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Sudan

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Sudan has an authoritarian government in which all effective political power was in the hands of President Omar Hassan al-Bashir. Bashir has controlled the Government since he led a 1989 military coup, with the instigation and support of the fundamentalist National Islamic front (NIF), which overthrew the country's democratically elected government. In 1999 Bashir broke with the ideological leader of the NIF, Dr. Hassan al-Turabi, disbanded Parliament, suspended the 1998 presidentially decreed Constitution, and declared a state of national emergency that suspended basic liberties. In 2000 Bashir was reelected and his political party, the National Congress/National Islamic Front (NC/NIF), won 340 out of 360 seats in the Parliament in deeply flawed presidential and parliamentary elections that all major opposition parties boycotted. Parliament resumed 14 months later in February 2001, and in December 2001, the state of emergency was extended for another year. Turabi's popular National Congress Party (PNC) was disestablished and continued to be a proscribed political organization. NC/NIF members and supporters continued to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The major opposition political parties for the most part remained marginalized from the political process. The judiciary was not independent and was subject to government influence.

In 1993 the leaders of Eritrea, Ethiopia, Uganda, and Kenya launched a peace initiative under the auspices of the Intergovernmental Authority on Development (IGAD) to end the country's civil war. The peace initiative stalled several times, and the emergence of an alternative peace initiative launched in July 2000 by Libya and Egypt also complicated the IGAD effort. In July negotiations between the Government and the Sudan People's Liberation Movement (SPLM)--the political wing of the Sudan People's Liberation Army (SPLA)--resumed in Machakos, Kenya. The parties reached fundamental agreement on self-determination for the south and on the question of religion and the state. On October 15, the parties signed a memorandum of understanding (MOU) that called for a cessation of hostilities and unimpeded humanitarian access to all areas of the country, and which both parties largely have respected. The ensuing talks at Machakos focused on power and wealth sharing, and on November 18, the two sides agreed to extend the ceasefire and humanitarian access agreements until March 2003. They also signed an additional MOU outlining 15 areas of consensus on power sharing. The next round of talks was set to begin in January 2003.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), a law enforcement entity that enforced Islamic law (Shari'a). The POP's mission included enforcing proper social behavior such as restrictions on alcohol and "immodest dress." The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.

Civil war, destruction of infrastructure, economic mismanagement, and the existence of more than 4 million internally displaced persons and refugees in a country of an estimated 30 million persons continued to cripple the country's mostly agricultural economy. The infusion of Islamic banking and financial assets as well as increased revenue from oil production injected new capital into some



sectors of the economy; however, corruption, mismanagement and increasing military expenditures limited the impact. The country took some steps towards transitioning from a socialist to a market-based economy; however, the Government and NC supporters remained heavily involved in the economy. Approximately 86 percent of the labor force was engaged in agriculture.

The Government's human rights record remained extremely poor, and although there were some improvements in a few areas, it continued to commit numerous, serious abuses. Citizens did not have the ability to change their government peacefully. Government security forces were responsible for extrajudicial killings, and there were reports of government responsibility for disappearances. Government security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were reports of torture. Government security forces and associated militias beat refugees, reportedly raped women abducted during raids, and reportedly harassed and detained persons on the basis of their religion. Government security forces and progovernment militias acted with impunity. Prison conditions remained harsh and life threatening, prolonged detention was a problem, and the judiciary continued to be subservient to the Government. The authorities did not ensure due process and the military courts summarily tried and punished civilians. The Government continued to infringe on citizens' privacy rights. The Government continued to conscript forcibly men and boys. The Government still did not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POWs), and did not cooperate with the International Committee of the Red Cross (ICRC) regarding access to or treatment of POWs. Cooperation with U.N.-sponsored relief operations generally was poor, although there was some improvement. Government forces continued to obstruct the flow of humanitarian assistance. Problems with relief flights in the south were caused by the Government's frequent denials of visas or work permits to foreign humanitarian workers as well as aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS).

