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Sudan

Country Reports on Human Rights Practices - [2005](#)

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Sudan, with a population of 40.2 million, has an authoritarian government in which President Omar Hassan al-Bashir and the National Congress Party (NCP) inner circle hold all effective political power. In 2000 Bashir was reelected, and his political party won 340 out of 360 seats in the parliament in deeply flawed elections boycotted by all major opposition parties. The country experienced serious and violent ethnic and religious conflict, including a rebellion in the South led by the Sudan People's Liberation Movement (SPLM) and a rebellion in Darfur led by the Sudan Liberation Movement/Army and the Justice and Equality Movement (JEM). On January 9, the government and the SPLM signed a Comprehensive Peace Agreement (CPA) that gave the SPLM representation in the government. The parties adopted a constitution in July, and in September they installed a government of National Unity (GNU) to serve until elections are held in 2009. The state of emergency was lifted on July 9. The government generally maintained effective control over the security forces.

In Darfur, government and government-supported militia (*janjaweed*) committed serious abuses during the year, killing hundreds of civilians, razing villages of African tribes, and committing acts of torture and violence against women. On January 25, the UN International Commission of Inquiry on Darfur concluded that, while the government did not pursue a genocidal policy directly or through the militias under its control, there were violations of humanitarian and international law that could be considered war crimes. The World Health Organization reported that, as a result of the conflict, at least 70 thousand civilians had died, more than 1.9 million civilians were internally displaced, and an estimated 210 thousand refugees fled to neighboring Chad since the start of the Darfur conflict. Despite the presence in Darfur of the African Union-led international monitoring force (African Mission in Sudan or AMIS), security remained a major problem, and reports of violence continued at year's end.

The government's human rights record remained poor, and there were numerous serious problems, including evidence of continuing genocide in Darfur, for which the government and *janjaweed* continued to bear responsibility. The following human rights problems were reported:

- abridgement of citizens' rights to change their government
- evidence of war crimes
- extrajudicial and other unlawful killings by members of the security forces and government-allied militias acting with impunity
- killings of civilians in conflict
- abductions
- torture, beatings, and rape by security forces
- harsh and life-threatening prison conditions
- arbitrary arrest and detention, including incommunicado detention of suspected government opponents, and prolonged pretrial detention
- executive interference in the judiciary and denial of fair trial in civilian and military courts
- forced military conscription of underage men
- obstructions to humanitarian assistance in Darfur
- infringement of citizens' privacy rights
- severe restrictions on freedom of speech, press, assembly, association, religion, and movement within the country
- harassment and detention of internally displaced persons (IDPs)
- harassment of human rights organizations
- violence and discrimination against women and female genital mutilation (FGM)
- abuse of children, particularly in Darfur
- trafficking in persons
- discrimination and violence against ethnic minorities
- denial of workers' rights
- forced labor, including forced child labor, by security forces and associated militias
- widespread child labor

Antigovernment insurgent groups and associated militia forces also committed numerous, serious abuses. The SPLM Army (SPLM/A), the Sudan Liberation Army (SLA), and the JEM committed killings, beatings, abductions, rape, robbery, destruction of property, and forcible conscription. They restricted freedom of movement of populations under their control and access of relief workers and supplies, and kidnapped and killed nongovernmental organization (NGO) workers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings by the government or its agents; however, there were reports of numerous extrajudicial killings (see section 1.g.).

On August 15, the Special Criminal Court in Darfur convicted 2 military intelligence officers for killing a 13-year-old boy in custody in North Darfur in March. It was the first conviction of government officials for murder in a case of death by torture.

There were no known developments in the case of two members of the security services arrested in 2004 in connection with the September 2004 death of two men in government custody.

The police and army killed demonstrators (see section 2.b.).

Although the level of large-scale violence in Darfur diminished during the year, general lawlessness and continued attacks by militias and rebel and paramilitary forces on villages, humanitarian aid workers, and convoys increased the degree of insecurity (see section 1.g.).

Approximately 75 civilians reportedly died or were injured due to landmines in the South, although some observers believed the number to be much higher since only a small percentage of deaths were actually reported to the UN (see section 1.g.). The government cooperated with the UN Mine Action Group to remove landmines in the South.

Government-allied militias continued to use violence in the South. The Civilian Protection Monitoring Team (CPMT) confirmed that government-allied militia forces attacked Akobo and killed two civilians on February 17.

Rebel groups operating throughout the country were responsible for killings (see section 1.g.).

Interethnic conflict resulted in deaths during the year (see section 5).

Societal violence occurred after the death of First Vice President John Garang on July 30. Riots erupted in Khartoum and Juba, resulting in several deaths and injuries. Credible sources indicated that in the immediate aftermath of Garang's death southerners attacked and killed northerners in the capital. In retaliation, northern vigilante groups harassed, beat, and killed at least 100 southerners. Credible sources indicated the complicity of the police and army in retaliation against southerners.

The genocide determined to have occurred in Darfur by the Department of State in September 2004 continued in 2005 (see section 1.g.).

b. Disappearance

There were continued allegations that the government was responsible for politically motivated disappearances, including those of persons suspected of supporting rebels, especially in Darfur.

An estimated 15 thousand Dinka women and children have been abducted, mainly from 1983 to 1999; between 10 thousand and 12 thousand of these, primarily Dinka, remained unaccounted for at year's end. Observers believed that some of those abducted in the past were sold into de facto slavery as forced laborers, while others were drafted into the military. In some cases the abductees escaped or eventually were released or ransomed; in other cases they were killed. Few persons who were previously abducted were returned during the year by the government's Committee to Eradicate the Abduction of Women and Children (CEAWC). The government did not identify the abductors or forced-labor owners and has not prosecuted them.

Rebel forces in Darfur reportedly abducted persons, including government officials and humanitarian aid workers (see sections 1.g. and 4).

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see section 5).

The Ugandan Lord's Resistance Army (LRA) kidnapped children in Uganda and brought them into the southern part of the country. The LRA also killed civilians in the South (see section 5).

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

Although the constitution prohibits such practices, government security forces continued to torture, beat, and harass suspected political opponents and others.

In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and "crucifixion"--the public display of a body after execution. According to the constitution, the government officially exempts the 10 southern states from Shari'a law. There were no reports of physical punishments carried out against non-Muslims in the North. During the year hundreds of persons, primarily southerners, were flogged, especially after the August Khartoum riots. On December 25, the Special Court in Zalingy, Darfur, sentenced a man to cross amputation after convicting him of murder and armed robbery.

