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SUDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

AFRICA

Despite the Comprehensive Peace Agreement signed in 2005 brought an end to twenty years of civil war between the Sudanese Government and the Sudan's People Liberation Army, violence resumed in 2009, stemming from multiple and sometimes overlapping sources including conflicts within joint north-south military units and between southern tribes as well as from attacks by the rebel Lord's Resistance Army. In 2009, the Sudanese population particularly suffered the consequences of the governmental decision to evict international humanitarian agencies in March and of the resuming of the attacks launched either by the authorities or the rebels since September 2009 in Korma, Meliet, Jebal Moo, Jebal Mediob and eastern Jebal Marra in North Darfur State. Heavy military equipments including fighter planes and artillery were used intensively causing indiscriminate damage on civilian targets. Widespread burning of dwellings and destruction of social facilities followed by organised looting of goods and livestock from the villagers were reported in many places. In 2009 alone, at least 2,500 people were killed and more than 390,000 were displaced¹.

Those who challenged the President's achievements, including its human rights records, were even more at risk in 2009 considering the upcoming 2010 presidential elections to which President Omar Al Beshir is a candidate despite the international arrest warrant issued by the International Criminal Court (ICC) on March 4, 2009 for "war crimes" and "crimes against humanity" in Darfur. Indeed, to be in a position to win the elections, Mr. Al Beshir did everything possible to silence all opposition and criticism. In December 2009, several peaceful demonstrations organised by the Juba Declaration Forces, which aimed at presenting a petition to Parliament detailing needed legislative changes and demanding the establishment of an enabling environment for free and fair national elections, were violently repressed across Sudan. On December 7, 2009, the riot police used violence against tens of thousands engaged in peaceful protests in Omdurman, Greater Khartoum North, and other cities across Sudan. Rubber bullets and tear gas were fired into crowds, and security agents confiscated cameras from the international media. In Khartoum, over

1/ As of the end of 2009, the Internal Displacement Monitoring Centre (IDMC) counted 4.9 million of internally displaced people (IDP) in the country. See IDMC, *Estimates for the total number of IDPs for all of Sudan*, January 2010.

250 people were arrested, including prominent lawyers, students, journalists and opposition figures. Dozens of people were also seriously injured. Similarly, on December 14, 2009, the security forces violently dispersed another peaceful protest, which led to at least seven people being seriously injured and the arrest of hundred of people².

Furthermore, the National Intelligence and Security Services (NISS) continued to operate against all dissenting voices³. In particular, newspapers worked under incredible duress in 2009, as it was a daily practice for NISS officers to monitor daily censorship of publications and remove articles or paragraphs at their discretion, without providing any motive, often making it impossible to publish the newspaper at all. This policy affected several newspapers including in particular *Al-Meedan*, *Agras Al-Horreya*, *Ray' ilShaab* and *Al-Akhbar*⁴. In addition, on December 20, 2009, the Parliament passed the new controversial National Security Act, under which the NISS retain the power to conduct arrest and confiscation of property⁵, and NISS officers enjoy full immunity, which can only be removed by the NISS Director. In the current context, it is feared that this law will be used to continue harassing human rights defenders. Moreover, on June 8, 2009, the Press and Publications Act of 2009 was adopted by the National Assembly and despite the opposition of 168 members of the Assembly, entrusting Government authorities with the power to impose restrictions on the press on vague grounds related to national security and public order and gives the Press Council⁶ the power to ban newspapers for a period of three days without judicial mandate. The law appears to be in contradiction with the 2005 Interim Constitution of Sudan, which includes important safeguards for freedom of expression, especially as sensitive issues like the ICC, corruption, Darfur and the elections will probably continue to be subjected to censorship⁷.

2/ See African Centre for Justice and Peace Studies (ACJPS).

3/ For instance, on February 15, 2009, the Khartoum North Criminal Court sentenced Mr. Kamal Omer Abd-alsalam to six months in prison for "defamation" after he wrote an article in *Ray-Elshaab* newspaper in 2007, which alleged that the NISS excluded Darfurians from its ranks. Mr. Omer spent two months in Omdurman prison before being released.