During the year, restrictions on press freedom under the National Security Emergency decree continued as the Government frequently arrested editors and journalists and suspended publications that criticized or disagreed with government policy; however, there were a few media articles critical of the Government. The Government continued to restrict severely the freedoms of speech, assembly, association, religion, and movement. The Government continued the Islamization and Arabization of the country, and there were credible allegations of forced Islamization of non-Muslims. Fears of Arabization and Islamization and the imposition of Islamic law (Shari'a) increased support for the armed opposition throughout the country. Local human rights NGOs were harassed routinely. Violence and discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) remained widespread. Discrimination and violence against religious and ethnic minorities and government restrictions on worker rights persisted. Child labor was widespread. Slavery and trafficking in persons remained significant problems. Government security forces and associated militias were responsible for forced labor (including forced child labor), the abduction of women and children, and the forced military conscription of underage young men.

Antigovernment insurgent groups and associated militia forces also continued to commit numerous, serious abuses. There were reports of SPLM/SPLA violations to citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controlled. During the year, the SPLM/A was responsible for extrajudicial killings, beatings, rape, arbitrary detention, and forced military conscription of underage young men. In addition, SPLM/A officials were involved in the theft and destruction of property of nongovernmental organizations (NGOs) and U.N. agencies operating in the south. Both the Government and the SPLM/A continued to manipulate humanitarian assistance for military advantage. The SPLM/A observed some of the basic laws of war; it took prisoners on the battlefield and permitted ICRC visits to some of them.

The participation of the Government and the SPLM in the IGAD peace process during the year produced some improvement in the overall human rights situation in the south by lessening (but not eliminating) military and militia attacks against civilians and by expanding the delivery of relief assistance to people affected by the war and continuing drought. The parties' agreement to an internationally monitored ceasefire also led to some improvement in the human rights situation in the Nuba Mountains' region.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year, there were numerous reports of extrajudicial killings. Government forces and allied militia still pursued a scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production. On numerous occasions, the Government attacked civilian facilities and housing, which resulted in numerous civilian deaths, including of children (see Section 1.g.). Deaths resulted from landmines during the year.

There were reports of government-supported killings (see Section 1.g.). For example, In July and August, government-allied militia launched a series of attacks in the oil regions to the southwest of Bentiu, Western Upper Nile, which displaced thousands of persons and reportedly killed many of them. During the year, government planes repeatedly bombed civilian targets in the south (see Section 1.g.).

Government-allied militias also continued to raid Dinka villages in Bahr el-Ghazal, killing men, abducting women and children, and destroying and looting property (see Section 1.g.).

There was no known action taken in the following 2001 cases: The March death in custody of Hassan Omar Bul Reish; the April killing of three persons during a demonstration at All Saints Cathedral; and the August killing of two students by police during a demonstration at Gezira University.

There was no known action taken, nor was any likely to be taken, in the following 2000 cases: The February reported PDF attack on several villages in northern Bahr el-Ghazal, during which 156 civilians were killed; the June attack in the vicinity of a Catholic mission, which reportedly resulted in the deaths of 32 persons; the September incidents in which security forces in several cities forcibly dispersed some demonstrations and killed several persons; and the unconfirmed November PDF attacks on the village of Guong Nowh in which several persons were killed.

Government forces routinely killed rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 reportedly were held as POWs in government-controlled areas. The Government did not admit that it held POWs. It has not responded to ICRC inquiries about POWs and has refused the ICRC access to POWs.

During the year, attacks by progovernment Arab militias on the Fuar tribe of Darfour left 23 persons dead, 26 injured, and more than 150 houses destroyed. On November 13, 300 progovernment Arab militia members attacked villages in the northern Kass area killing 15 persons, including a pregnant woman. There was no known action taken against the responsible militia members by year's end.

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

In August government- and rebel-laid landmines resulted in some deaths in and around Torit and the oil fields of Western Upper Nile.

Rebel forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict such as the Nuba Mountains and northern Bahr el-Ghazal; however, details generally were unavailable.

Rebel forces killed a large number of civilians during their attacks on government forces (see Section 1.g.). There were reports that SPLA forces and allied militias summarily executed persons in the southern part of the country. Rebel forces laid landmines indiscriminately on roads and paths

that killed and maimed both soldiers and civilians (see Section 1.g.).

