repeatedly bombed the towns of Bentiu, Maudi, and Kajo Keji. On May 13, bombs from government aircraft reportedly struck a women's Koranic school in the town of Tahdaye in the east, killing 7 persons and wounding 25 others. Whatever its intended targets, government aerial bombing is so inaccurate that it puts civilians at risk regularly. On May 22, government artillery fire reportedly struck the town of Talkuk in the east, resulting in 5 dead and 17 wounded.

The Government reportedly violated the cease-fire on a number of occasions by carrying out raids and attacks on civilian settlements particularly in the Bahr El Ghazal. These raids were accompanied by killings, abductions, rapes, the burning and looting of villages, the theft of cattle, and significant displacement of civilian populations. For example, there was a report that in February government soldiers attacked the airstrip at Akoch in northern Bahr El Ghazal, killed 30 persons, raped women, abducted persons, stole cattle, and burned the village center. There was a report that in March soldiers attacked the towns of Alal Non and Akoch in northern Bahr El Ghazal, killing 86 persons and abducting 182 women and children. There were reports that in July the army attacked the towns in Ruweng county, burning several churches, abducting hundreds of persons, and killing dozens of civilians.

There are frequent allegations that government or government-associated forces have implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. Those forces allegedly have destroyed villages and driven out inhabitants in order to create an uninhabited security zone.

Victims of government bombings, and of the civil war in general, often flee to government-controlled "peace camps." Some NGO's reported that persons in the peace camps were subject to forced labor and at times pressured to convert to Islam.

Government forces routinely killed rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 and

during the year reportedly are held as POW's in government-controlled areas. In some cases, the Government does not concede that it holds POW's. The Government has not granted the ICRC access to the POW's. Government restrictions in practice limited or denied travel by nongovernmental relief organizations to many areas long controlled by insurgents. The U.N.'s OLS, a coalition of relief and aid NGOs, generally was allowed to operate in the south; however, at several points during the year, the Government denied flight clearances to the OLS to areas of Western Upper Nile, which exacerbated suffering there caused by fighting between progovernment and antigovernment militias. From June 21-24 and from September 15-29, U.N. teams conducted humanitarian assessment visits to rebel-held areas of the Nuba Mountains. From October 7-12, the U.N. conducted a humanitarian assessment in government-held areas of the Nuba Mountains; however, the U.N. has not yet been permitted to begin a humanitarian aid program for the Nuba Mountains.

Government forces in the south raped women, and forcibly conscripted men and boys (see Sections 1.f. and 6.c.). Government forces routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally during their offensive operations.

The Government used landmines, including the laying of belts of mines around garrison towns, which resulted in the killing and maiming of both soldiers and civilians. During a March visit by Special Representative for Children and Armed Conflict, Olari Otunu, both the Government and the SPLM agreed to cease using anti-personnel mines. At year's end, it was not clear to what degree the two sides were living up to their commitment. Insurgent forces continued to lay landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians.

In July two State Ministers and numerous civilians reportedly were killed in Unity State during fighting between progovernment and antigovernment militias. Both militias assert that the other was responsible. On May 18, a barge operated by the U.N. World Food Program was attacked near the town of Adok. One person on the barge was killed, while three others were injured. The area was the scene of fighting between progovernment and antigovernment militias, and it is not clear who was responsible for the attack.

Northern Muslim opposition groups under the 1995 NDA umbrella structure, which includes the SPLA, took military action against the Government. The NDA attacked government garrisons, the oil pipeline, and strategic points near the Ethiopian and Eritrean borders.

The SPLA has taken a number of prisoners over the years. The ICRC regularly visited many of these prisoners, although it did not have access to prisoners held in Southern Blue Nile State. Prisoners reportedly have died while in SPLA custody due to extremely poor prison conditions, although there is no evidence of the massacres alleged by some in the north.

There are credible reports of SPLA taxation and diversion of relief supplies. The SPLM leadership repeatedly has committed itself to eliminating these problems; however, in practice, it appears unable to impose consistently those commitments on its representatives in the field.

Insurgent forces in the south raped women and forcibly conscripted men and boys (see Section 1.f. and 6.c.). Insurgent forces also routinely displaced, killed and injured civilians, and destroyed clinics and dwellings intentionally.

Although details generally were unavailable, there were credible reports of civilian casualties as a result of conflict between Dinka and Didinga tribes around the town of Chukadum (see Sections 1.a. and 5). Some of the Dinka incidents reportedly involved members of the SPLA.