Credible sources indicated that security forces tortured to death several southerners in security camps during the Khartoum riots. Common methods of torture were severe beatings and beatings of the genitals. Individuals perceived as government opponents were subjected to torture.

On January 24, authorities arrested, beat, and detained, and for several months political activist Salah Abdelrahman; they held Abdelrahman incommunicado for two months before releasing him on August 11 without filing charges.

Impunity continued to be a serious problem. On October 17, government security forces detained and tortured nine students on the campus of the Islamic University in Omdurman after they attempted to form a union. The students were beaten with thick metal chains, plastic piping sticks, and rifle butts.

There were reports that government security forces tortured and beat persons suspected of supporting the rebels in Darfur. On February 22, Mahmoud Abaker Osman and Diggo Abdel Jabbar were arrested on suspicion of joining the SLA in Darfur. They were reportedly detained for 11 days in a hole in the ground and beaten with sticks.

Security forces beat and mistreated refugees and injured and killed persons while dispersing demonstrations (see sections 2.b. and 2.d.).

Soldiers, Popular Defense Force (PDF) members, and militia forces raped women (see section 1.g.). There was a clear and documented pattern of rape and sexual abuse directed at IDPs of all ages in Darfur (see section 1.g.).

Although there were two convictions for torture during the year, the government seldom acted against security forces responsible for torture or other such abuses.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements (see section 1.g.).

SPLM/A and affiliated forces were responsible for civilian injuries (see section 1.g.).

Prison and Detention Center Conditions

Prison conditions remained harsh, overcrowded, and life threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors.

Juveniles often were held with adults and in some cases subjected to sexual abuse by the adult inmates. On October 9, an adult inmate raped a 16-year-old male in police detention in Juba.

The government did not permit regular visits to prisons by domestic human rights observers; however, in the latter part of the year, the government allowed limited access to UN monitors. The government granted the International Committee for the Red Cross (ICRC) limited access to some detention facilities, but the ICRC requested unrestricted access, which the government denied.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention without charge; however, the government continued to use arbitrary arrest and detention under the state of emergency provisions (until July 9) or under the National Security Act.

Role of the Police and Security Apparatus

The National Intelligence and Security Service (NISS) and the Ministry of Interior both have security forces under their control, along with the police force that maintained internal security. The police forces included regular police units

and the Popular Police Force, a parallel progovernment force that received higher pay than regular forces. Effectiveness varied depending on the strength of the local militias and security forces. The army was responsible for external and internal security. Police corruption was a problem, and police officers supplemented their incomes by extorting bribes from the local civilians. Impunity remained a serious problem.

Arrest and Detention

Warrants are not required for an arrest. Under the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which supersedes the Criminal Code, an individual accused of violating national security may be detained for three months without charge, which the director of security may extend for another three months. Under the state of emergency, the government was not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review. The law provides for the individual to be informed of the arrest charges at the time of arrest and for prompt judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.

Although the law provides for access to a lawyer, security forces often held persons, including criminal detainees, incommunicado for long periods in unknown locations without access to their lawyers or family members.

Individuals were arbitrarily arrested and detained. In general the government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents.

The government held an estimated 100 political detainees, such as members of opposition parties, and security forces reportedly tortured, detained without charge, and held incommunicado political opponents (see section 1.c.). Detentions of such persons generally were prolonged. Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under special courts (see section 1.e.). Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering their return the following day--a process that sometimes continued for weeks. For instance on October 23, NISS arrested leading Kalma camp IDP spokesman Sheikh Suleiman Abaka Taha and released him three days later. On October 31, he was rearrested by police and at year's end remained in custody, although the charges against him were unclear.

The government did not permit international humanitarian organizations to have access to political detainees.

Unlike in the previous year, there was a decrease in the detention of members of Hassan al-Turabi's Popular Congress Party. On June 30, authorities released Turabi (after 15 months' detention) and 17 members of the Eastern-based Beja Congress (who had been detained for 5 months without charges).

Journalists were arrested and detained during the year (see section 2.a.).

Unlike in the preceding year, detentions nominally for religion reasons were extremely limited. For example, on May 4, the *Al Wafaq* editor-in-chief faced criminal charges of insulting religious creed when he republished an article with contentious assertions regarding the origins of the Prophet Mohammed.

Security forces often targeted southern women in IDP camps because they produced and sold traditional home-brewed alcohol; such women were arrested and imprisoned for up to six months under Shari'a. Some women were held in prison until they could pay the fine, regardless of time served in prison, thereby effectively serving indefinite sentences. Vagrant children accused of committing crimes were detained for indefinite periods (see section 5).

Arrests and detentions of NGO members and civil society groups increased from the previous year (see section 4).

Arbitrarily lengthy detention before trial was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court.

The government routinely used house arrest without due process.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of crimes against the state.

A judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred.

The judicial system includes four types of courts: regular, military, special, and tribal courts. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital. The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the North but not by courts in the South.

Trial Procedures

The law provides for fair and prompt trials; however, this was often not respected. Trials in regular courts nominally met international standards of legal protections.

Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used.

The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes denied defense counsel access to the courts or did not allow the calling of defense witnesses. For example, an appeals court upheld a judge's October 2004 ruling that banned lawyers from representing 28 defendants on trial for allegedly plotting a coup and ordered them to pick new counsel or accept government-appointed lawyers. Thereafter 43 additional persons were charged. On May 15, 49 out of the 81 defendants were convicted of plotting a coup and sentenced to 5 to 15 years in prison. The others were released.

According to the law, there is a presumption of innocence; however, this was not respected in practice. Defendants have a right to appeal, except in cases of military trials where the decision is final and there is no appeal.

Military courts tried only military personnel. Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, the defendant's attorney could advise the defendant but could not address the court. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as with drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the chief justice and the head of state. Defendants could file appellate briefs with the chief justice. The defendant has seven days to appeal a decision; the decision of the appeal court is final. Special criminal courts operated in Darfur as authorized by presidential decree.

Lawyers who wished to practice were required to maintain membership in the government-controlled bar association. The government continued to harass members of the legal profession whom it considered political opponents. On September 27, security forces in Darfur briefly detained Darfur Lawyers Association director Mohamed Addoma and several fellow lawyers while they were attending a conference on legal aid.

In the South the SPLM employed a judicial system of county magistrates, county judges, regional judges, and a court of appeals. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The SPLM recognized traditional courts or "courts of elders," which usually heard domestic matters such as marriages and dowries and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts were particularly active in Bahr el-Ghazal. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

In parts of the South and the Nuba Mountains where civil authorities and institutions did not operate, there were no effective judicial procedures. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order.

