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Sudan

Country Reports on Human Rights Practices - 2006

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Sudan, a republic with an estimated population of 41.2 million, is governed according to a power-sharing arrangement established by the January 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity. The government's mandate extends until scheduled elections in 2009. The Government of National Unity is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA), led predominantly by Christians and practitioners of traditional indigenous religions from the south. 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 SPLM acts as the ruling party of the autonomous Government of Southern Sudan, established in October 2005. The autonomous government ratified a separate constitution in December 2005. A referendum to determine whether the south will become an independent entity is scheduled for 2011. Civilian authorities generally maintained effective control of the security forces and government-aligned militia; however, there were some instances in which elements of the security forces and government-aligned militia acted independently.

The country experienced several violent ethnic conflicts during the year. Despite the signing of the Darfur Peace Agreement (DPA) by the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A) on May 5, the ethnic conflict in Darfur continued. Government forces, government-aligned militia (janjaweed), and Darfur rebel groups continued to commit serious abuses during the year. Tensions and violence persisted in the south over the implementation of the CPA, and in the east, where the rebel Eastern Front signed a peace agreement with the government on October 14. The country experienced violent conflict on its western border with Chad that was, in part, a spillover of the conflict in Darfur and, in part, attributable to Chadian rebel forces based in Darfur who were opposed to the rule of Chadian President Idriss Deby. The Lord's Resistance Army (LRA), a Ugandan rebel movement, allegedly made incursions into southern Sudan late in the year and attacked and killed civilians.

In Darfur government forces, janjaweed, and Darfur rebel groups committed serious abuses during the year, including the reported killing of at least several thousand civilians. Government and janjaweed militias razed numerous villages of African tribes, and committed acts of torture and violence against women. Darfur rebel groups were also responsible for rape and attacks on humanitarian convoys and compounds in order to steal equipment and supplies, resulting in death and injury to humanitarian workers. According to the UN, more than 200,000 persons have died, two million civilians have been internally displaced, and an estimated 234,000 refugees have fled to neighboring Chad since the conflict began in 2003. Despite the presence in Darfur of the African Union-led international monitoring force (African Union Mission in Sudan or AMIS), security remained a major problem and deteriorated during the year, with reports of violence increasing during the latter half of the year.

Despite the January 2005 signing of the CPA, sporadic violence occurred in the south. Militias aligned with the Sudanese Armed Forces (SAF) and the SPLA, as well as non-aligned militias, continued to engage in violent attacks. Delays in CPA implementation, particularly the provisions of its security arrangements governing aligned-militia reintegration and disarmament, fomented many of these incidents. Although the SPLA successfully integrated some militias into its ranks, such as Paulino Matiep's faction of the South Sudan Defense Forces, a grouping of over 40 militias, in compliance with the CPA provision requiring militias to join either the SPLA or SAF by January 9, other militias refused to integrate into either force. In December in Malakal, the SPLA and SAF engaged in direct conflict, in violation of the CPA, when SPLA troops fired upon a SAF base where members of a government-aligned militia had sought refuge. Hundreds of civilians were wounded during the clash, and an estimated 150 civilians and soldiers on both sides were killed.

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. Abuses included: abridgement of citizens' rights to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; torture, beatings, rape and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, including incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; forced military conscription of underage men; obstruction of

the delivery of humanitarian assistance; infringement on citizens' right to privacy, freedoms of speech, press, assembly, association, religion, and movement; the harassment of internally displaced persons (IDPs) and of local and international human rights and humanitarian organizations; violence and discrimination against women, including the practice of female genital mutilation (FGM); child abuse, including sexual violence and recruitment as child soldiers, particularly in Darfur; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced labor, including child labor, by security forces and both aligned and non-aligned militias in Southern Sudan and Darfur.

Members of the SPLA committed serious abuses, particularly early in the year during forced disarmament campaigns targeting the White Army, a Nuer ethnic militia, which resulted in numerous killings and the displacement of thousands of civilians. The SPLA also continued to recruit child soldiers.

Antigovernment and insurgent groups also committed numerous, serious abuses. Factions of the SLA, the Justice and Equality Movement (JEM) and other rebel groups in Darfur committed killings, beatings, abductions, rape, robbery, destruction of property, forcible conscription, and recruitment of child soldiers. 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 reports of politically motivated killings by the government and its agents in Darfur, especially connected to the conflict in Darfur. There also were reports of numerous extrajudicial killings. The genocide in Darfur determined to have occurred by the Department of State in September 2004 continued during the year (see section 1.g.).

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

Members of the military also killed other members of the military. On October 31, at a tea shop in central Juba, a former Murle militia member recently integrated into the SPLA shot and killed with impunity a fellow Murle who had recently joined the SPLA. According to witnesses, two additional SPLA soldiers then arrived on the scene and joined the fighting; one of the two went up to the victim and shot him a second time in the head.

At least one person died from tear gas inhalation during an August 30 antigovernment protest in Khartoum.

Police in Gezira State forcibly demolished homes at a squatter camp resulting in the deaths of four persons, including children (see section 1.f.).

Large-scale violence in Darfur decreased in the first half of the year but increased significantly during the latter half of the year. General lawlessness and continued attacks by government forces, government-aligned militias and rebel and paramilitary forces on villages, humanitarian aid workers, and convoys increased the degree of insecurity (see section 1.g.).

SAF and SPLA-aligned militias, as well as non-aligned militias, continued to use violence in the south, which resulted in an unknown number of deaths during the year.

Government forces and aligned militias were responsible for attacks and killings in neighboring Chad (see section 1.g.).

Rebel groups operating throughout the country were responsible for killings, including the deaths of five humanitarian aid workers (see sections 1.g. and 4).

Approximately 51 civilians reportedly died due to landmines in the south between January and September, 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.

Unknown assailants kidnapped and killed a prominent newspaper editor during the year (see section 2.a.).

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

AMIS monitoring forces in Darfur were responsible for the deaths of IDPs (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 15,000 Dinka women and children have been abducted, mainly from 1983 to 1999; at least 8,000 of these 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 eastern Upper Nile State (see section 5).

The 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 Interim National Constitution, adopted in July 2005 and hereafter referred to as the "interim constitution," prohibits such practices, government security forces continued to torture, beat, and harass suspected political opponents and others.

In December 2005 the Government of Southern Sudan adopted a separate constitution based on common law, which prohibits torture; however, SPLA forces did not respect these provisions in practice.

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. Under the interim constitution, the government officially exempts the 10 southern states from Shari'a law, though some judges in the south reportedly still observed it. Northern courts routinely imposed flogging, especially for production of alcohol.