4/ See Arab Network for Human Rights.

5/ Under the previous law, the NISS had the power to detain people for three months, renewable for another six months after getting permission from the National Security Council. Under the new law, the NISS may only detain people for one month, renewable once by the NISS Director without judicial supervision.

6/ The Press Council is controlled by the State, and consists of 21 members, six of whom are appointed by the President himself.

7/ See ACJPS, *Report on the situation of the freedom of expression and the freedom of the press in Sudan, January 1, 2009 - September 30, 2009*, October 19, 2009.

On a positive note, on April 21, 2009 the Parliament passed the National Human Rights Commission Act, which contains many strong elements in line with the Paris Principles related to the status of national human rights institutions. However, as of the end of 2009, the Commission had not been set up yet.

Ongoing attacks against humanitarian workers

In 2009, humanitarian workers continued to work in a very difficult environment and face attacks. In particular, several of them were kidnapped throughout the year⁸. Thus, on March 11, 2009, five staff members of Doctors Without Borders-Belgium (*Médecins sans frontières* – MSF), three international and two national, were kidnapped in Saraf Umra in North Darfur. All five were subsequently released, one national staff the same day, and the others on March 14⁹. On April 4, 2009, four NGO workers were kidnapped near Edd al-Fursan, South Darfur. Two were released the following day, and the other two were released later¹⁰. On October 22, 2009, Mr. **Gauthier Lefevre**, a French national working for the International Committee of the Red Cross (ICRC), was abducted in West Darfur, near the border with Chad, by gunned men a few kilometres away from the city of El Geneina¹¹. And while on October 18, 2009, Ms. **Sharon Commins** and Ms. **Hilda Kawuki**, from the Irish humanitarian NGO Goal, were released following 107 days of detention¹², as of the end of 2009, two civil workers of the African Union/United Nations Hybrid Operation in Darfur (UNAMID) remained abducted¹³.

Furthermore, on March 4, 2009, Sudanese authorities ordered thirteen foreign aid NGOs to leave the country, including Action Against Hunger (*Action contre la faim* – ACF), Care International, CHF International, the International Rescue Committee (IRC), Mercy Corps, the French and Dutch branches of MSF, the Norwegian Refugee Council, Oxfam GB, Solidarity, PATCO and Save the Children Fund of both the United Kingdom and the United States. Government officials acting on orders entered aid agency compounds and took property from the NGOs. The seizures were aimed only at laptops and communications equipment. According to the United Nations, roughly 6,500 national and international personnel, which equates to 40 percent of aid workers in Darfur, had to

8 / Kidnapping is seen by some groups as a source of money and by others as a way to limit international scrutiny on human rights violations.

9 / See ACJPS, *Sudan Human Rights Monitor, Issue No.1*, March-May 2009.

10 / *Idem*.

11 / Mr. Lefevre was released on March 18, 2010. See ICRC Press Release, March 19, 2010.

12 / See ICRC Press Release, October 18, 2009.

13 / See UNAMID Press Release, November 30, 2009.

depart in the wake of the Sudan Government's decision¹⁴. At the end of 2009, these organisations remained closed down.

Crackdown against human rights defenders fighting against impunity, in particular on the eve of the ICC international arrest warrant