Political Prisoners

Although there were no convicted political prisoners, the government did hold political detainees (see section 1.d.).

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

The law prohibits such actions, but the government routinely violated these rights in practice. Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes.

In Darfur throughout the year government armed forces and allied militia continued to burn down villages, loot property and attack IDP camps. For example, on April 7, approximately one thousand heavily armed men on camels and

horses along with the six Land Cruisers belonging to the government army attacked the village of Salloquoia. According to survivors, the government vehicles surrounded the village, and soldiers along with the armed militias indiscriminately shot at and then burned the village. Approximately 22 men and women were killed, and women were raped. On July 24, approximately 40 government soldiers attacked an IDP camp in Shangil Tobaya. The soldiers reportedly lined up on both sides of the road and shelled the camp for 20 minutes. Following the shelling, the soldiers continued to shoot civilians and burned approximately 130 houses. The attack left 5 people dead and 17 injured. On September 24, Arab militias backed by government soldiers attacked the village of Toray in South Darfur. Both the Arab militia and the government soldiers were heavily armed, arriving in four Land Cruisers and on camelback. The four military vehicles, mounted with guns, were parked in an area outside the village and started shooting into the village. The group split into three, with one group entering the valley and destroying the irrigation system. The second group stayed in the village and began indiscriminately shooting the civilian population. The village was pillaged; all water pumps were stolen or destroyed and large numbers of cattle stolen; eight villagers were killed and at least three women were reportedly raped.

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and often seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison. For example, between September and October in Zalengei, South Darfur, human rights observers documented four incidents of IDP harassment by government forces. Typically armed men in green uniforms broke into houses at night, made threats, and attempted to assault female IDPs.

A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

The government continued forcibly to conscript citizens for military service as part of mandatory military service for male citizens, and government-allied forces and rebels continued to recruit and accept child soldiers in Darfur (see section 1.g.). Community leaders relayed unconfirmed reports that all sides to the conflict in Darfur recruited child soldiers. The UN Children's Fund (UNICEF) worked to raise awareness of the law and dangers in using child soldiers. As a result of its awareness campaign, more than 500 children have been released in Darfur; more than 200 of the children were attending UNICEF schools.

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 was not observed or enforced universally, particularly in the South and among Nubians. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The SPLM/A generally did not interfere with privacy, family, home, or correspondence in areas that it controlled; however, southern militias, especially the South Sudan Independent Movement, continued forcibly to conscript citizens, including children of high school age.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

While all sides in Darfur violated international law and international humanitarian law, the government and the *janjaweed* continued to bear responsibility for genocide that occurred in Darfur. On January 25, the UN International Commission of Inquiry on Darfur concluded that the government did not pursue a genocidal policy directly or through the militias under its control; however, it concluded that there were violations of humanitarian and international law that might be considered war crimes.

The conflict in Darfur has roots in both government neglect of the region and ethnic tensions between nomadic pastoralists and sedentary farming communities, exacerbated by scarce resources and the government's support of the nomad militias. The government and Arab militia forces destroyed a large number of villages of African tribes, and there were tens of thousands of deaths. At year's end there were more than 1.8 million IDPs in Darfur, and another 210 thousand civilians had fled into Chad, where the UN High Commissioner for Refugees (UNHCR) coordinated a massive refugee relief effort. More than 70 thousand persons died as a result of the violence and forced displacement; the ongoing conflict in Darfur contributed to widely divergent estimates of how many persons may have been killed. The government continued to support the largely Arab nomad *janjaweed* militia, which terrorized and killed civilians, raped women, and burned and pillaged the region.

The government and government-supported militias attacked IDP camps, civilian facilities, and housing, killing hundreds of civilians, including children. The government-allied militia and rebel militias used excessive force and violated humanitarian law in Darfur. The AMIS Ceasefire Commission confirmed that on January 13 the *janjaweed* and armed militia supported by government military vehicles attacked Hamada village in Darfur, killing 77 civilians, injuring 18 civilians, and raping 13 women, the youngest of whom was 9 years old. On September 28, *janjaweed* attacked Aro Sharow IDP camp in Darfur, killing 34 persons and seriously injuring civilians. On October 23, an attack on the Fur village of Tama in southern Darfur left dozens of civilians dead and many more injured.

Beginning in September there was an upsurge of violence in Darfur that included attacks on villages. Typically, mounted *janjaweed* forces, often in concert with regular government forces, conducted the attacks. Although the government employed aerial bombardments in attacks against some villages, it significantly reduced the use of such aerial bombardments during the year.

The UN's International Commission of Inquiry in Darfur found that "rape or other forms of sexual violence committed by the *janjaweed* and government soldiers in Darfur was widespread and systematic." The majority of victims were women and girls that lived in camps for IDPs and were raped if they left their camps to gather firewood, water, or food. Women often described the perpetrators as "men in uniform," either government or rebel soldiers. Rape victims were almost always beaten, threatened with death, and subjected to racial epithets during attacks. In some cases attackers killed their victims.

Authorities, particularly the police, often obstructed access to justice for rape victims (see section 5). For example, on February 5, two sisters allegedly beaten and raped by three armed progovernment militia men in Western Darfur State stated that they did not report the incident to the police because of the harassment they endured when reporting an earlier rape. On February 15, in Southern Darfur State, progovernment militia raped two female minors. A local sheik who lodged a complaint on their behalf with the local police was arrested for spreading false information; although the minors had a corroborating medical report, they refused to file a complaint for fear of further police reprisals.

The NGO MSF-H reported that between October 2004 and mid-February, it had treated almost 300 rape victims in western Darfur. During October the UN documented 21 cases of sexual and gender-based violence in western Darfur: 9 cases of rape, 4 cases of attempted rape, and 8 cases of assault.

By year's end the government had taken some small steps to improve the situation of violence against women in Darfur: increasing the number of prosecutors to 15 to focus on rape prosecutions, increasing the number of female police officers (although they functioned as secretaries), beginning public discussion on the previously taboo topic of rape, and removing the requirement for rape victims to file a police report before receiving medical treatment (see section 5). However significant problems remained regarding violence against women, including the harassment and intimidation by police of rape victims, lack of investigations into rape allegations, and the continued impunity of the police in Darfur.

After sustained international pressure, the government considerably improved humanitarian access to Darfur by issuing entry visas and facilitating importation of supplies; however, increased insecurity severely hampered humanitarian assistance and access to certain areas, particularly in West Darfur. Problems remained for free and safe passage of relief supplies and access by impartial humanitarian organizations providing relief assistance. The government undertook to issue entry visas for humanitarian workers within 48 hours; however, in May there were several delays lasting months for the issuance of such visas. Additionally in May entry and exit visas took longer than two weeks causing delays and disruptions to humanitarian programs.