In February National Intelligence and Security Service (NISS) officers used tear gas and beat students with sticks to break up a peaceful student demonstration at Kassala University. Several students were hospitalized due to their injuries.

During the year there were several reports of abuse by anti-smuggling police. For example, on March 27 anti-smuggling police in Kassala State, near the border with Eritrea, assaulted several persons from the Rashaida tribe in Hafayer town and confiscated their goods. Three days later, anti-smuggling police in Hafayer arrested and severely beat a Rashaida leader in front of his family. On April 23, anti-smuggling police arrested another man near Hafayer, confiscated his goods and money, and burned his hands with hot coal. The following day, anti-smuggling police raided a shop in Hafayer, confiscated several goods, and shot a 17-year-old boy in the foot as he was coming out of the local SPLM office.

On April 15, government soldiers arrested two men and one 13-year-old boy near Kulbus, West Darfur, and accused them of being "Tora Bora"--a slang term for Darfuri rebels. The soldiers beat the boy with electric wire and their rifle butts before transferring him to a detention cell for three days. While in detention, soldiers again beat the boy, threw water on him, and forced him to stand all night. On April 25, the boy was transferred to civilian custody and released the following day on orders of a judge in El Geneina.

On June 12, NISS officers detained and tortured a male student from the Islamic University in Omdurman. The student had distributed flyers calling for the university to reinstate several students who had been expelled for nonpayment of fees. The officials took the student to a room on campus, blindfolded him, and hung him by his feet from a ceiling fan. They then attempted to insert a glass bottle into his anus, beat him with a metal bar, and shocked his hands and feet with electric wires. They released him after he signed documents obliging him to pay over \$7,000 (SDD 1.5 million). The UN Mission in Sudan (UNMIS) later verified the victim's injuries with a medical certificate.

On September 7, SPLA soldiers beat at least six university students in Wau after the university director asked the SPLA to intervene to protect the university from student agitators. UNMIS reported that the students were beaten

without provocation, some after simply acknowledging that they were students at the university. On September 19, the governor of Western Bahr al Ghazal ordered the university closed for one year and asked police and SPLA to remove all students from campus.

In Torit in early September, fighting broke out between the SPLA and local police after a SPLA-Joint Integrated Unit soldier was arrested for rape and shot while attempting to escape from jail. SPLA soldiers later attacked the police station in retaliation, beat several police officers, and shot indiscriminately in the streets.

There were few attempts during the year to bring to justice police, soldiers, and other government agents who had tortured or mistreated citizens in previous years.

No action was taken against government officials responsible for the following abuses in 2005: the January beating of political activist Salah Abdelrahman, who was held without charge for eight months; the February detention and beating of Mahmoud Abaker Osman and Diggo Abdel Jabbar; the August torturing of numerous persons in connection with the Khartoum riots; and the October torture of nine students on the campus of Islamic University in Omdurman after they attempted to form a union.

Security forces beat and mistreated refugees and injured and killed persons while dispersing demonstrations (see sections 2.b. and 2.d). Throughout the year police conducted sporadic raids on houses occupied by Ethiopian refugees or migrants; credible reports indicate that during the raids police at times beat the refugees and used tear gas against them (see section 2.d).

Soldiers, Popular Defense Force (PDF) members, government-aligned militia, and members of Darfur rebel groups 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.).

UNMIS acknowledged that four of its military and civilian personnel had been repatriated to their country of origin in connection with allegations of sexual abuse of children in the south. UNMIS acknowledged that 13 additional personnel were being investigated on similar charges.

Government forces and aligned militias in Darfur were responsible for injuring many civilians during attacks on rebel forces, and during attacks on civilian settlements, including aerial bombardment (see section 1.g.).

SLA, JEM and other Darfur rebel groups were also responsible for civilian injuries in Darfur (see section 1.g.).

Prison and Detention Center Conditions

Prison conditions remained harsh and overcrowded. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive; prisoners usually relied on family or friends for food. Prison officials arbitrarily denied 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. In October 2005 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. In August 2005 the government agreed to allow unfettered access to UN monitors; however, on May 3, it denied a request by the UN High Commissioner for Human Rights to visit the NISS section of Khobar prison in Khartoum North (see section 1.e.). The government refused to grant the International Committee of the Red Cross (ICRC) access to government prisons during the year.

Detention centers operated by rebel forces were comparable to those operated by the government, though some were worse. On June 19, UNMIS observers visited a detention facility operated by SLA forces aligned with Minni Minawi, hereby referred to as "SLA (Minawi)" in Thabit, North Darfur, and noted that 16 prisoners were being held in a single cell with no space to lie down; military and civilian detainees were held together. The SLA and other rebel groups allowed the ICRC access to some prisoners during the year.

d. Arbitrary Arrest or Detention

The interim constitution and law prohibit arbitrary arrest and detention without charge; however, the government

continued to arbitrarily arrest and detain under the National Security Act.

Role of the Police and Security Apparatus

The NISS and the Ministry of Interior both have security forces under their control, along with the police force responsible for internal security. The police forces include regular police units and the Popular Police Force, a parallel progovernment force that received higher pay than regular forces. The effectiveness of the Popular Police Force varied, depending on the strength of the local militias and security forces. The army is responsible for external and internal security. Police corruption was a problem, and police officers supplemented their incomes by extorting bribes from the local civilians.

According to UNMIS, police in Southern Sudan lacked resources to effectively protect the local population. In Maridi, in West Equatoria State, police lacked uniforms, radios, sufficient vehicles, and office equipment. The local jail had only one cell, with no toilet. To compensate for the lack of resources, police required complainants to pay three dollars (5,000 Ugandan shillings) before they would investigate their cases. Ugandan shillings, Kenyan shillings, Ethiopian birr, and US dollars all circulate as common currency in the south. Local judicial personnel also were inadequately trained, with only one judge having a law degree. Local police also complained that SPLM officials routinely intervened in police affairs, forcing police to release relatives and friends without following legal procedures.

Impunity remained a serious problem, although on a few occasions during the year courts prosecuted police and other officials for abuses they had committed. On May 3, the Special Criminal Court for the Events in Darfur issued a verdict on the only case referred to it since its establishment in November 2005. The court acquitted two Military Intelligence (MI) officers and one civilian on charges of robbery and war crimes (pillaging), stemming from an October 2005 attack by Arab militia on Tama, in South Darfur. However, the court convicted the three men of "criminal joint acts" and theft, sentencing them to at least two years in prison. On the same day, the El Geneina General Court convicted a police officer from Mornei of raping a 10-year-old girl in 2005, and sentenced him to three years in prison and 100 lashes.