In 2009, those who denounced human rights and humanitarian violations and their impunity as well as the unwillingness of the authorities to cooperate with the ICC faced State repression. Indeed, following the application on July 14, 2008 by the ICC Prosecutor for an international arrest warrant against President Al Beshir, the Sudanese administration launched a major attack against human rights defenders, with the aim of attempting to paralyse the human rights movement within Sudan. This trend increased in the weeks leading to the issue of the arrest warrant on March 4, 2009. On February 26, 2009, the General Director of the NISS, Mr. Salah "Gosh" Abdalla, gave a strong warning that "we will cut the hands, heads and body parts of whoever gets involved in implementing ICC plans because this is an issue beyond any compromise". On February 19, 2009, the bank account of the Khartoum Centre for Human Rights and Environmental Development (KCHRED) was frozen by decision of the Khartoum State's Humanitarian Aid Commissioner. This was accompanied by several acts of intimidation and harassment against KCHRED staff members, who were subjected to numerous summons for interrogation on the nature of KCHRED work and sources of funding. They were also defamed and targeted on numerous occasions in newspapers, such as Mr. **Amir Mohamed Suliman**, Chairperson, who was referred to as a traitor in the newspaper *Al Ra'id* on January 13, 2009, in relation to his alleged participation in a seminar on international justice. In February 2009, KCHRED was also subjected to a number of sudden raids carried out without prior notice by agents of the Federal and Khartoum State Humanitarian Aid Commissions (HAC). On March 1, 2009, the Minister of Social Affairs of Khartoum State issued Ministerial Decree No. 2/2009, in which he confirmed the recommendation of the Khartoum State's Humanitarian Aid Commissioner to cancel the registration of the KCHRED and to close it down. On the same day, the Federal HAC issued an order calling for the closure of KCHRED and two organisations operating in Darfur, the Sudan Social Development Organisation (SUDO)¹⁵ and the El Fashir and Nyala branches of the Amal Centre for the Rehabilitation of Victims of

14/ See UNICEF Press Release, March 6, 2009.

15/ SUDO was one of the largest national organisations undertaking humanitarian and development assistance through ten offices across Sudan.

Torture¹⁶. On March 4, 2009, the NISS and the police broke the doors of KCHRED offices and SUDO offices in Nyala and Zalingei and removed everything from the offices. On March 5, 2009, the *National Radio of Omdurman* reported that KCHRED had been closed down because of its alleged cooperation with the ICC, and that all of its staff and, in particular, its “leader with dual nationality”, whose name was not given, would face trial for “crimes against the State”. On January 13, 2010, the Governor of Khartoum State rejected the appeal filed by the KCHRED¹⁷ and, at the end of 2009, SUDO’s appeal was pending before the Administrative Court. Simultaneously, on March 3, 2009, Dr. **Ibrahim Adam Mudawi**, Chairperson of SUDO, was notified of a court case filed against him by the Federal and Khartoum State HAC for alleged “embezzlement” of 40,000 USD by SUDO in 2004¹⁸. On March 3, 2009, Sudanese national security agents raided the home of Mr. **Mossaad Mohammed Ali**, former Director of the Amal Centre in Nyala. His brother-in-law, who was in the house at the time of the raid, was questioned about his whereabouts, and Mr. Ali’s private car was confiscated by the security forces. On the same day, the father of Mr. **Mohamed Badawi**, former Director of the Amal Centre in El Fashir, was arrested and questioned about the whereabouts of his son. He was released a few hours later¹⁹.

Acts of harassment against lawyers providing support to victims of the conflict in Darfur²⁰

In 2009, several lawyers providing support to victims of the conflict in Darfur were harassed by the NISS. On March 28, 2009, Mr. **Abu Talib Hassan Emam**, a Sudanese lawyer from El Geneina, in Western Darfur, and a member of the Darfur Bar Association, was arrested by the NISS at his private house. He was immediately taken to the airport and transported to Khartoum. On March 30, 2009, he was released on bail, after the NISS had opened a criminal case against him for “crimes against the State”. Mr. Abu Talib Hassan Emam left the country on August 18, 2009 and at the end of 2009, the case was still pending. On March 6 and 8, 2009, Mr. **Ahmed Juma**, a legal aid lawyer formerly associated with the Amal Centre in El Fashir, and who represented many victims of human rights violations, including rape cases, before the national judicial system, received five threatening phone calls from NISS officers telling him that

16 / The Amal Centre was the major national NGO in North and South Darfur providing legal aid and psychosocial support to victims of human rights violations, with a special focus on torture and rape victims. It was handling more than 750 cases.

17 / An appeal was to be filed before the Administrative Court in 2010.

18 / On March 16, 2010, the Khartoum Central Criminal Court found Dr. Mudawi innocent.

19 / See ACJPS.