The government imposed several impediments to humanitarian agency operations. For example, in April the government's Humanitarian Action Committee (HAC) requested agencies to refrain from interviewing or selecting staff unless they used a five-person selection panel and had HAC officials present, significantly delaying the hiring of new staff in Darfur.

The government continued to harass humanitarian workers and detain them on various arbitrary rules and requirements without prior notification. On March 17, government officials at Nyala airport demanded a registration fee for the humanitarian organizations to operate in the area, which was not included in the established procedures. On October 23, the UN reported that government police and national security officials forced their way into an international NGO's compound at Kalma and arrested two national staff members without apparent cause. The government deferred renewing the Norwegian Refugee Council's mandate to operate Kalma IDP Camp for several weeks, but restored the authorization on November 6. There were frequent reports of government attempts in Darfur forcibly to return persons to their homes (see section 2.d.). On August 15, police and military forces entered the Bela IDP camps in North Darfur and attempted forcibly to relocate residents with an excessive use of force, including gathering the men in the area and beating them with sticks, then burning their huts. On August 16, in Shikan squatter camp, which held hundreds of IDPs, the government without prior notification forcibly relocated hundreds of families to desert areas outside Khartoum devoid of services. Typically police arrived early in the morning, surrounded the area, and announced relocation without disclosing the destination. Residents who did not follow orders were reportedly beaten and their houses and possessions burned.

Arab militias and rebel groups in Darfur committed numerous abuses during the year. For example, on October 8, Arab militias killed four Nigerian AMIS peacekeepers and two civilian contractors near Menawasha. On October 9, a breakaway group of JEM forces (JEM-F) ambushed AMIS peacekeepers in Tine, Northern Darfur State and detained 35 AMIS personnel whom they released the same day. On April 4, JEM forces released unharmed three national staff members of the Adventist Development and Relief Agency International whom they had captured in South Darfur in December 2004.

While there were no reports of child conscription into the government military, there were reports that government and allied militias conscripted children and accepted children as soldiers and reports of children participating in hostilities in northern Darfur (see section 5). Rebel forces attacked commerce on the roads, including humanitarian aid shipments, and seized goods, vehicles, and persons, including government officials and humanitarian aid workers. On October 31, two Swiss Foundation for Mine Action landmine removers were killed on the road from Juba to Nimule.

Rebel forces and bandits also obstructed the flow of humanitarian assistance to the Darfur region and were

responsible for attacks on humanitarian workers. On July 26, the SLA claimed that the town of Korma was under its control and stated that the area was in urgent need of assistance but that vehicles carrying humanitarian supplies would not be allowed to pass through the area without sharing the supplies. On August 20, the SLA robbed a convoy of four AMIS trucks near El Fasher, Darfur.

There were no reports that the government prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks. Government forces provided logistic and transportation support, weapons, and ammunition to progovernment militias throughout the country.

The government controlled the country's urban areas, although the South was in transition with the major cities reverting to Government of South Sudan control after the 21-year civil war. In the West the government controlled the major towns; however, the rebel forces at times controlled the rural areas. In the East the government controlled the major cities; however, the National Democratic Alliance, an opposition movement, controlled the Hamesh Koreib enclave in the East.

After the signing of the CPA, violence in the South decreased, but insecurity continued due to militia activity. Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports that government-supported militia intentionally attacked noncombatant civilians, looted their possessions, and destroyed their villages.

The CPMT, located in Rumbek, Malakal, and Khartoum, investigated numerous violations and found that both sides committed human rights abuses. The CPMT substantiated numerous reports in the southern war zone that militias allied with the government continued to limit the freedom of movement of returning IDPs to the South by illegally extorting taxes to pass through areas under their control. The CPMT ceased operations in September following the expiration of its mandate.

There were a few reports that SPLM/A soldiers and associated militias continued to kill, rape, injure, loot, and displace persons in rural areas of the South; however, the incidence of such abuse declined throughout the year due to the establishment of some local governments under the CPA. On November 23, six SPLM soldiers robbed one aid worker's family and beat up a civilian. The CPMT indicated that on April 28, government-allied militia arrested and detained a civilian who could not afford to pay the illegal tax imposed upon him by militia soldiers in Upper Nile.

The SPLM/A released approximately 500 prisoners of war (POWs) within their territories during the year. The government did not acknowledge holding any POWs; the SPLM alleged that government-held POWs were killed during the years of fighting.

There were credible reports of SPLM/A and SLA taxation and theft of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these practices; however, it appeared unable consistently to enforce compliance with those commitments by its forces in the field.

The UN reported that at least 75 persons were killed or injured by landmines previously laid by the government to protect garrison towns and from landmines laid by the SPLM/A and its allies during the war. There were no reports of new mines laid in the South. Landmines were used in the Darfur conflict. On April 16, the detonation of unexploded ordinance killed two children in West Darfur.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. On July 9, the government lifted the emergency laws, thereby ending official censorship, but it continued to censor print media. Journalists practiced self-censorship.

Individuals could not publicly criticize the government without reprisals, such as harassment.

There were many daily newspapers, mainly in urban areas, reflecting somewhat differing political views. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one formally government-controlled newspaper in Arabic and one in English, although security services also controlled other newspapers. A number of independent publications were under intensive scrutiny during the year and experienced intimidation, interruption, and arrest of their editors. The English-language press complained of prejudice, noting that the Arabic test required of all accredited journalists was much more difficult than the English test. Many Anglophone journalists thus could not report or had to do so unofficially. For example, the *Khartoum Monitor* employed both Arabic- and English-speaking journalists so that the unaccredited English-speakers could translate articles written by their accredited Arabic-speaking colleagues who could not write in English.

The government directly controlled radio and television and required that they reflect government policies. Television has a permanent military censor to ensure that the news reflected official views. Some foreign radio broadcasts were available in the country. A private FM radio station, which began broadcasting music in Khartoum in 2004, continued to operate. Despite the government's license requirement and the high price of satellite dishes, citizens had access to foreign electronic media; the government did not jam foreign radio signals. In addition to domestic and satellite

television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.

Foreign journalists were allowed access to Darfur. Several journalists and photographers were detained for photographing slums or taking pictures without a license; however, all were quickly released, and none were charged with any crimes.