In other cases of police abuse, victims who complained were punished. For example, in June two southern IDP women in Omdurman, one of whom was seven months' pregnant, were severely beaten by police after they resisted police attempts to steal money from their home. The women were taken to the Thowra police station, where they were beaten again by a senior police officer. The following day, when the women were taken to court, one of the women complained about the abuse to the judge. Three police officers accused her of lying and defaming the police. The judge ruled in favor of the police, and sentenced her to 30 lashes and a \$23 (SDD 5,000) fine for defamation.

Arrest and Detention

Warrants are not required for an arrest. Under the Criminal Code, an individual may be detained for three 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. In practice, indefinite detentions were common. 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. For example, on August 9, MI officials took American journalist Paul Salopek and his two foreign assistants into custody after they crossed the border from Chad without a visa. They held Salopek incommunicado for nine days without notifying consular representatives or providing him access to a lawyer.

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 (see section 1.e).

On April 4, security forces in Kassala State arrested several members of the Beja Congress without charge; the members were reportedly released six months later. The Sudanese Organization Against Torture (SOAT) claimed the April arrests were part of a crackdown against the Beja Congress in several eastern states that began in March with numerous arrests of members of the Beja Congress.

On November 12, police raided an IDP camp near Masteri, West Darfur, following an exchange of fire between militiamen and suspected SLA members. Two Masalit men who were gathering firewood near the camp disappeared during the raid. Three days later, the local police commissioner stated that the two men were taken into custody for supporting the SLA but acknowledged that he did not have evidence to support the charges. Despite assurances to

UNMIS that the men would be released after several days, the men reportedly remained in detention at year's end.

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

Religious leaders were arrested and beaten (see section 2.c.).

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 also occurred (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 interim constitution and the law provide 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 sometimes overturned decisions by lower courts on 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. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel but did not provide the same rights as civilian and criminal courts. 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. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters. 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 in the south, under the interim constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. The Government of Southern Sudan adopted a new penal code in October based on common law.

Trial Procedures

The interim constitution and law provide 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, in May 2005 an appeals court upheld a judge's 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. Forty-nine out of the 81 defendants were convicted of plotting a coup and sentenced from five to 15 years in prison; the others were released. However, on March 13, a special court in Bahri, Khartoum North, dropped charges against eight of the 49 defendants for lack of evidence. The same court acquitted an additional 10 defendants on April 26 because their confessions had been obtained under torture by NISS officers.

According to the interim constitution and 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 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 wishing 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. In September 2005 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; however, there were no such reports of harassment during the year.

In the south the Government of Southern Sudan employed a judicial system of traditional chiefs' courts, payam (district) courts, 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 Government of Southern Sudan recognized traditional courts or "courts of elders," which applied customary law to most cases, including domestic matters and criminal cases. Local chiefs usually presided over traditional courts, but defendants have a right of appeal to a non-customary court, although there were no reports that this has happened in practice. Traditional courts have now been formalized and integrated into the judicial system.

In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. 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 and Detainees

There were no reports of political prisoners; however, the government held an estimated 100 political detainees, including members of opposition parties. Security forces reportedly detained without charge, tortured, and held incommunicado political opponents (see section 1.c.). Detentions of such persons generally were prolonged. However, 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.

In September the government detained several leaders of the opposition Umma Party for planning protests against government-backed increases for the price of sugar and fuel (see section 2.b).

Security forces detained members of Hassan al-Turabi's Popular Congress Party; however, there were fewer such detentions than in previous years.

Security forces arrested numerous persons suspected of supporting rebels in Darfur, some of whom were tried, convicted, and sentenced to death under special courts (see section 1.e.). For example, on April 19, NISS officers in Khartoum North detained the JEM's legal advisor and confiscated his belongings. Later in the day, officials transferred him to NISS headquarters, where he was held until May 2, when he was moved to the NISS section of Khobar prison in Khartoum North and charged with undermining the constitution, espionage, and obtaining official documents. A judge later ordered the man to be released because the government had held him for too long before filing charges. However, the NISS later brought the man to another judge, who ordered him detained for another week. He was later released.

Following the May 5 signing of the DPA, the government began to release many political detainees associated with the conflict. By August, the government had released 23 persons in accordance with the DPA, according to the UN special rapporteur on the situation of human rights in Sudan.

The government did not permit international humanitarian organizations to have access to political detainees. On May 3, it denied a request by the UN high commissioner for human rights to visit the NISS section of Khobar prison in Khartoum North.

Civil Judicial Procedures and Remedies

There was access to court for lawsuits seeking damages for human rights violations, but the lack of an independent

judiciary made it unlikely that such lawsuits would be successful.

Property Restitution

There were numerous ongoing disputes between the government and various churches involving confiscated church property. There were no reports of court ordered property restitution or compensation.

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

The interim constitution and law prohibit 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 aligned militia continued to bomb and burn down villages, loot property, and attack IDP camps (see section 1.g.).

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, on June 11, a Dinka woman living at El Fateh relocation camp near Khartoum reported that police raided her house in May searching for illegal alcohol. When they could not find alcohol, they forced her to hand over all her money. One officer remained behind and demanded sex; when the woman resisted, the officer told her that he would see her again "one of these days."

Police continued to raid homes at El Fateh relocation camp in October searching for illegal alcohol. For example, on October 26, police raided the home of one man but could not find any alcohol; nevertheless, they demanded money. According to UNMIS, police rarely found alcohol during these raids, and court prosecutions for illegal alcohol production were rarer still.

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

In several areas the government sought to forcibly resettle or displace local populations. In Northern State, nomads in the areas around Sani, Burti Gareb, Kurkuban, and Sherri Island complained that the government's Merowe Dam Project Implementation Unit seized their traditional grazing land without compensation and gave it to a foreign construction company, denying them access to water wells in the area. Armed police prevented the nomads from using the land or water at year's end.

As of August 12, flooding as a result of the Merowe dam project had forced more than 2,000 persons to leave the area, largely in the vicinity of the town of Amri, according to the UN special rapporteur for the situation of human rights in Sudan. Authorities gave residents six days notice to leave their homes.

On August 16, police in Gezira State began demolishing homes at Dar al Salaam squatter camp to force residents to relocate. Bulldozers arrived at four o'clock in the morning, while police used tear gas to drive residents from their homes. Four persons, including children, were killed. The entire camp of 12,000 persons was razed within 24 hours. In violation of a January Memorandum of Understanding that promised residents relocation to a new site to be agreed upon by local authorities and squatters, the authorities and squatters were unable to agree on a new site, and no alternate site had been provided by year's end.

The government continued forcibly to conscript citizens for military service as part of mandatory military service for male citizens, and government-aligned forces and rebels continued to recruit and accept child soldiers in Darfur (see section 1.g.).