20 / *Idem*.

they would arrest him due to his work with the Amal Centre. Fearing for his safety, he was forced to leave the country on May 29, 2009. On April 1, 2009, Mr. **Muneer Mohamed Khater**, a legal aid lawyer who has provided legal aid services to victims of human rights violations in the Kutum area since 2008 and was formerly associated to the Amal Centre in El Fashir, attempted to board a UNAMID flight to Kutum town in North Darfur to conduct a field mission when he was stopped by the NISS. Mr. Khater then returned home followed by NISS officers, who continued to follow him for several days. On April 11, 2009, the NISS arrested Mr. **Mohamed Al-Mahjoub Abdalah abd Alwahab**, lawyer and Coordinator of the North Darfur branch of the Amal Centre, at his house in El Fashir. He was detained incommunicado for seven days and subjected to torture and to ill-treatment in the NISS premises in El Fashir, before being released without charge. None of his lawyers nor his family was able to visit him during his detention. On March 5, 2009, Mr. Al-Mahjoub had been ordered by the NISS not to leave El Fashir, on the basis of the National Security Forces Act 1999. This requirement was still in force as of the end of 2009. Also on April 11, 2009, Mr. **Suliman Ahmed Abd Elrahman Arbab**, a paralegal at the Abu Shook Justice and Confidence Centre (JCC) in North Darfur working in the Boyhood IDP camp, was arrested inside Abu Shook camp by police and NISS officials. Mr. Arbab was severely tortured in the NISS offices in El Fashir during his detention. He was released without charge after ten days of detention on April 21, 2009. Additionally, Mr. **Barood Sandal**, a prominent human rights lawyer who had represented Darfuri victims of arbitrary detention and torture in northern Sudan, was released on April 23, 2009 after eleven months of detention without trial. He had been detained by the NISS since May 12, 2008. Once ten months had elapsed, the NISS had filed a police complaint against him under the Criminal Act and Anti-Terrorism Act, alleging he had “undermined State security”. A criminal investigation then commenced and he was transferred from NISS to police detention. On April 5, 2009, a prosecutor dismissed the case for lack of evidence and ordered his immediate release. Instead, the NISS re-arrested him and held him without charge until his final release.

Repression of civil society activities promoting fair, transparent and free electoral processes

In 2009, the NISS disrupted several events related to the 2010 elections and arrested several activists promoting fair and free electoral processes. For example, on September 8, 2009, the NISS ordered “Journalists for Unity”, a coalition of northern and southern journalists, to cancel a press conference that intended to address issues related to the upcoming elections and the referendum. On the same day, the NISS also prevented three

human rights organisations, the Asma organisation, the Maa Society and the Sudan Research and Development Organisation, from holding a symposium on elections to be held at Khartoum University²¹. On December 6, 2009, in Omdurman, Messrs. **Muhnad Umar** and **Hazim Khalifa**, two students and human rights activists, were approached by security forces while they were distributing fliers for “Grifna”, a campaign calling for free elections. The security forces chased the two students and fired shots into the air in order to force them to stop. When they stopped, they were arrested. Mr. Khalifa was beaten with the butt of a rifle by security agents and was knocked unconscious at the scene. They were then taken to the NISS offices, near the railway station in Khartoum, before being released late in the night without charge. Similarly, Ms. **Butheina Omar Al Sadiq**, Ms. **Randa Yousif** and Ms. **Nafisa Al-Nur Hajar**, lawyers promoting the holding of fair, transparent and pluralist elections at the Bar Association, were arrested on December 8, 2009 at the Al Kalakla Court complex in Khartoum for posting on behalf of the Lawyers’ Democratic Front fliers urging lawyers to renew their membership at the Bar Association and pay the related fees in order to be entitled to vote at the next Bar Association elections scheduled in January 2010. The lawyers were interrogated by the police and released the same day without being charged. However, immediately upon their release, NISS agents re-arrested them outside the police station, and took them to the NISS office in the Abu Adam area in Al Kalakla district, where the women remained in custody without access to their lawyers and families. They were again released the same day without charge.