Government security harassed, intimidated, and arrested journalists. For example, on May 4, the *Al Wafaq* editor-in-chief faced criminal charges of insulting religious creed when he republished an article with contentious assertions regarding the origins of the Prophet Mohammed. The National Press Council, which was directly responsible to the president, suspended the journalist's publishing license for three days, and the criminal court fined the newspaper \$3,200 (SDD 732 thousand) and suspended its publication for three months.

Unlike in the preceding year, there were no reports that the government summoned editors of newspapers and detained them all day so that they could not do their work.

The National Press Council applied the press law and licensed newspapers, set press policy, and responded to complaints. In the event of a complaint, it could warn a newspaper or suspend it indefinitely and suspend journalists for up to two weeks. The council consisted 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 leaders of the Journalists' Union, which observers considered to be government-controlled. The National Press Council suspended journalists and newspapers during the year.

The government exercised control of news reporting, particularly of political topics, the war, and criticism of the government--particularly regarding government actions and policies in Darfur through the National Press Council and security forces. For example, on May 21, *The Khartoum Monitor* was suspended for a day because it intended to publish information and an editorial about the Soba Aradi riots. Security forces informed the *Monitor* that they would review all articles before publication and would remove any objectionable material. On June 12, the National Press Council notified the newspaper that its license had been revoked stemming from a 2003 Supreme Court decision in a license revocation special court proceeding of which the newspaper had been unaware.

On August 6, security forces prevented publication of two Arabic-language daily newspapers and confiscated all the copies of the newspapers, reportedly because of their criticism of the government's handling of the August riots after the death of First Vice President Garang.

During the year the National Security Office imposed restrictions on press freedom by suspending publications, confiscating printed editions, conducting prepublication censorship, and restricting government advertising to progovernment media only. The office targeted newspapers *Al-Ayam Al-Wafaq*, *Al-Sahafa*, *Al-Wan*, *Al-Watan*, and the *Khartoum Monitor*, often citing security reasons for its censorship.

The government did not restrict access to the Internet.

The government restricted academic freedom. In public universities, the government appointed the vice chancellors, who were responsible for administering the institutions. The government also continued to determine the curriculum. While many professors lectured and wrote in opposition to the government, they exercised self-censorship. Private universities were not subject to direct government control; however, in some cases, professors also exercised self-censorship. Nonetheless many university professors in exile returned to the country.

The government continued to harass university student groups. The government harassed student unions, took their files, destroyed their computers, and arrested and detained their members.

Unlike in previous years, the SPLM/A and the umbrella opposition National Democratic Alliance permitted journalists to report on their activities (see sections 1.c. and 2.b.), and there were no reports that the SPLM/A restricted freedom of speech among populations under its control.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution provides for freedom of assembly, the government severely restricted this right in practice. The government banned all rallies and public demonstrations in the country and issued no permits authorizing such rallies. The authorities generally permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they perceived were politically oriented. Before July 9, the government used the state of emergency as an excuse to restrict gatherings; after July 9, the government continued to restrict demonstrations under the pretext of security concerns for drivers and pedestrians.

Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatimia (the Democratic Unionist Party), continued to be denied permission to hold large public gatherings during most of the year. On April 6, riot police attacked Umma party members meeting at their party headquarters; four party members were

detained for several hours before being released. Government security agents occasionally attended opposition political meetings or summoned participants to security headquarters for questioning after political meetings.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, on January 26, government security forces in Port Sudan fired live ammunition at participants in peaceful demonstrations held by the Beja Congress, killing 20 persons; attacked houses outside the demonstration area; and reportedly threw grenades. On April 11, army and police fired on student demonstrators protesting rigged student elections at Deling University, killing student Nagemeldin Gafar Adam Eisa. Subsequently police fatally injured Khalid Mohamed Nour, a student at Neilien University in Khartoum who was demonstrating against the killing at Deling University.

Authorities took no action against security forces that used excessive force.

Freedom of Association

The law provides for freedom of association, but the government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits traditional political parties linked to armed opposition to the government. The Political Parties Act allows some formerly banned political parties to resume their activities, but the parties were required to notify the registrar in writing to participate in elections. Observers believed that the government controlled professional associations.

The government continued to harass some opposition leaders who spoke with foreign organizations or embassies.

c. Freedom of Religion

While the constitution provides for freedom of religion, the government continued to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The government, which came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies. While in general non-Muslims were allowed to worship freely in their places of worship, authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups.

Religious organizations and churches were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register.

There were reports that security forces harassed and at times threatened to use violence against persons on the basis of religious beliefs and activities; it was unclear whether the harassment was for religious or political reasons.

The use and construction of houses of worship required government approval. Applications to build mosques generally were granted in practice, but applying to build churches was more difficult, and the last permit was issued around 1975. The construction of small churches continued with owners registering the land for personal not church use. The guidance and endowment minister stated that his ministry had granted permission for new places of worship but that the local authorities denied permission based on local criteria, such as prohibitions on construction within a certain radius of a similar church or the requirement of a minimum number of worshippers in the locality for the proposed church.

While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. In practice authorities usually subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country, and there were no reports of conversion punished by death.

Although some non-Muslims converted to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of forced conversions during the year.

PDF trainees, including non-Muslims, were indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGOs pressured and offered inducements, such as early release, to non-Muslim inmates to convert. Some persons in the government-controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non-Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non-Muslim children to convert to Islam.

Christian religious workers, including priests and teachers, like almost all visitors, experienced delays in getting visas to visit the country. The visas were generally issued, sometimes after very lengthy delays or after the person could no longer travel.

Muslims could proselytize freely in government-controlled areas, but non-Muslims were forbidden to proselytize.

Children who were abandoned or whose parentage was unknown--regardless of presumed religious origin--were considered Muslims and could be adopted only by Muslims.

In SPLM/A-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents had departed voluntarily over the years. Although the SPLM officially favored secular government, Christians dominated the SPLM. Local SPLM authorities often had a very close relationship with local Christian religious authorities.

Societal Abuses and Discrimination

Some non-Muslim businessmen complained of petty harassment and discrimination in awarding of government contracts and trade licenses. Christians reported pressure on their children in school; teachers and media characterized non-Muslims as non-believers. There also were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and in court cases involving Muslim against non-Muslim. However, non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas. For example, the employment application of the Ministry of Energy and Mining emphasizes nationality, creed, and tribe; Muslims associated with the NCP were given preference in government employment.

There were few, if any, members of the Jewish community. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#)

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

The law provides for these rights, but the government restricted them in practice.