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 or among the Nubans. Non Muslims may adopt only non Muslim children; no such restrictions apply to Muslim parents.

The Government of Southern Sudan generally did not interfere with privacy, family, home, or correspondence in the south; however, southern militias, especially the South Sudan Independence Movement, continued forcibly to conscript citizens, including children of high school age.

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

Darfur

While all sides in Darfur violated international human rights and humanitarian law, the government and the janjaweed continued to bear responsibility for genocide that occurred in Darfur.

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. During the year the government, Arab militia forces, and Darfur rebel groups reportedly killed at least several thousand civilians. By year's end, there were more than two million IDPs in Darfur, and another 234,000 civilians had fled into Chad, where the UN High Commissioner for Refugees (UNHCR) coordinated a massive refugee relief effort. According to the UN, more than 200,000 persons have died since 2003 as a result of the violence and forced displacement. The government continued to support the largely Arab nomad janjaweed militia, which terrorized and killed civilians, raped women, and burned and pillaged the region.

During the year the government resumed aerial bombardment of civilian targets, including homes, schools, and markets.

According to UNMIS, on April 24, government armed forces and government-aligned militia attacked Joghana town in South Darfur with Land Cruisers, helicopters, and a converted Antonov bomber. Many of the Land Cruisers were painted white, as was the bomber, in what observers believed was an attempt to disguise them as NGO or UN vehicles. Reports indicated that civilians were targeted during the attack, although the number of casualties had not been confirmed by year's end.

Government bombing of civilian targets in North Darfur continued throughout the latter half of the year. On September 6, Human Rights Watch noted that international observers reported government Antonov bombers had attacked Hassan village, in North Darfur, during the last week of August, killing one woman and seven children. AMIS later confirmed that raids near Kukul had killed 20 people and displaced more than 1,000.

Aerial bombardments near Tawila, North Darfur, occurred during the first two weeks of September. Although no one is known to have died during these bombings, the attacks drove an additional 400 IDPs into the Rwanda camp near Tawila, severely straining camp resources. According to UNMIS, 12 people died at the camp between from August 15 to September 15 due to insufficient medical attention.

In late December the government bombed the villages of Anka and Um Rai, North Darfur. AMIS reported that five civilians died as a result of the bombings.

Throughout the year, the government and government-aligned militias attacked IDP camps, civilian facilities, and housing, killing at least several hundred civilians.

On May 20, approximately 150 men on camel and horseback, many dressed in khaki uniforms, attacked Fuguli village in South Darfur. At the time of the attack, Fuguli village was controlled by Fur tribesmen loyal to Abdel Wahid al-Nur's faction of the SLA, hereby referred to as "SLA (Abdel Wahid)," which had refused to sign the DPA. The gunmen began firing indiscriminately on the village, killing livestock and looting homes. SLA (Abdel Wahid) forces quickly retaliated, but were overwhelmed by government reinforcements, including two vehicles mounted with machine guns. UNMIS reported that 13 civilians were killed in the attack.

On June 11, five police officers from the Central Reserve Police arrested two men from the central market in Nyala, South Darfur, and charged them with supporting the SLA. The officers repeatedly beat the men with their rifle butts and flogged them with whips. The men were later charged with undermining the constitutional system and waging war against the state. The status of their cases remained unknown at year's end.

In July the government launched a major assault on the National Redemption Front (NRF), a coalition of rebel groups that rejected the DPA, following an NRF attack on civilians in the area. The government also attacked civilians in areas believed to support the NRF, and was responsible for numerous killings.

From August 28 to 31, hundreds of uniformed armed militia from the Habania and Fellata tribes attacked 47 villages near Buram, South Darfur, forcing approximately 10,000 people in the area to flee. At least 38 persons were killed, while another 23 were injured, although some unconfirmed reports indicate that hundreds of civilians were killed during the attacks.

On October 9, nine government soldiers severely beat a shopkeeper in the central market of El Fasher city and then proceeded to beat several neighboring shopkeepers. They called the victims "slaves" and stole several mobile phones from the shops. Other soldiers returned to the market on October 12, beating other shopkeepers and looting stores. On October 13, soldiers shot a butcher in the market four times following a dispute over payment. Local police later told the shopkeepers they had no jurisdiction against crimes committed by the military.

On October 29, hundreds of armed militiamen in green uniforms attacked several villages and the Aro Sharow IDP camp near Jebel Moon, in West Darfur. At least 50 civilians were killed, including 26 children, most of whom were

under the age of 10. According to survivor accounts obtained by UNMIS, the attackers told residents in one village "We have come to destroy you," and shouted "Come out, slaves!" One boy was heard pleading for his life, telling his attacker, "You have killed this other boy, so please let me go." The attacker responded, "If I let you go, you will grow up. I will not let you go." He then shot the boy. As many as 7,000 people in the area were displaced by the violence, many fleeing across the border into Chad.

Violence in Birmaza, North Darfur in November between government forces, janjaweed and rebel groups killed more than 20 civilians, displaced an unknown number of persons, and destroyed six UN World Food Programme warehouses.

On December 1 and 2, armed men attacked the village of Abu Sakin, North Darfur, killing at least 11 persons, and displacing an unknown number of others. On December 23, a UN assessment mission to the village confirmed that it had been deserted and looted and that more than 50 houses burned.

On December 9, janjaweed shot and killed a shopkeeper in El Fasher's central market. The governor of North Darfur State and several members of his cabinet later attempted to visit the market to assess the situation, but janjaweed fired upon their convoy, killing one person and injuring at least eight others.

On December 10, protesters surrounded the AMIS camp in El Geneina, West Darfur, protesting that AMIS troops were not protecting them. According to AMIS, several protesters fired on the camp and attempted to enter the compound. AMIS forces responded by firing on the crowd, killing two protestors and injuring one.

The UN's International Commission of Inquiry in Darfur found in 2005 that "rape or other forms of sexual violence committed by the janjaweed and government soldiers in Darfur was widespread and systematic." This trend continued during the year. The majority of victims were women and girls who lived in IDP camps and were raped when 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.

For example, according to UNMIS, armed militiamen raped 25 persons, including five children, in conjunction with a January attack on four villages in West Darfur; some of the victims were gang-raped.

On April 16, three Arab militiamen approached eight IDP women from Ardamata camp, two of whom were carrying their babies. According to UNMIS, one gunman threatened to kill the babies if they were male and demanded that the mothers allow him to inspect the babies to determine their gender. When the mothers refused, the gunmen beat them. One woman attempted to file a complaint with the Ardamata IDP camp police, but was rebuffed; another woman declined to file a report with the police, because "they don't do anything."