## Section 2 Respect for Civil Liberties, Including:

## a. Freedom of Speech and Press

The new Constitution implemented early in the year provides for freedom of thought and expression, and freedom of the press "as regulated by law;" however, the Government severely restricts freedom of speech and of the press. Government suspensions of newspapers, intimidation, and surveillance, facilitated in part by an informer network, continued to inhibit open, public discussion of political issues. Journalists practice self-censorship.

As a result of a limited easing of press restrictions that the Government began in 1997, some lively discussions of domestic and foreign policy were published in the press. Nonetheless, the Government still exercised control of news reporting, particularly of political topics and criticism of the Government, through the National Press Council. The Press Law was amended at mid-year, creating the National Press Council (formerly the National Council for Press and Publications). The Press Council applies the Press Law and is directly responsible to the President, with the power to suspend any newspaper for 2 months and individual journalists for 2 weeks if it considers that they violated press guidelines. The Press Council consists of 21 members: 7 selected by the President, 5 from the National Assembly, 7 directly elected by journalists from the Journalists' Union, and 2 selected by the Journalists' Union leadership.

The Government and the Press Council routinely suspended publications. The independent Al Rai Al Akhar was shut down on January 11 for 2 days, on June 22 for 2 days, on July 5 for 3 days, on July 26 for 2 days, on August 17 for 1 week, on September 9 for 1 week, and suspended indefinitely by presidential decree on September 19. On July 5, the daily newspapers Alwan, and Al Bayan were suspended for 3 days, and Al Bayan was suspended again on August 10 for 3 days. On August 31, Al Rai Al Aam was suspended for 2 days.

On November 7, riot police broke up a press conference in the office of human rights activist Ghazi Suleiman (see Section 2.b.).

Journalists often were arrested or detained. Freelance journalist Mohamed Abd Al-Seed was detained from about April 14 to May 26 and reportedly tortured (see Section 1.c.). The chief editor and editorial director of Al Rai Al Aam were arrested on May 24 for "crimes against the State." Both were released on bail that evening, and no further steps were taken regarding their case. The editor in chief of the newspaper Al-Rai al-Akher was arrested and detained in June for "harming national security and dissemination of false information," after publishing a speech by the president of the National Democratic Alliance that called for resistance to the Government. There were reports that the editors in chief of two other newspapers, Elishare Elyyasi and Al-Ousbou, also were arrested at the same time.

All journalists, even in the privately owned Arabic daily press, still practice self-censorship. There are nine daily newspapers, and a wide variety of Arabic and English publications are available; however, they are subject to censorship.

Radio and television are controlled directly by the Government and are required to reflect government and NIF/NC policies. Television has a permanent military censor to ensure that the news reflects official views.

The Government often charged that the international, and particularly the Western, media have an anti-Sudan and anti-Islam bias.

In spite of the restrictions on ownership of satellite dishes, citizens have access to foreign electronic media; the Government does not jam foreign radio signals. In addition to

domestic and satellite television services, there is a pay cable network of six channels, which directly rebroadcasts uncensored Cable News Network (CNN), the London-based, Saudi-owned Middle East Broadcasting Corporation (MBC), Dubai-TV, and Kuwait-TV. Early in the year, the Government reportedly reached agreement with the British Broadcasting Corporation (BBC) to allow FM radio broadcasting; however, such broadcasting had not begun by year's end. Rebel movements have provided relatively few opportunities for journalists to report on their activities.

Academic freedom does not exist. The Government used political criteria whenever possible in appointing new faculty members. In November the daughter of a prominent academic and outspoken government opponent, Dr. Farouq Kadouda, was beaten unconscious by unknown persons. A note was left next her body stating that the attack was a "warning." Dr. Kadouda received numerous anonymous threats of violence and retaliation should he continue to speak out against the government.

b. Freedom of Peaceful Assembly and Association

The declaration of the state of emergency and of martial law on June 30, 1989 effectively eliminated the right of assembly, and the Government severely restricted this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings that they viewed as politically oriented. Islamic orders associated with opposition political parties, particularly the Ansar and Khattimia, regularly are denied permission to hold large public gatherings. In April the Muslim Brotherhood, a registered political party, announced that it was denied permission to hold symposiums in Khartoum and Omdurman. On June 6, 84 persons were detained in Omdurman at the inauguration of the Democratic Forces Front (DFF). Eleven politicians present were charged with illegal assembly, disturbing public order, and causing a nuisance. They were released on bail and later acquitted. On November 7, riot police broke up a press conference in the office of human rights activist Ghazi Suleiman. At the press conference, leaders of the DFF, the New Democratic Movement, and the Nasrite Movement discussed a memorandum they planned to hand to the President that called for expediting reconciliation between the Government and the opposition, restoration of democracy, a new constitution, an interim government, and the organization of free and fair elections. The Government dispersed several unapproved demonstrations during the year, often with excessive force that included beatings and tear gas.