Movement generally was unhindered for citizens outside the war zones; however, before the lifting of the emergency laws on July 9, travelers who failed to produce an identity card at checkpoints risked arrest. After July 9 road checkpoints were removed. At times foreigners needed government permission for domestic travel outside of Khartoum; such permission could be difficult to obtain and was sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and reregister at each new location within three days of arrival.

Although foreign NGO staff more easily obtained entry visas and work or travel permits for Darfur, there were numerous reports of continuing delays and restrictions (see section 1.g.). The government generally implemented its policy of issuing humanitarian visas within 48 hours, but nationals of specified countries encountered difficulties in obtaining visas to work with NGOs.

The government detained persons, particularly opposition political figures, at the airport and prevented them from traveling due to "security concerns." For example, in March Ali Hussan Dossa, a member of the Darfur Forum for Dialogue and Peaceful Co-Existence, was denied permission to leave the country. After the signing of the peace agreement, the minister of interior announced the cancellation of the lists of persons that should be denied exit visas.

Women cannot travel abroad without the permission of their husbands or male guardians, but this prohibition was not enforced strictly for the Bashir-led NCP members.

The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year.

Since the January 9 CPA signing, the SPLM has not restricted the freedom of movement among populations under its control. The SPLM and government-related militias enforced illegal taxation for citizens entering or leaving the area under their control. For example, the CPMT concluded that government-aligned militias maintained checkpoints illegally to collect taxes from local residents and returning IDPs in Abyei. Insurgent movements in the South also required foreign NGO personnel to obtain permission before traveling to areas under their control; however, the insurgents generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas.

Internally Displaced Persons (IDPs)

There were estimates that up to five million IDPs due to the civil war. The UN estimated that at least 1.9 million persons had been displaced by the conflict in Darfur and that another 210 thousand had fled to Chad. Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums around Khartoum. Darfur IDPs have not returned in any significant numbers to their place of origin, although small-scale spontaneous returns to certain villages occurred.

There were frequent reports of abuses committed against IDPs, including rapes, beatings, and attempts by the government to forcibly return persons to their homes (see section 1.g.). There were credible reports that the government harassed IDPs in Darfur who spoke with foreign observers, especially high-profile foreigners, demanding to know the content of their discussions. On May 31, security forces harassed UN Secretary General Kofi Annan's

translator after Annan met with rape victims in Darfur. The UN reported that IDPs lived in a climate of fear.

The government occasionally blocked commercial and road access to IDP camps, purportedly for security reasons. Following riots in Darfur's Kalma camp on May 19, the government banned all commercial and motorized traffic linking the camp to Nyala town. The UN noted that the blockade prevented "the flow of critical goods and materials into the camp" and violated international human rights and humanitarian law. On December 15, the governor of South Darfur lifted the Kalma camp commercial ban.

Insecurity in Darfur, especially outside of IDP camps, restricted IDPs freedom of movement; women and girls who left the town risked sexual violence (see section 1.g.).

The government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance then returned to the IDP camps.

The UNHCR reported that approximately 515 thousand Sudanese refugees resided in neighboring countries, largely due to the conflict in the South; approximately 223,500 of these refugees were in Uganda. Improved security in the South increased the return of displaced populations into areas of origin that were severely affected by the war and lacked basic services. A number of refugees and displaced persons voluntarily returned to the country during the year, particularly to the Nuba Mountains region. At times local militias subjected the displaced populations returning to the South to illegal taxation and forced conscription.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government generally provided protection against *refoulement*, the forced return of persons to a country where they feared persecution. The government also granted refugee status or asylum, but there was no standard determination procedure, and government officials reportedly were unresponsive to applications for refugee status. The government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers.

According to the UNHCR, there were approximately 145 thousand refugees in the country, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 110 thousand refugees were in camps, and the rest were scattered in urban areas throughout the country. The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention/1967 protocol, but no statistics were available for the year.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the UN convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.

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

Although the constitution provides citizens the right to change their government peacefully, under the January CPA between the government and the SPLM, all governmental positions are appointive until the national elections scheduled to be held no later than 2009. Effective July 9 the state of emergency was lifted except in Darfur and in the Kassala and Red Sea states.

The interim constitution establishing the GNU, adopted on July 6, provides for power sharing nationwide between the NCP and the SPLM. A three-member presidency heads the government and consists of a president, Omar Hassan El-Bashir (NCP); a first vice President, Mayardit Salva Kiir (SPLM); and a vice president, Ali Taha (NCP). A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, and 6 percent for southern parties. GNU members took office on September 22, and on October 23, Salva Kiir Mayardit, the country's first vice president and president of the Government of Southern Sudan (GOSS), appointed the cabinet of the GOSS. On September 21, Kiir appointed governors of the 10 states of southern Sudan, and each southern state also formed its legislative assembly with 48 members allocated proportionally as stipulated in the CPA: 70 percent to the SPLM, 15 percent to the NCP, and 15 percent to other southern political forces. Southern Sudan's legislative assembly approved an interim constitution on October 24, which President Kiir signed on December 5.

Elections and Political Participation

Presidential and parliamentary elections were last held in 2000; they were marked by serious irregularities, including official interference, electoral fraud, insufficient opportunities for voters to register, and inadequate election monitoring. All major opposition parties boycotted the elections.

The law allows the existence of political parties but prohibits parties linked to armed opposition to the government, and the government routinely denied permission for and disrupted gatherings viewed as politically oriented (see

section 2.b.). Security forces arrested, detained, and on occasion beat political opponents (see sections 1.c. and 1.d.). During the year opposition parties became more vocal in the demanding inclusion, and the government sought the support of additional parties to add legitimacy to the CPA. Hassan al-Turabi's PNC remained a proscribed political organization.

The government continued summarily to dismiss military personnel as well as civilian government employees whose loyalty it considered suspect in a process called "separation for public interest." Authorities fired or arrested military officers either because they were from Darfur or did not support the ruling party strongly enough.

The president appointed the governors and senior officials of the 26 states in the country's federal system. These appointees were not necessarily representative of their constituencies.

Women had the right to vote. There were approximately 70 women in the 450-person National Assembly, 3 national women state ministers and 1 woman minister in the GNU.

As provided by the CPA, southerners hold 28 percent of the government seats.

Government Corruption and Transparency

The NGO Transparency International reported a perception of severe corruption. Relatives of high government officials often owned companies that did business with the government; in turn they usually received kickbacks for government business. Women caught brewing alcohol could pay police officers not to arrest them.

There were no laws providing for public access to government information, and the government did not provide such access.