On July 24, 25 armed men, some in army uniforms, attacked a group of 17 Fur IDP women who were collecting firewood near Kalma camp outside Nyala, South Darfur. The gunmen beat the women with their rifles before raping them. The youngest woman was 19, and the oldest was 42.

According to the UN, between 120 and 300 IDP women from Kalma camp, near Nyala, South Darfur, were raped between mid-July and mid-August.

Authorities, particularly the police, often obstructed access to justice for rape victims (see section 5). For example, after Arab militia attacked Krenak village, in West Darfur, on January 20, local sheiks complained to police that the attackers had raped 36 women. Police responded by forcibly taking four of the women to a clinic for a medical examination and interrogated them for 10 hours; authorities charged the sheiks and the women with furnishing false information. A local court dropped the charges against the sheiks on May 27 but referred the cases against the women to the prosecutor in El Geneina. The prosecutor later told UNMIS he had no knowledge of the case.

On August 8, four civilians and one military officer raped a 13-year-old girl in South Darfur. Three of the civilian defendants confessed, while a fourth pleaded innocence; the military officer claimed that he only threatened to rape the girl, and helped the others. The prosecutor in Nyala asked the military for permission to prosecute the military officer in a civilian court, but the military had not responded to the request by year's end. According to UNMIS, authorities were considering dropping the charges against the military officer to facilitate the prosecution of the others.

No action was taken in the following 2005 rape cases: the February rape of two sisters by three armed pro-government militia men in West Darfur State; and the February 2005 cases of two female minors who were raped by progovernment militiamen.

During the year the government continued to take small steps to curb violence against women in Darfur. The government printed medical booklets for doctors detailing proper treatment of rape victims. The government also pledged to deploy 30 female police officers in South Darfur (see section 5). However, significant problems remained, 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.

During the year, there was one successful prosecution for rape in Darfur. On September 5, a court in Kabkabiya convicted a government soldier of raping an 11-year-old girl and sentenced him to five years in prison and 100 lashes.

Rebel groups in Darfur, including SLA (Minawi), SLA (Abdel Wahid), the JEM, and other groups, also committed numerous abuses during the year, including the killing of civilians, beatings, and rape.

On April 21, armed men believed to be from Zaghawa supporters of the SLA (Minawi) severely beat a Birgit farmer near Shangil Tobayi, North Darfur; the man died from his wounds later in the day. On the same day, 50 armed men believed to be SLA (Minawi) soldiers shot and beat a 55-year-old Fur merchant at a roadblock in a nearby area. They released him the following day to report the farmer's death to his family.

According to AMIS, on July 6, SLA (Minawi) forces killed a community leader from Birka, North Darfur, reportedly because of his alignment with a rival SLA faction.

On July 7, SLA (Minawi) forces attacked several villages in the vicinity of Birmazaa, North Darfur, which were reportedly aligned with SLA (Abdel Wahid) forces, killing three civilians.

On April 27, SLA soldiers, purportedly aligned with the SLA (Minawi) faction, detained a Hamad shopkeeper on the road between El Fasher and Nyala on suspicion that he had spied for the government while serving in the army. The man was repeatedly beaten with sticks and rifle butts until he confessed to espionage.

On September 3, 60 armed men on camels and horses believed to be SLA (Minawi) surrounded four Masalit IDP women who were collecting grass near Gereida, South Darfur. The men beat the women, stole their donkeys, and forced them to undress. Each woman was then raped by several men, according to UNMIS; two of the women were in advanced stages of pregnancy.

On September 29, two militiamen in green uniforms abducted a Fur woman from her farm near Kabkabiya, wrapped her in plastic sheeting, and tied her to a camel. After an hour, they stopped, untied her, and took turns raping her. The woman declined to report the incident to the police.

Despite the 2005 government announcement of a "humanitarian moratorium," or the lifting of restrictions on the issuance of visas and the importation of supplies by humanitarian organizations, the government continued to place restrictions on humanitarian access to Darfur. In some cases, the government continued to wait several months to issue entry visas to humanitarian aid workers; exit visas also frequently took longer than two weeks to process, causing delays and disruptions to humanitarian programs.

The government's Humanitarian Aid Commission (HAC) continued to request that NGOs 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 also continued to harass humanitarian workers and detain them on various arbitrary rules and requirements without prior notification. In September the government announced new travel restrictions limiting the movement of U.S. citizens to a 25-mile radius of the Republican Palace in Khartoum; the government lifted the restrictions November 30 (see section 2.d.).

Rebel forces attacked commerce on the roads, including humanitarian aid shipments, and seized goods, vehicles, and persons, including government officials and humanitarian aid workers.

Rebel forces and bandits also obstructed the flow of humanitarian assistance to the Darfur region and were responsible for attacks on humanitarian workers that resulted in death and injury. In June and July, four local humanitarian aid workers were killed, while a fifth was abducted and later found dead.

On December 18, SLA (Minawi) forces attacked three humanitarian compounds in Gereida, North Darfur. The forces assaulted several international and local humanitarian workers and stole 12 vehicles. The attack caused the majority of humanitarian organizations operating in Gereida, home to Darfur's largest IDP camp with 128,000 IDPs, to evacuate due to insecurity. At year's end, none of the humanitarian organizations that withdrew had returned.

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.

Recruitment of child soldiers was a serious problem in the country (see section 5). On August 17, the UN issued the

Report of the Secretary-General on children in armed conflict in the Sudan, which cited the recruitment of child soldiers by the SAF, SPLA, and the White Army. In Darfur, the UN report cited recruitment of child soldiers by the SLA (Minawi) and Janjaweed. The UN Children's Fund (UNICEF) worked to raise awareness of the law and of the dangers in using child soldiers. As a result of its awareness campaign, more than 500 child soldiers were released in Darfur; more than 200 of the children were attending UNICEF schools.

Southern Sudan

SAF, SPLA, and other armed groups were responsible for killings of numerous civilians during the year. Conscription of child soldiers and displacement of civilians were also problems.

In March and April, SPLA attempts to disarm the White Army as part of a broader Government of Southern Sudan-sponsored, CPA-mandated disarmament, demobilization and reintegration program provoked armed clashes between the parties, and 99 civilians were murdered. International observers and humanitarian agencies repeatedly called on the SPLA to abandon forcible disarmament programs, and implement a more consultative approach to integrating other armed groups.

In November fighting between pro-SAF and pro-SPLA militias in Northern Bahr el Ghazal State resulted in the displacement of 4,500 persons.