The Government severely restricted freedom of association. In December 1998 implementing legislation linked to the new Constitution that in theory would allow the existence of political parties passed into law. As a result, there are now 17 officially registered political parties; however, the legislation included restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government.

Professional association members accused the Government of manipulating the elections held by many associations. In November 1997, journalists severely criticized the Government's manipulation of journalists' union elections to ensure victory by progovernment candidates.

c. Freedom of Religion

The new Constitution, implemented early in the year, provides for freedom of religion but states that "Shari'a and custom are the sources of legislation," however, the Government severely restricts freedom of religion in practice. The Government treats Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies.

Religious organizations are subject to the 1994 Societies Registration Act, which replaced the controversial 1962 Missionary Societies Act. It theoretically allows churches to engage in a wider range of activities than did the Missionary Act, but churches are subject

to the restrictions placed on nonreligious corporations. Religious groups, like all other organizations, must be registered in order to be recognized or to gather legally. The Government also requires that houses of worship be approved. Registered religious groups are exempt from most taxes. Nonregistered religious groups, on the other hand, find it impossible to construct a place of worship or to assemble legally. Registration reportedly is very difficult to obtain in practice, and the Government does not treat all groups equally in the approval of such registrations and licenses. In recent years, the Roman Catholic Church has not been given permission to build new churches, although other Christian groups have received permission.

The Government permits non-Muslims to participate in services in existing and otherwise authorized places of worship. The Government continued to deny permission for the construction of Roman Catholic churches; however, it permitted some makeshift structures to be used. There is a longstanding dispute between the Episcopal Church and the Government. In September the Episcopal Church stated that the Government had moved to seize a portion of the property on which church offices in Omdurman stand. A government-run health care center had operated on the site since 1973. The Church claims that it has a freehold title to the land, while the Government claims that it is a leasehold. The Church claims that the courts would not act independently of the Government in the case. At year's end, the Government reportedly had delayed moves to seize the property. In December police injured five persons in a clash in northwest Khartoum over an Episcopal Church school. Local authorities claim that the school was built without a proper permit, and they were trying to confiscate it despite a court ruling in favor of the church.

Government authorities, using soldiers for security, reportedly have razed approximately 30 religious buildings with bulldozers since 1990. In June local press reports indicated that an agreement was signed between the Human Rights Committee of the National Assembly and the Minister of Engineering Affairs of Khartoum State not to remove schools or houses of worship during slum demolitions unless adequate alternative sites were found. Nonetheless, State Minister for External Relations Gabriel Rorege reportedly wrote a letter of complaint asking for action by the chairman of the Religious Dialogue, Ahmed Abdel Rahman Ahmed, to prevent confiscations of schools in the displaced areas. In October the First Vice President directed that demolition of churches and other Christian facilities in Khartoum be suspended and that a committee be formed under the Second Vice President to review the issue.

While non-Muslims may convert to Islam, the 1991 Criminal Act makes apostasy (which includes conversion to another religion) by Muslims punishable by death. In mid 1998, the Government began prosecution of an apostasy case against Faki Koko, a Nuban who was accused of converting from Islam. Faki Koko reportedly was released during the year, and allowed to leave the country for health reasons without charge or trial, although his current status and location remain unclear.

Although the Government considers itself an Islamic government, restrictions often are placed on the religious freedoms of Muslims, particularly against those orders linked to opposition to the Government. Islamic orders such as the Ansar and the Khatimia regularly are denied permission to hold large public gatherings. In April the Muslim Brotherhood, a registered political party, announced that it was denied permission to hold symposiums in Khartoum and Omdurman. In November a religious leader was arrested, along with some followers, allegedly for accusing the Government of being insufficiently Islamic.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, and there continued to be reports of harassment and arrest for religious beliefs and activities. Catholic priests report that they routinely are stopped and interrogated by police. Security forces also detained persons because of their religious beliefs and activities (see Section 1.d.).