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

Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual gender-based violence (SGBV). The government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included the Sudan Organization Against Torture (SOAT) and Sudan Development Organization. In an effort to silence them, the government often charged human rights groups with spreading false information. For instance NGOs continued to be harassed in Darfur with the intimidation of national staff and the detention and arrests of workers treating victims of sexual violence. Government security forces often detained members of humanitarian staff under the Criminal Act, usually on charges of spreading false information. For example, on May 30 and 31, security forces arrested the Doctors Without Borders (MSF-H) director and its Darfur coordinator on charges of spreading false information, stemming from MSF-H's report on SGBV in Darfur; the charges were dropped on June 19.

In August the government accused SOAT of spreading false information through its press release about arrests during the August Khartoum riots. There was no action taken against SOAT.

The government often resisted the heightened levels of international NGO scrutiny generated by events in Darfur. At the beginning of the year, the government made it difficult for international NGOs to operate in Darfur by denying visas, holding up the clearance of equipment and supplies at customs, denying permission to travel within the country, and harassing the humanitarian community; visa issuance and access for humanitarian workers improved later in the year (see section 1.g.).

The government's HAC, which regulates humanitarian efforts in the country, continued to create difficulties for NGOs operating in Darfur. All NGOs must register with HAC to operate in the country. On March 21, the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur (see section 1.g.). HAC applied rules for NGOs inconsistently, often changing them without prior notification. An August 4 presidential decree required international NGOs to reregister and did not provide applicants to appeal a denial.

Rebels reportedly abducted and on rare occasions killed NGO workers and contractors, particularly in Darfur. On July 12, the UN reported that SLA members seized a government vaccination team's vehicle and detained the NGO driver for four days. On May 1, armed men alleged to be rebels from the Eastern Front hijacked a Sudanese Red Crescent vehicle in Port Sudan, killing two employees and injuring another. Banditry and robbery of relief convoys in Darfur increased. For example, on June 11, unknown perpetrators in Darfur robbed four UN-subcontracted trucks and beat the drivers.

The UN also sent different teams to the country to investigate the situation in Darfur. For example, the UN High Commissioner for Human Rights, the UN Special Adviser on the Prevention of Genocide, the UN Special Rapporteur on the Situation of Human Rights in Sudan, and the UNHCR visited the country during the year. The UN Mission in Sudan deployed approximately human rights observers to Darfur to monitor and investigate the human rights situation and events. The UN special rapporteur on the situation of human rights in Sudan and The UN special advisor on the prevention of genocide issued reports to the UN on the human rights situation in the country.

On March 31, the UN Security Council referred Darfur to the chief prosecutor for the International Criminal Court

(ICC). On June 6, the chief prosecutor opened an investigation into Darfur without the cooperation of the government, which refused to hand over any criminals associated with the conflict to the ICC.

The Advisory Council for Human Rights, with representatives of human rights offices in 22 ministries and agencies, is the government's major focal point for the promotion and protection of human rights. The council provided lists of detained individuals to the international community.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, or religious creed, but discrimination against women and ethnic minorities continued. Mechanisms for social redress, particularly with respect to violence against women and children, were ineffective.

Women

There were no laws specifically prohibiting domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. The government launched its Violence Against Women Action Plan in November; the program included awareness posters and a media campaign of zero tolerance for violence against women, increased the number of female police officers, and expanded training for police in Darfur. Displaced women from the South were particularly vulnerable to harassment, rape, and sexual abuse while returning home.

Women in Darfur were particularly vulnerable to abuse and rape (see section 1.g.). Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy." Local authorities often exacerbated the problem by requiring rape victims to file a police report before receiving medical treatment, despite an August 21 decree that waived the requirement. On October 24, the minister of justice formally declared that victims need not file a police report to receive medical treatment. UN and NGO sources confirmed that the decree was not regularly observed because police at the working level were not informed of it. Women distrusted the police and rarely filed a police report. Although slow to acknowledge the magnitude of violence against women, in December the government did participate in the UN's "16 Days of Activism Campaign" to combat violence against women, which included multiple workshops.

The police arrested unmarried pregnant women who claimed to have been raped. Unless she could provide proof of the crime, a rape victim could be charged with the capital offense of adultery. For example, from August 17 to 19, police in Mukjar, Darfur, detained 18 pregnant women for adultery and physically abused them. The victims said that the police slapped and kicked them and called them prostitutes. Most victims were released after the first night of detention but were forced to pay \$30 (10 thousand dinars).

The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death. Spousal rape is not addressed. In most cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. On June 7, soldiers in Southern Darfur State who allegedly raped two girls on May 2 were convicted of the lesser offense of gross indecency rather than rape; the judge stated that, under the Shari'a and the Evidence Act, a conviction of rape required the testimony of four witnesses despite the presentation of clear medical evidence. Nonetheless, during the year there were two convictions for rape in Darfur (see section 5).

FGM remained widespread, particularly in the North, although it was becoming less common as a growing number of urban, educated families abandoned the practice. In a compromise with tradition, some families adopted clitoridectomy, the least severe form of FGM, as an alternative to infibulation. Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulation. The government did not support FGM and actively campaigned against it, as did the SPLM in its zone of control. On December 6, a young girl, Inaam Abdel Wahab, died from FGM. One local NGO worked to eradicate FGM.

Prostitution is illegal but widespread throughout the country.

Trafficking in women remained a problem (see section 5, Trafficking).

While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to 1 year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.

Some aspects of the law discriminated against women, including many traditional law practices and certain provisions of Shari'a as interpreted and applied by the government. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are entitled to inheritance from their parents. However, a widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings.

Since, under Islamic law, a non-Muslim woman takes on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew, and their children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the South or among Nubans (most of whom are Muslims).

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for NCP members. To obtain an exit visa, children must receive the permission of their father or their paternal uncle. Women cannot apply for exit visas for their children.

Although women generally were not discriminated against in the pursuit of employment, they were not legally permitted to work after 10 p.m., in theory limiting their employment opportunities. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles; more than half the professors at Khartoum University were women.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, but police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered.

A number of women's groups were active, focusing on a wide range of social and economic issues.

Children

The government's commitment to children's rights and welfare was uneven. While education was legally compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education, but students have been expelled from class for failing to pay school fees. On August 8, the government issued a decree prohibiting dismissal of students for nonpayment of school fees. There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the North boys and girls generally had equal access to education (enrollments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In the urban areas of the South, class size reached 120 students, with fewer than 27 percent of primary school age children in basic education and a basic education gender disparity of 3 boys for each girl.