From November 28 to 30, SAF, SAF-aligned militia, and the SPLA engaged in heavy fighting in the town of Malakal, in Upper Nile State, Southern Sudan, resulting in injury to more than 300 civilians and widespread looting in the town. In November, 150 persons were reported killed in Malakal due to the fighting.

There were unconfirmed reports that new landmines were laid in the south.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The interim constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. Despite lifting emergency laws in July 2005, the government continued to censor print and broadcast media. Journalists also practiced self-censorship.

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.

International media were not allowed to operate freely. For example, some foreign journalists were allowed access to Darfur, while others were denied visas. Several foreign journalists and photographers were detained for photographing slums or taking pictures without a license; most were quickly released, but some were prosecuted for more serious crimes. On August 14, the special court for North Darfur convicted foreign journalist and human rights activist Tomo Kriznar of espionage, after he entered the country without a visa from Chad. The court sentenced Kriznar to two years in prison, but the president pardoned him and ordered him deported on September 2. On August 26, American journalist Paul Salopek and his two foreign assistants were charged in El Fasher, North Darfur, with espionage, publishing false news, and obtaining official documents after entering the country without a visa from Chad. The special court for North Darfur dropped the charges on September 9 and ordered the three men to leave the country immediately. On September 7, NISS officers attacked three foreign journalists outside their hotel in Khartoum; the journalists had observed an antigovernment protest earlier in the day. One of the journalists was seriously injured and had to leave the country to seek medical treatment.

Government security forces also harassed, intimidated, and arrested local journalists on numerous occasions.

On April 13, the editor of the Khartoum Monitor was arrested after printing an article accusing police of beating several University of Juba students during a protest (see section 1.c.). He was released the following day.

On June 17, the NISS summoned the editor of Al Sudani and questioned him about an article the newspaper had printed on the alleged torture of university students by National Security forces. The editor was summoned again two days later and formally charged with publishing false statements and breaching his duties as editor. He was later released on bail.

On November 22, a reporter for the independent daily newspaper Al-Sahafa was detained and held incommunicado for 12 days without charge.

There were no reports that the Government of Southern Sudan censored the press during the year; however, there were credible reports that various state governments in the South interfered with the press. The Government of the State of Bahr al-Jebel shut down the radio station, Liberty FM, in July following a remark critical of the government by a caller during a call-in show. State government officials claimed the station was shut down for operating without a license; however, the station was fully licensed by the Government of Southern Sudan. In November, also in Bahr al-Jebel State, a group of armed soldiers stormed the offices of the Juba Post and held all the employees for several hours, claiming they were unhappy with an article that included an unflattering depiction of the state's governor. The situation was resolved when the soldiers discovered the article never appeared in the Juba Post but had actually appeared in the Southern Eye, an unrelated newspaper published in Nairobi.

One journalist was killed during the year. On September 5, masked assailants kidnapped the editor-in-chief of Al Wafaq, Mohamed Taha Mohamed Ahmed, from his home in Khartoum; his decapitated body was found the following day south of the city. The editor had faced criminal charges in May 2005 after republishing an article regarding the origins of the Prophet Mohamed, and a court had ordered Al Wafaq to suspend publication for three months. Following the editor's killing, a Khartoum court barred newspapers from reporting on the criminal investigation. On September 25, police arrested 16 suspects in connection with the murder, but did not announce any names to the public.

According to Reporters without Borders, in September the government ordered seven Arabic language newspapers not to print certain articles "out of protection for journalists," although many of the censored articles had no connection with the investigation of the editor's killing. Authorities confiscated all copies of the September 9 edition of Al Sudani immediately after it was printed, stating that its reporting could "hurt the investigation." Police also detained a journalist from Al Rai Al Aam for 16 days, reportedly in connection with the investigation.

The government exercised control of news reporting through the National Press Council and security forces, particularly regarding criticism of government actions and policies in Darfur. 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: seven selected by the president; five from the National Assembly; seven directly elected by journalists from the Journalists' Union; and two selected by leaders of the Journalists' Union, which observers considered to be government-controlled.

Internet Freedom

The government monitored Internet communications, and the NISS read e-mail messages between private citizens. Some Web sites deemed offensive to public morality were blocked by the National Telecommunications Corporation, as were most proxy servers, but there generally were no restrictions on access to news and information Web sites. Internet access was generally available and widely used in urban areas, but it was limited by lack of infrastructure outside of cities.

Academic Freedom and Cultural Events

The government restricted academic freedom. In public universities, the government appointed the vice chancellors, who were responsible for administering the institutions. The government also determined 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.

On February 11, students at the main campus of the University of Juba, in Khartoum, rioted to protest the lack of progress in returning the university to Juba. Students also demanded the right to re-establish a students' union. Police arrested several students; others were reportedly tortured by NISS. After a second protest in late March, the minister of higher education and scientific research closed the main campus. The University had not re-opened at year's end.

Security forces tortured students during the year (see section 1.c.). The government continued to harass university student groups. The government took the files of student unions, destroyed their computers, and arrested and detained their members (see section 2.b.). In September the governor of Western Bahr al Ghazal closed the university

in response to student agitation (see section 1.c.).

The government frequently censored films, especially those imported from the West, if they were deemed offensive to public morality.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the interim constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. The authorities generally permitted government-authorized gatherings but disrupted gatherings they perceived to be politically oriented.

Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatmiya (the Democratic Unionist Party), continued to be denied permission to hold large public gatherings. 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, according to UNMIS, on May 8, between 600 and 700 University of Khartoum students affiliated with the SLA (Abdel Wahid) and the JEM protested against the signing of the DPA. Police responded by firing tear gas and beating the students with sticks, injuring 17 and arresting 10 for disturbing the peace and being a public nuisance. The charges were later dropped for lack of evidence.

On May 13, Central Reserve police, which function as riot police, opened fire on a demonstration of approximately 1,000 IDPs at Kass camp, killing a 22-year-old man. The demonstrators responded by lynching a military intelligence officer who was stationed among the protestors. The injured were taken to a hospital, where police again opened fire on several of the wounded, killing at least one more protester in the hospital.

On August 30, police and NISS officials violently dispersed a peaceful demonstration in Khartoum against rising sugar and fuel prices, which was organized by several opposition parties, labor unions, and civil society groups. Police sprayed tear gas and beat numerous protesters, including women and elderly men. At least one person died from tear gas inhalation. Police arrested at least 80 demonstrators; credible reports indicated those arrested were released by year's end.

In the wake of the protests, the government detained several opposition leaders, although most were quickly released without charge.

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

Freedom of Association

The interim constitution and law provide 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

The interim constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally 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 the government generally allowed non-Muslims to worship freely in approved places of worship, authorities in the north continued to restrict Christian activities. The government had not formally established the Commission for the Protection of the Rights of Non-Muslims in Khartoum State, as mandated by the CPA, at year's end.