Harassment of journalists reporting on human rights violations²²

In 2009, journalists continued to be harassed when they addressed sensitive human rights related issues. For instance, on February 28, 2009, Sudanese authorities expelled Ms. **Hiba Ali**, a Canadian-Egyptian journalist, for reporting on the Darfur crisis and the arms industry in Sudan. A freelance reporter for several news organisations including *Bloomberg*, the UN humanitarian news organisation *IRIN* and *The Christian Science Monitor*, Ms. Ali had reported from Sudan since June 2008. Sudan’s security services accused her of immigration violations, as her press accreditation ran out in January and she had not been able to renew it, despite repeated applications to the National Press Council. On March 1, 2009, Mr. **Zuhair Latif**, a resident Tunisian journalist working for the Arabic-language website of television news channel *France 24* and the London-based pan-Arab newspaper *Al-Hayat*, was detained for two days

21/ *Idem*.

22/ *Idem*.

and expelled from the country. NISS agents stormed his apartment in Khartoum and confiscated his camera, tapes, and cell phones, before arresting him. Sudanese authorities had claimed that Mr. Latif had been expelled because he had “violated immigration procedures”, without specifying the violations. Before his expulsion, Mr. Latif had visited Darfur, where he had taken pictures and interviewed victims about the conflict. Moreover, Ms. **Ammal Habani**, a journalist for *Ajras Al-Hureya* newspaper and a defender of women’s rights in Sudan, faced judicial prosecution following the publication on July 12, 2009 of an article she wrote in defence of Ms. Lubna Ahmad Hussein, who was condemned for wearing “indecent clothing” to 40 lashes. In her article, Ms. Ammal Habani had criticised the restrictions in law and practice on women’s rights and freedoms in Sudan. On the same day, she had called for general support for Ms. Lubna Ahmad Hussein and attended her court hearing in solidarity. The police had also detained reporters from *Reuters*, *Al-Hurra* channel, *Al-Meedan* and *Agras Al-Horrey* who had congregated in front of the courthouse to cover the case of Ms. Hussein. On July 20, 2009, Ms. Habani was summonsed by the Press and Media Prosecutor and then charged with “defaming the Public Order Police (POP)”, in violation of Article 159 of the Criminal Code. The law suit that was brought by the POP seeks that she pays ten million Sudanese pounds (about 3.26 million euros) in compensation. As of the end of 2009, the date of the trial had not been scheduled yet²³.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Khartoum Centre for Human Rights and Environmental Development (KCHRED) / Mr. Amir Mohamed Suliman	Closure of an NGO / Freezing of bank account / Harassment / Campaign of intimidation	Urgent Appeal SDN 001/0309/OBS 037	March 4, 2009
Amal Centre for the Rehabilitation of Victims of Torture, Sudan Social Development Organisation (SUDO), KCHRED and 10 aid foreign NGOS / Mr. Ibrahim Adam Mudawi	Closure of NGOs / Eviction of relief and humanitarian NGOs / Confiscation of material and equipment / Harassment	Urgent Appeal SDN 001/0309/OBS 037.1	March 11, 2009
Mr. Mohamed Al Mahgoub / Amal Centre for the Rehabilitation of Victims of Torture	Incommunicado detention	Press Release	April 14, 2009
	Release	Press Release	April 21, 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Butheina Omar Al Sadiq, Ms. Randa Yousif and Ms. Nafisa Al-Nur Hajar	Arbitrary detention	Urgent Appeal SDN 002/1209/OBS 186	December 10, 2009
	Release	Urgent Appeal SDN 002/1209/OBS 186.1	December 23, 2009
Messrs. Muhnad Umar and Hazim Khalifa	Arbitrary arrest / Release / Ill-treatments	Urgent Appeal SDN 003/1209/OBS 187	December 10, 2009
Messrs. Hatem Salah, Adel Bakhit, Elshafeee Eldao and Amro Kamal Khalil	Obstacles to the freedom of assembly / Intimidation	Urgent Appeal SDN 004/1209/OBS 194	December 18, 2009