According to Human Rights Watch, local officials in western Kordofan detained and beat



Christians, burned down Christian churches, and lashed Christian youths.

The Government charged Reverend Hillary Boma and Reverend Lino Sebit along with 18 other persons with involvement in the June 1998 Khartoum bombings, but released them in December (see Sections 1.d. and 1.e.). The charges were viewed widely as unsubstantiated and possibly designed to intimidate Christians and the political opposition.

Muslims may proselytize freely in the north, but non-Muslims are forbidden to proselytize. Foreign missionaries and religiously oriented organizations continue to be harassed by authorities, and their requests for work permits and residence visas are delayed. A foreign priest was deported in August. The priest reportedly was summoned by the immigration department on July 15 and told to leave the country within 2 weeks. No reason was given for his expulsion. The Government is least restrictive of Christian groups that historically have had a presence in the country, including Copts, Roman Catholics, and Greek Orthodox, and is more restrictive of newer arrivals.

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards. This, at the least, entails wearing a head covering. For example, in January the governor of Khartoum State announced that women in public places and government offices and female students and teachers would be required to conform to what is deemed an Islamic dress code. However, none of these decrees have been the subject of legislation, and enforcement of the dress code regulations was uneven. In June a Khartoum court ordered that 25 students from Ahlia University be flogged; they were charged with disturbances, and "obscene acts." The obscene acts apparently referred to the actions of the female students in wearing trousers (see 1.f.).

Children who have been abandoned or whose parentage is unknown--regardless of presumed religious origin--are considered Muslims and can be adopted only by Muslims. Non-Muslims may adopt only other non-Muslim children. No equivalent restriction is placed on adoption by Muslims of orphans, or other abandoned children. These children are considered by the State to be both Sudanese citizens and Muslims, and therefore can be adopted only by Muslims. In accordance with Islamic law, Muslim adopted children do not take the name of their adoptive parents and are not automatic heirs to their property.

PDF trainees, including non-Muslims, are indoctrinated in the Islamic faith. In prisons, government-supported Islamic NGO's offer inducements to and pressure non-Muslim inmates to convert. Some NGO's reported that persons in the government-controlled peace camps were subject to forced labor and at times pressured to convert to Islam (see Section 1.f.). Children, including non-Muslim children, in camps for vagrant minors are required to study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 5). Some children from Christian and other non-Muslim families, captured and sold into slavery, were converted forcibly to Islam.

The Government bombed villages in the Nuba mountains, at times striking hospitals, schools, mosques, Christian churches, and religious services (see Section 1.g.). On May 13, bombs from government aircraft reportedly struck a women's Koranic school in the town of Tahdaye in the east, killing 7 persons and wounding 25 others. There was a report in July that the army attacked the towns in Ruweng county, burning several churches, abducting hundreds of persons, and killing dozens of civilians (see Section 1.a.)

The Government requires instruction in Islam in public schools in the north. In public schools in areas in which Muslims are not a majority, students have a choice of studying Islam or Christianity.

In rebel-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worship freely, although it appears that many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favors secular government; however, the SPLM is dominated by Christians, and local SPLM authorities

often have a very close relationship with local Christian religious authorities. In February Protestant missionaries in the town of Panit in Bahr El Ghazal in the south reportedly baptized children studying at a Catholic school without their clear understanding or consent. SPLM authorities subsequently detained and later released some of the school's teachers for their roles in the incident.

Government and SPLM/SPLA delegations participated in IGAD-mediated peace talks in Nairobi, Kenya from July 18-23. The delegations continued discussions of the role of religion in national affairs and the predominantly non-Muslim southern region's right to self-determination. Further meetings are expected to take place in 2000.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The new Constitution implemented early in the year provides for freedom of movement and residence, and exit from and entry into the country; however, the Government restricted these rights in practice. The Government restricted freedom of movement by denying exit visas to some categories of persons, including policemen and physicians. The Government also maintained lists of political figures and other citizens not permitted to travel abroad.

Women may not travel abroad without permission of their husbands or male guardians. Some former political detainees were forbidden to travel outside Khartoum. Movement generally was unhindered for other citizens outside the war zones, but travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits, which were difficult to obtain and often were refused, for domestic travel outside of Khartoum; however, foreign diplomats could travel to many locations under government escort. Foreigners must register with the police on entering the country, seek permission to move from one location to another, and reregister at each new location within 3 days of arrival. Foreign NGO staff sometimes had problems obtaining entry visas or work or travel permits once they had entered the country.