The constitution of Southern Sudan also provides for freedom of worship in the 10 states of southern Sudan, and the Government of Southern Sudan generally respected the rights of southerners to practice the religion of their choice.

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.

On September 8, MI officers arrested the imam of Al Medina Al Munawwara mosque in El Geneina, West Darfur, after he preached about the lack of economic opportunities for IDPs and the deployment of UN peacekeepers in Darfur. The imam had also criticized the government for organizing protests against UN forces. He was released without charge, but an official from the Department of Religious Guidance and Endowments visited a few days later and asked him not to preach about controversial issues in the future.

On December 31, police in Khartoum raided All Saints' Episcopal Cathedral in Khartoum during a New Year's Eve prayer service, firing tear gas into the congregation. Six worshippers were wounded, one seriously.

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. According to the Sudan Inter-Religious Council, the government issued two permits during the year for the construction of new churches, but church officials reported that they never received the permits. As a substitute, the construction of small churches continued with owners registering the land for personal rather than church use.

In January the government of Upper Nile State banned the use of public loudspeakers at mosques in Malakal and Nasir for announcing the call to prayer, claiming that they disturbed the public. The Upper Nile State Ministry of Finance closed Islamic banks in Malakal, citing the CPA's provisions for the establishment of a conventional banking system in the south.

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

In May there were reports that four Christian leaders, including an Episcopal priest and a Catholic priest, were arrested after meeting with a Muslim woman who wanted to convert to Christianity. All four leaders were denied access to legal counsel for two days; three were beaten by NISS officers before being released. The woman was not charged with apostasy.

Although some non-Muslims converted to Islam 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 government controlled camps for IDPs reportedly 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.

Like all visitors to the country, Christian religious workers, including priests and teachers, experienced lengthy delays in getting visas.

Under the state-mandated curriculum, all schools in the north-- including private schools operated by Christian groups--are required to teach Islamic education classes from preschool through university. Some public schools excused non-Muslims from Islamic education classes, but others did not.

Children who were abandoned or whose parentage was unknown--regardless of presumed religious origin--were generally considered Muslims, at least in the north. Christian families were generally permitted to adopt only Christian children.

In the south, 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 Government of Southern Sudan officially favored secular government, Christians dominated the bureaucracies. Local government 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 nonbelievers. 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.

The Jewish community remained small, and there no reports of anti-Semitic violence during the year; however, government officials made anti-Semitic comments during the year. For example, in September, State Minister for Foreign Affairs Ali Ahmed Karti asserted that the idea of sending African Union forces to Darfur under the umbrella of the UN was "all part of a Zionist colonialist plot to take over Darfur and exploit its natural resources".

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The interim constitution and law provide for these rights, but the government restricted them in practice.

Movement generally was unhindered for citizens outside conflict areas; however, at times foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and 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. The Government of Southern Sudan did not restrict the movement of foreigners in the south, although foreigners were required to register upon entry.

On September 27, the government restricted the movement of all U.S. citizens visiting Sudan to within 25-miles of the Republican Palace in Khartoum; U.S. diplomats assigned to the country whose names appeared on the diplomatic list and U.S. citizens bearing UN travel documents were formally exempt from these restrictions. The government lifted the restriction on November 30.

Although foreign NGO staff could obtain 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 some countries encountered difficulties in obtaining visas to work with NGOs.

Prior to the October 14 peace agreement signed by the government and the Eastern Front, supporters and members of the Eastern Front, a rebel group comprising the Rashaida Free Lions, Beja Congress, and JEM faced increased restrictions against their movement throughout the eastern part of the country, and internationally.

The government detained persons, particularly opposition political figures, at the airport and prevented them from traveling due to "security concerns." For example, on August 20, the government prevented the director of a local NGO working in Darfur from departing the country to attend a conference overseas and confiscated his passport.

The government required citizens to obtain an exit visa to depart the country; however, the issuance of exit visas was pro forma and generally not used to restrict citizens' travel.

Women cannot travel abroad without the permission of their husbands or male guardians; however this prohibition was not applied in the south and was not strictly enforced for members of the NCP.

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.

Internally Displaced Persons (IDPs)

There were estimates that up to five million persons had been displaced due to the north-south civil war. The UN estimated that at least two million persons had been displaced by the conflict in Darfur and that another 234,000 had fled to Chad. Despite the signing of the DPA on May 5, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in tens of thousands of new displacements, and some existing IDPs were displaced for the second or third time. For example, the UN estimated that the number of IDPs increased by approximately 125,000 between July and September due to increased fighting and insecurity. On November 23, the UN reported that renewed fighting in South Darfur resulted in the displacement of between 10,000 to 16,000 persons from the areas of Seleah, Muhajeria, Motowred, and Ngabo. Darfur IDPs did not return in any significant numbers to their place of origin, although small scale spontaneous returns to certain villages occurred. Hundreds of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums around Khartoum.

The government provided little assistance or protection to IDPs. In Darfur, local police established checkpoints near some IDP camps, though police made little effort to provide security. In the south, the South Sudan Relief and Rehabilitation Commission, an agency of the Government of Southern Sudan, provided protection and assistance to returning IDPs.

There were numerous 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.

The government occasionally blocked commercial and road access to IDP camps, purportedly for security reasons.

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 later returned to the IDP camps.

The UNHCR reported that approximately 560,000 Sudanese refugees resided in neighboring countries, due to the conflicts in the south and Darfur. Some 234,000 of these were in Chad, and another 220,000 were in Uganda; the remainder were in Ethiopia, the Democratic Republic of the Congo, the Central African Republic, and Kenya. 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. There were no reports local militias subjected displaced populations who returned to the south to illegal taxation.

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. However, some asylees were returned to their home countries before a formal determination of their status could be made. On May 11, the NISS forced the deportation of four Ethiopians who were seeking asylum in the country. The four refugees were members of the Coalition for Unity and Democracy, an Ethiopian opposition group, and faced prosecution for treason and the death penalty in Ethiopia. Although the immigration office attempted to delay the deportation proceedings, the NISS proceeded with the move before the refugees could be interviewed by UNHCR or the Sudan Commission on Refugees.

Throughout the year, security forces in Khartoum North targeted Ethiopian refugees by raiding their houses, beating them, and using tear gas against them. After an attack on December 11, several Ethiopian refugees barricaded themselves in front of the UNHCR office in Khartoum, where they remained at year's end (see section 1.c.).

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 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.

The government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 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 interim constitution provides citizens the right to change their government peacefully, the CPA established an interim government until national elections are held; under the CPA national elections must take place no later than 2009. By the end of the year, a state of emergency existed only in the three states of Darfur.