UNICEF reported that educational access for school-age IDP children in Darfur improved considerably compared with the preceding year. UNICEF, supported education for nomadic groups, also reported a significant increase in nomadic group education.

There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported an under-5 mortality rate of 93 per 1,000, a low birth weight rate of 31 percent, and immunization rates of approximately 50 percent. In the South, infant mortality was 150 per thousand births, and approximately 21 percent of children under age 5 suffered severe malnutrition.

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (see sections 1.b. and 5, Trafficking).

FGM on girls was performed commonly in rural areas and less in the cities (see section 5, Women).

The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage.

Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the South (see section 5, Trafficking). Children engaged in prostitution for survival, usually without third-party involvement.

Government-allied militias and rebel forces conscripted or accepted young men and boys into the allied militias in Darfur (see section 1.g.). Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers.

Unlike in the previous year, there were no reports that southern militias recruited child soldiers. Credible observers stated that southern tribal chiefs delivered children to the militias for recruitment goals in an effort not to give up their able-bodied fighters. The ICRC and UNICEF worked to remove child soldiers from the South.

Child labor remained a problem mainly in the informal sector (see section 6.d.). In the South children, particularly girls, often worked in the fields.

The government operated "reformation camps" for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam (see section 2.c.). In

the camps, the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

Trafficking in Persons

Although the law prohibits slavery and forced labor, the law does not specifically address trafficking in persons, and there were reports that persons were trafficked from and within the country. There were no reports during the year that government and government-supported militias abducted women for use as domestic servants, forced labor, or concubines (forced marriages) due to the continuation of the North-South cessation of hostilities. There were some reports that the abduction of women and children continued in the South due to tribal clashes.

Shari'a and the State of Emergency Law prohibit all forms of sexual exploitation, and penalties include fines and imprisonment. However, there were no prosecutions under these laws during the year. The government's National Council of Child Welfare, working with immigration officials, was responsible for combating the trafficking of camel jockeys.

There were no informed estimates on the extent of trafficking, either for jockeys or for sexual exploitation. There were credible reports that tribal leaders with government connections transported children to the Persian Gulf to be used as jockeys in camel races or as laborers. Despite the absence of a signed agreement with the government, UNICEF cooperated with the government to repatriate child camel jockeys and indicated that 16 children had been repatriated since May. More than 300 children were repatriated from the United Arab Emirates and Qatar through the combined efforts of governments and NGOs.

There were credible reports that intertribal abductions of women and children continued in the South. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. As intertribal fighting in the South decreased, the number of abductions also appeared to decline. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. The CEAWC and its 22 joint tribal committees investigated abduction cases and sought to facilitate the safe return of victims. CEAWC did not pursue legal action against abductors. CEAWC reported that since 1999, 1,354 abductees were reunited with their families. Credible sources noted that some of the CEAWC-facilitated reunions were forced repatriations of persons over age 18 against the wishes of the abductees.

During the past 20 years, the LRA kidnapped more than 20 thousand Ugandan children, took them back to the southern part of the country, and forced them to become sex slaves, pack animals, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in the South. According to SPLM/A officials, on November 21, suspected LRA rebels abducted 11 people in Western Equatoria and were suspected of killing 5 civilians and abducting 25 persons near Maridi. The government permitted the Ugandan army access to the South to pursue the LRA. Although Ugandan military operations significantly reduced LRA numbers, the LRA continued to operate in the South and to hold child abductees; such LRA attacks restricted humanitarian activities.

The government assisted some victims of trafficking; through CEAWC it provided clothing, food, shelter, and transportation to victims.

The government conducted antitrafficking public information and education campaigns at the national, state, and local levels.

Persons with Disabilities

While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that "the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment and full participation in society." The government did not discriminate against persons with disabilities but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day. The law requires equal educational opportunities for persons with disabilities.

National/Racial/Ethnic Minorities

The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. The fighting in Darfur was between Muslims who self-identify as either Arab or non-Arab (see section 1.g.).

The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education,

employment, and other areas.

There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile (see section 5, Trafficking). The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and "chose" to "marry" their abductors, rather than return home where they would be stigmatized.

There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes.

Other Societal Abuses and Discrimination

Homosexuality is a crime, but no one has been prosecuted on the charge; there is societal but not official discrimination against homosexuals.

Incitement to Acts of Discrimination

The government and government-supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the government supported one tribe over another, arming certain tribal militias against other tribes.

Section 6 Worker Rights

a. The Right of Association

Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly in the government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) could function legally; all other unions were banned. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions continued to recognize the "legitimate" Sudan Workers Trade Union Federation--the national trade union center that functioned prior to the ban--which operated in exile.

The law does not prohibit antiunion discrimination by employers.

b. The Right to Organize and Bargain Collectively

The law denies trade unions autonomy to exercise their right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money.

While labor organizing committees have the right to organize and bargain collectively, in practice the government dominated the process of setting wages and working conditions through its control of the steering committees. A tripartite committee comprising representatives of the government, the government-controlled SWTUF, and business set wages. The absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials raised some grievances with employers, although few raised them with the government. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections (see sections 1.c. and 2.b.).

Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.

There is one export processing zone located in Port Sudan, and it is exempt from regular labor laws.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued (see sections 5 and 6.d.).

Although the government continued to deny that slavery and forced labor existed, CEAWAC acknowledged that abductions had occurred (see sections 1.b. and 5).

Both the government and rebel factions continued to conscript men and boys into the fighting forces (see section 5).

Some SPLM/A commanders and affiliated forces continued to force southern men to work as laborers or porters. The ILO Committee of Experts reported that abduction, forced labor, and sexual slavery of women and children continued.

d. Prohibition of Child Labor and Minimum Age for Employment

Although mandated by the constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy.

There were reports that government and allied militias conscripted children and accepted children as soldiers (see section 5). Child trafficking continued, and child prostitution was widespread (see section 5).

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

e. Acceptable Conditions of Work

The minimum wage was \$48 (SDD 12,500) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local labor ministry field office, which then was required to investigate and take appropriate action. There were reports that some workers, including postal and health workers, were not paid their regular wages. The government failed to comply with a constitutional court ruling that employees fired by the Central Bank in 2004 should receive severance pay.

Legal foreign workers had the same labor rights as domestic workers. Illegal workers had no such protections and, as a result, typically worked for lower wages in worse conditions than legal workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.

The law, which was generally respected, limits the workweek to 48 hours--an 8-hour day, with a day of rest on Friday. Overtime should not exceed 12 hours per week or 4 hours per day. There was no prohibition on excessive compulsory overtime.

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



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