Insurgent movements also required that foreign NGO personnel obtain permission before traveling to areas that they control, although they generally granted such permission. NGO workers who have worked in government-held territory encountered problems receiving permission to work or travel in insurgent-held territory.

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums in the Khartoum area. The Khartoum State government plans to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The Khartoum State government is in contact with foreign NGOs and U.N. agencies concerning this effort. During the year, the Government razed thousands of squatter dwellings in Khartoum (see Section 1.F.). Many of those displaced were moved to "planned" settlement areas, but in most cases those areas had no greater services than the squatter camps and were further from areas of economic activity.

Approximately 372,900 Sudanese are refugees in neighboring countries. Refugees fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of Congo, and the Central African Republic. In November as a result of fighting between Dinka's and Didingas in the east (see Section 5), hundreds of refugees fled into neighboring Kenya and Uganda. Up to 4 million persons are displaced internally due to the civil war.

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees relatively good treatment. The UNHCR estimated that there were approximately 391,500 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of Congo and

Somalia. Approximately 150,000 refugees are in camps and the rest are scattered in urban areas throughout the country. The Government provides first asylum, although no statistics were available for the year.

There were no reports of the forcible repatriation of refugees, regardless of their status. Some reports cited mistreatment of refugees, including beatings and arbitrary arrests. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens had no genuine opportunity to change their government peacefully. The National Islamic Front (NIF) renamed itself the National Congress (NC) in November 1998. On December 12, President Bashir declared a 3-month state of emergency, dismissed the speaker of the National Assembly, Dr. Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. Bashir suspended the Parliament on the grounds that it was necessary for the unity of the country. Many observers believed that the move would effectively reduce the influence of the NIF/NC and Dr. Turabi.

A new national Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and was implemented early in the year. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the new Constitution charged that it neither was drafted nor passed with truly national participation. Some critics also objected to the statement that "Islamic law" would be among "the prevalent sources of law" in regard to amending the Constitution. The new Constitution resulted in few changes in practice.

In 1989 the National Salvation Revolution Command Council (RCC) abolished all political parties and detained the major party leaders for a short period. In 1990 the RCC rejected both multiparty and one party systems and, 2 years later, established an entirely government-appointed Transitional National Assembly, based on a Libyan-style political structure with ascending levels of nonpartisan assemblies. The essentially powerless appointed legislature was replaced following the 1996 elections by an elected National Assembly in which 125 of the 400 members were appointed from the National Congress. Opposition parties boycotted the election. In December 1998, implementing legislation linked to the new Constitution passed into law that would allow the existence of political parties. As a result, there are now 17 officially registered political parties; however, the legislation included restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.).

The federal system of government was instituted in 1995 and slowly is developing a structure of 26 states, which the Government considers a possible inducement to the insurgents for accommodation through a principle of regional autonomy; however, southerners are underrepresented in the Government. This underrepresentation remained a key obstacle to ending the rebellion. State elections were held in the 16 northern states and 6 of 10 southern states in June. All the registered opposition parties boycotted the elections, apparently objecting to being allowed only 3 days to register and only 7 to 12 days to campaign. Elections in two of the southern States (Lakes and Warab) were not completed because of insecure conditions, according to the Government.

Women have the right to vote, but are underrepresented in government and politics. The Minister of Manpower is the only woman in the Cabinet. There are two female State ministers in the Ministry of Social Planning. Seats in the National Assembly are set aside for representatives of women's organizations and for female student representatives. A total of 25 women are members of the 400-seat National Assembly.



#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Due to government restrictions on freedom of association (see Section 2.b.), there are no independent domestic human rights organizations; however, individual human rights activists operate in anonymity. There are two local NGOs that address health concerns related to the practice of female genital mutilation (FGM) (see Section 5). A representative of Human Rights Watch visited the country during the year to attend the July 27-29 workshop on abductions.

Government-supported Islamic NGO's pressured imprisoned non-Muslims to convert to Islam.

The Human Rights Advisory Council, a government body whose rapporteur is the Solicitor General for Public Law, continued its active role in addressing human rights problems within the Government. The Parliamentary Human Rights Committee also was particularly vocal in its public criticisms of the indefinite suspension of the daily newspaper Al Rai Al Akhar by presidential decree on September 19 (see Section 2.a.). In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children, which in turn formed mechanisms to identify and return abductees (see Section 1.b.).