The interim constitution establishing the Government of National Unity, adopted in July 2005, provides for power sharing nationwide between the NCP and the SPLM. The DPA, which was incorporated into the interim constitution upon its signing, also contains provisions for power sharing and the inclusion of Darfurians at all levels of government,

although the majority of the power-sharing provisions in the DPA remained unimplemented at year's end. The interim constitution established a three-member presidency to head the government, consisting of a president, Omar Hassan El-Bashir (NCP); a first vice President, Salva Kiir Mayardit (SPLM); and a vice president, Ali Osman Taha (NCP). The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi. 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, including those from Darfur, and 6 percent for southern opposition parties. The DPA mandates that prior to national elections, the Government of National Unity shall allocate not less than 12 seats in the National Assembly to nominees from the Darfur rebel groups that have signed the DPA.

Government of National Unity members took office in September 2005, and in October 2005 Salva Kiir Mayardit, the country's first vice president and president of the Government of Southern Sudan, appointed the cabinet of the Government of Southern Sudan. At the same time, 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 in October 2005, which President Kiir signed in December 2005.

The DPA mandates the creation of a Transitional Darfur Regional Authority, headed by the senior assistant to the president, and charged with implementing the DPA and promoting coordination and cooperation among the three Darfur states. The DPA also mandates that a referendum on the permanent status of Darfur shall be held not later than July 2010 to determine whether the Darfur region should remain as three separate states or create a single region and regional government to administer all three states.

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 demanding inclusion, and the government sought the support of additional parties to add legitimacy to the CPA.

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-seat National Assembly, three national female state ministers and one female minister in the Government of National Unity. The Government of Southern Sudan agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women in all levels of government.

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. Bribery of police was also a concern.

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. The government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included 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 July 9, in Khartoum, three NISS officers arrested Nagib Nagm Eldine, the director of the Amel Center for the Treatment and Rehabilitation of Victims of Torture. After keeping Eldine in a holding cell for eight hours, officials interrogated him about reports of summary trials for hundreds of persons arrested during riots following the July 2005 death of former first vice president John Garang. Eldine was released a few hours later.

On September 9 and 10, the National Security Bureau summoned Mohamed Badawi, a human rights lawyer and Coordinator of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture, for questioning related to Amel Centre activities; he was released without charge both days.

On December 9, the NISS halted a NGO-sponsored training in Nyala, South Darfur, claiming that the NGO had not received the proper permission from the HAC to hold the workshop. The NISS detained and questioned the NGO facilitator for several days.

The government often resisted the heightened levels of international NGO scrutiny generated by events in Darfur. The government continued to make it difficult for international NGOs to operate in Darfur by delaying visas, holding up the clearance of equipment and supplies at customs, denying permission to travel within the country, and harassing the humanitarian community (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. In March 2005 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 2005 presidential decree required international NGOs to reregister and did not permit applicants to appeal a denial.

On March 16, the government enacted the Organization of Humanitarian and Voluntary Work Act, which requires government approval before NGOs can begin work on particular projects and places restrictions on the acceptance of foreign money by NGOs operating in the country. Many NGOs believed that the government used the new law to curtail their work on human rights.

Rebels and other armed bandits reportedly abducted and on occasion killed NGO workers and contractors, particularly in Darfur. On May 8, IDPs at Kalma camp near Nyala, South Darfur, lynched a Sudanese translator working for the African Union, accusing him of spying for the government. Between June and July, four local humanitarian aid workers were killed, while a fifth was abducted and later found dead. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common (see section 1.g.).

The UN continued to investigate the humanitarian situation in Darfur. For example, the UN high commissioner for human rights, the UN special rapporteur on the situation of human rights in Sudan, and the UNHCR visited the country during the year. UNMIS deployed observers to Darfur to monitor and investigate the human rights situation. The UN special rapporteur issued reports to the UN on the situation in the country.

In March 2005 the UN Security Council referred Darfur to the chief prosecutor for the International Criminal Court (ICC). In June 2005 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 ICC's investigation into Darfur was ongoing at year's end.

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 2005; 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. Southern women displaced by the North/South civil war were vulnerable to harassment, rape, and sexual abuse, particularly during informal repatriation to their place of origin.

Women in Darfur were 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 October 2005 decree that waived the requirement. According to the UN and several international NGOs, many local police were unaware of the new policy and still required a formal report. Many women distrusted the police, and few victims actually filed reports.

In December the government participated in the UN's "16 Days of Activism Campaign" to combat violence against women.

The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.

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 (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. 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 one 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 were Muslim).

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 o'clock in the evening, in theory limiting their employment opportunities. Nonetheless, many women did work after ten o'clock in the evening, including 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. In August 2005 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, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of 3 boys for each girl.

UNICEF reported that educational access for school-age IDP children in Darfur improved compared with the preceding year. UNICEF also reported an 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-five 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 five 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 sections 1.c. and 5, Trafficking). Children engaged in prostitution for survival, usually without third-party involvement.

Government-aligned militias and rebel forces conscripted or accepted young men and boys into the aligned militias in Darfur (see section 1.g.).

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 IDP camps in Darfur and refugee camps in Eastern Chad, rebel groups often conscripted teenage males. 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 some reports that the abduction of women and children continued in the south due to tribal clashes.

There were no informed estimates on the extent of trafficking, including for camel jockeys, domestic servitude, sexual exploitation, or other types of forced labor. 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 2005. 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. 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. 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 20,000 Ugandan children, took them back to the northern part of Uganda, 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 southern Sudan. The government permitted the Ugandan army access to southern Sudan to pursue the LRA. Although Ugandan military operations have significantly reduced LRA numbers, the LRA continued to operate in the south and to hold child abductees; such LRA attacks restricted humanitarian activities. On August 26, the LRA signed a cessation of hostilities, pending peace talks with the Government of Uganda in Juba.

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.

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 is 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 six million. The fighting in Darfur was between Muslims who self-identify as either Arab or non-Arab (see section 1.g.).

Northern Muslims, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 8.2 million. The fighting in Darfur was between Muslims who self-identified 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 in the north. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.

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 and 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, CEAWC 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 sections 1.g. and 5).

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 interim 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 government-aligned militias conscripted children and accepted children as soldiers (see sections 1.g. and 5). Child trafficking continued, and child prostitution was widespread (see section 5).

Child labor existed in the south, 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. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid. The only payment many teachers received were informal school fees paid by the parents of the children.

Legal foreign workers had the same labor rights as domestic 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 (six eight-hour days), with a day of rest on Friday. Overtime should not exceed 12 hours per week or four 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.