In September 1998, the U.N. named a new Special Rapporteur on Sudan, Leonardo Franco. Franco visited the country for approximately 2 weeks in February. U.N. Special Representative for Children and Armed Conflict Diara Oranu visited for approximately 1 week in March. U.N. Special Rapporteur for Freedom of Opinion and Expression Abid Hussein visited for 1 week in September, as did a delegation from the U.N. Human Rights Commission.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

A governmental decree prohibits discrimination based on religion or sex. Redress is provided through the administrative courts or the labor office. The 1992 General Education Act stipulates equal opportunity in education for the disabled. Mechanisms for social redress, especially with respect to violence against women and children, are weak. The new Constitution implemented early in the year prohibits discrimination based on race, sex, or religious creed; however, it has resulted in no changes in practice.

##### Women

Violence against women continues to be a problem, although accurate statistics do not exist. Many women are reluctant to file formal complaints against such abuse, although domestic violence is a legal ground for divorce. The police normally do not intervene in domestic disputes. In particular, displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varies from 100 lashes and 10 years imprisonment to death. In most cases, convictions are not announced, but observers believe that sentences are often less than the maximum provided for by law.

Prostitution is a growing problem, although there is no sex tourism industry. There are no specific laws regarding sexual harassment.

Some aspects of the law, including certain provisions of Islamic law as interpreted and applied by the Government, and many traditional practices, discriminate against women. Gender segregation is common in social settings. In keeping with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference.

Women are ensured inheritance from their parents; however, a daughter inherits half the share of a son, and a widow inherits a smaller percent than do her children. It is much easier for men to initiate legal divorce proceedings than for women. These rules only apply to Muslims and not to those of other faiths, for whom religious or tribal laws apply. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converts to Islam. Women cannot travel abroad without the permission of their husbands or male guardians (see Section 2.d.).

A number of government directives require that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code. Thus, at the least, entailed wearing a head covering. However, enforcement of the dress code regulations was uneven. In June a Khartoum court ordered that 25 students from Abhia University be flogged; they were charged with disturbances, and "obscene acts." The obscene acts apparently referred to the actions of the female students in wearing trousers (see Section 1.f.).

There are credible reports that government and government-associated forces seized and sold women for work as domestic servants (see Sections 6.c. and 6.f.).

#### Children

Education is compulsory through grade eight, although local inability to pay teachers' salaries reportedly has resulted in declining attendance. Boys and girls are treated similarly in the educational system.

A considerable number of children suffered serious abuse, including enslavement and forced conscription in the war zones (see Sections 1.f. and 6.c.). There continued to be credible reports that government and government-associated forces seized children for purposes of forced labor (see Section 6.c.).

The Government forcibly conscripted young men and boys into the military forces. The Government officially requires that young men, typically of ages 17 to 19, must enter military service to be able to receive a certificate on leaving secondary school. Such a certificate is a requirement for entry into a university, and the decree effectively broadened the conscription base.

The Government operates camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they are detained for indefinite periods. Health care and schooling at the camps generally are poor, basic living conditions often are primitive. All the children in the camps, including non-Muslims, must study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 2.c.). Teenagers in the camps often are conscripted into the PDF.

As many as 3,000 Ugandan children, abducted from northern Uganda by the Lord's Resistance Army (LRA), a Ugandan armed opposition group, were held in the southern part of the country. These children were forced to become soldiers or sexual slaves. The Government actively supported the LRA. In December in Nairobi, Kenya, the Governments of both countries signed an accord agreeing, among other things, to cease supporting rebel groups and to return abductees; however, it was not clear at year's end if the accord was still in effect due to an LRA excursion into Uganda from Sudan in late December.

FGM, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, especially in the north. An estimated 90 percent or more of females in the north have been subjected to FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, is also the most common type. Usually it is performed on girls between the ages of 4 and 7. It is performed often by traditional practitioners in improvised, unsanitary conditions, causing severe pain, trauma, and risk of infection to the

child. No form of FGM is illegal under the Criminal Code; however, the health law forbids doctors and midwives from performing infibulation. Reportedly women displaced from the south to the north increasingly are imposing FGM on their daughters, even if they themselves have not been subjected to it. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation.

Two local NGOs, with funding from the U.N. and a government agency, are involved actively in efforts to eradicate FGM, which they describe as a "harmful practice." A small but growing number of urban, educated families are abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM as an alternative to infibulation.

#### People With Disabilities

The Government does not discriminate against disabled persons but has not enacted any special legislation or taken other steps, such as mandating accessibility to public buildings and transportation for the disabled. The 1992 General Education Act requires equal educational opportunities for the disabled.

#### Religious Minorities

Muslims predominate in the north, but are in the minority in the south, where most citizens practice traditional indigenous religions or Christianity. There are from 1 to 2 million displaced southerners in the north who largely practice traditional indigenous religions or Christianity. About 500,000 Coptic Christians live in the north. Traditionally there have been amicable relations between the various religious communities, although there were a small number of clashes.

On February 6, clashes took place at the University of Khartoum when Christian students attempted to hold a Christian book exhibition. Some Muslim students, calling themselves the "Islamic Movement," reportedly attacked the exhibit and burned some books. Injuries were reported on both sides. The Islamic Movement claimed that a mosque on the campus had been defiled and criticized what they described as a humiliation of Islam by allowing Christianity into the University. However, other Muslim students issued statements criticizing the attack on the Christian students. The book exhibition, which was scheduled in February, subsequently was postponed by the university administration.

There were press reports in March that on two occasions a group of Muslims calling itself Al D'awa Wa Tabligh gathered at an Orthodox church in Khartoum and launched verbal attacks against the church and Christianity. On one of the occasions, police reportedly arrested 30 Muslims.

There are reliable reports that Islamic NGOs in war zones withhold food and other services from the needy unless they convert to Islam.

In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. There also were reports that Muslims receive preferential treatment for the limited services provided by the Government, including access to medical care.

#### National/Racial/Ethnic Minorities

The estimated population of 27.5 million is a multiethnic mix of over 500 Arab and African tribes with scores of languages and dialects. The Arabised Muslim culture in the



north and central areas and the non-Muslim African culture in the south are the two dominant cultures. Northern Muslims, who form a majority of about 16 million, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million and seek independence, or some form of regional self-determination, from the north.

The Muslim majority and the NIF/NC-dominated Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who do not speak Arabic experienced discrimination in education, employment, and other areas. The use of Arabic as the language of instruction in higher education discriminated against non-Arabs. For university admission, students completing high school are required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

In March at a grassroots organized peace conference in Wunlit, Bahr El Ghazal, representatives of the Nuer and Dinka tribes signed a peace covenant. The Dinka and the Nuer are the two largest tribes and had been on opposite sides of the war since 1991. The Wunlit accord provides concrete mechanisms for peace, including a cease-fire, an amnesty, the exchange of abducted women and children, and monitoring mechanisms. The Wunlit accord greatly reduced conflict between the Dinka and Nuer tribes during the year.

Although details generally were unavailable, there were credible reports of civilian casualties as a result of ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in eastern Equatoria (see Section 1.a). The January killing of a Dinka SPLA captain and several officers led to an outbreak of violence among Dinka and Didinga refugees in the Kakuma refugee Camp in Kenya, which resulted in at least six deaths and numerous injuries. The October killing of a Didinga chief led to a series of retaliatory attacks.

In February there was significant fighting between Arab pastoralists and African Masaleet tribes in Darfur. Traditional disputes over grazing and water rights were behind some of the fighting; however, the Government reportedly exacerbated the conflict by providing Arab pastoralists with arms. As a result of the fighting, more than 100 persons were killed, more than 40 were injured, approximately 50 villages were burned, and more than 1,000 families were displaced. Members of the Masaleet tribes were affected most heavily.

#### Section 6 Worker Rights

##### a. The Right of Association

The RCC abolished the pre-1989 labor unions, closed union offices, froze union assets, forbade strikes, and prescribed severe punishments, including the death penalty, for violations of its labor decrees. The Government dismissed many labor leaders from their jobs or detained them, although most of those arrested later were freed.

The new Constitution implemented early in the year provides for the right of association for economic and trade union purposes; however, it has resulted in no changes in practice.

The Sudan Workers Trade Unions Federation is the leading blue-collar labor organization with about 800,000 members. In 1992 local union elections were held after a delay to permit the government-controlled steering committees to arrange the outcomes. The elections resulted in government-approved states of candidates voted into office by prearranged acclamation. In 1997 largely the same leadership was reelected.

There were some teacher strikes over the nonpayment of salaries in many areas. In some

cases, the strikes lasted for months.

Unions remained free to form federations and affiliate with international bodies, such as the African Workers' Union and the Arab Workers' Union.

The U.S. Government in 1991 suspended Sudan's eligibility for trade benefits under the generalized system of preferences because of its violations of worker rights.

b. The Right to Organize and Bargain Collectively

A 1989 RCC constitutional decree temporarily suspended the right to organize and bargain collectively. Although these rights were restored to labor organizing committees in 1996, government control of the steering committees meant in practice that the Government dominates the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Although local union officials raised some grievances with employers, few carried them to the Government. The law does not prohibit antiunion discrimination by employers. The new Constitution implemented early in the year provides for the right of organization for economic or trade union purposes, however, it resulted in no changes in practice.

Wages are set by a tripartite committee comprising representatives of the Government, labor unions, and business. Specialized labor courts adjudicate standard labor disputes.

In 1993 the Government created two export processing zones (EPZ's); it later established a third at Khartoum International Airport. During the year, only the EPZ at Khartoum International Airport was open. The labor laws do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, slavery persists, particularly affecting women and children. The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continued. There were frequent and credible reports that Baggara raiders, supported by PDF and regular government troops, took women and children as slaves during raids in Bahr El Ghazal during the year. The Government did not take any action to halt these practices and continued to support some Baggara tribal militias. There were reports that during attacks on civilian settlements government forces abducted a number of persons including women and children (see Section 1.g.). Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets. These practices all have a pronounced racial aspect, as the victims are exclusively black southerners and members of indigenous tribes of the Nuba mountains. There were reports that local authorities took actions to prevent slavery. The Government denies involvement or complicity in slavery, and states that hostage taking often accompanies tribal warfare, particularly in war zones not under government control. The new Constitution implemented early in the year prohibits slavery and forced labor, but resulted in no changes in practice.

In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children (see Section 1.b.). These mechanisms resulted in the identification and release of several hundred abductees, although they had not been returned to their homes by year's end.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively. There continued to be credible reports that government or government-associated forces took hundreds of children as slaves.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Sections 1.f. and 5). Conscripts face significant hardship and abuse in military service. The rebel factions continued to force southern men to work as laborers

or porters.

Approximately 3,000 Ugandan children were forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for workers is 16 years; however, the law is enforced loosely by inspectors from the Ministry of Labor and only in the official or wage economy. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produce edible oils. In addition severe poverty has produced widespread child labor in the informal, unregulated economy. In rural areas, children traditionally assist their families with agricultural work from a very young age. The new Constitution implemented early in the year provides that the State protect children from exploitation; however, it resulted in no changes in practice.

Child labor exists in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas is exacerbated by a lack of school, extreme poverty, and the lack of an effective legal minimum age for workers.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively, and there were credible reports that children are taken as slaves (see Section 6.c.).

#### e. Acceptable Conditions of Work

The legislated minimum wage is enforced by the Ministry of Labor, which maintains field offices in most major cities. Employers generally respect the minimum wage. Workers who are denied the minimum wage may file a grievance with the local Ministry of Labor field office, which then is required to investigate and take appropriate action if there has been a violation of the law. In January the minimum wage theoretically was raised from approximately \$9 (24,000 Sudanese pounds) per month to approximately \$11 (3,000 Sudanese dinars or 30,000 Sudanese pounds) per month; however, most government offices continue to pay the old rate. The Sudanese Workers Trade Union Federation requested the Minister of Finance to execute the increase retroactively, and the Minister promised to increase the minimum wage when submitting the next Government budget for the year 2000. The current minimum wage is insufficient to provide a decent standard of living for an average worker and family.

The workweek is limited by law to six 8-hour days, with a day of rest on Friday, which generally is respected.

Legal foreign workers have the same labor rights as domestic workers. Illegal workers have no such protections and, as a result, typically work for lower wages in worse conditions than legal workers.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor is minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

#### f. Trafficking in Persons

Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery and forced labor; however, slavery persists, particularly affecting women and children (see Section 6.c.). The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continued. Credible reports persist of



practices such as the sale and purchase of children, some in alleged slave markets. Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops.

There are credible reports that government and government-associated forces seized and sold women for work as domestic servants.

There were unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

Approximately 3,000 Ugandan children were forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is actively supported by the Government (see Section 5). There were also reports in past years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan.

The new Constitution implemented early in the year prohibits slavery and forced labor, but resulted in no changes in practice. In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children (see Section 1.b.). The committee formed mechanisms to identify and return abductees, which have resulted in the return of approximately 200 persons.

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Footnote:

1. The United States does not have diplomatic representation in Sudan. This report draws in part on non-U.S. Government sources.

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