In March an attack, allegedly by a SPLM/A commander on the village of Tuhubak, resulted in the deaths of at least 25 persons and the burning of 173 homes. Estimates of the damage to the village by a consortium of NGOs concluded that all the homes had been destroyed, along with 400 granaries.

In August after the SPLA captured the town of Torit, there were credible reports that SPLA commanders summarily executed captured government soldiers and PDF prisoners.

In late April and early May, Human Rights Watch (HRW) reported that the Lord's Resistance Army (LRA), a Ugandan armed opposition group in the south, killed more than 470 civilians in Imatong villages.

There was no known action taken, nor was any likely to be taken, in the following 2001 and 2000 cases of rebel killings: The January 2001 killing of two relief workers in an attack by unidentified assailants; the January 2001 attack by rebels believed to be from the LRA on a humanitarian vehicle that killed eight aid workers; the November 2000 National Democratic Alliance (NDA) attack on Kassala in which 52 civilians and soldiers were killed during fighting between government and rebel troops.

Unlike in the previous year, there were no reports of interethnic and intraethnic violence that resulted in deaths.

b. Disappearance

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

There were reports that during raids on civilian settlements, government forces abducted persons, including women and children (see Sections 1.g. and 6.c.). In the last 15 years, approximately 15,000 Dinka women and children have been abducted and between 10,000 and 12,000 mostly Dinka persons remained abducted or unaccounted for at year's end. Observers believed that some of those abducted were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, the abductees escaped or eventually were released or ransomed; however, in other cases, they were killed.

Unlike in the previous year, there were no reports government forces or progovernment militias abducted NGO workers during the year.

There was no known action taken in the following 2001 cases: The September disappearance of Aladin Omer Agabani Mohammed who converted from Islam to Christianity and was last seen telling friends that he was going to report to the government security office, and the October disappearance of Wilson Wani, an employee of OLS. Their whereabouts remained unknown at year's end.

There was no action taken, nor was any likely to be taken, on the alleged February 2000 PDF abduction of more than 300 women and children from northern Bahr el-Ghazal or the November 2000 unconfirmed PDF abduction of 24 persons from the village of Guong Nowh.

There was no action taken, nor was any likely to be taken, in the February 2000 case in which a progovernment militia detained two pilots, a U.N. worker, and a Sudanese relief worker for 1 week.

In January the Government reorganized the Committee to Eradicate the Abduction of Women and

Children (CEAWAC) with supposedly broader powers and greater support. In the past CEAWAC lacked the necessary funding to document, rescue, and transport abductees back to their families, and there was no significant change after the reorganization. During the year, CEAWAC formed 22 joint-tribal committees and has conducted two field missions resulting in the documentation of more than 150 cases of abduction. In November CEAWAC documented 55 abductees, reunified 29 with their families, and transported 26 to a facility in Fulla until their families could be located. Refusal to provide flight clearances prevented additional reunifications of abductees with their families.

In May the International Eminent Persons Group completed its investigation into the extent of slavery, abductions, and associated abuses by both sides in the conflict. The Group concluded that armed progovernment militias were responsible for committing these crimes and operated with virtual impunity. The Group also concluded that abductions did fall under prescribed definitions of slavery; however, the Group was unable to determine the scale of abduction and enslavement.

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

There continued to be reports of abduction by SPLA forces and allied militias. For example, during the summer, an SPLA commander reportedly captured, robbed, and then released several local health workers involved in a polio vaccination program. In September HRW reported SPLA forces looted the village of Todaj (north of Abyei), abducting 45 civilians, including children under the age of 15. The civilians were released after 2 weeks to return home by dangerous routes through SPLA and Government contested territory.

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

The Constitution prohibits torture; however, government security forces continued to beat, torture, and harass suspected opponents and others. Members of the security forces were not held accountable for such abuses.

In accordance with Shari'a, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion—the public display of a body after execution. The Government officially exempted the 10 southern states, in which the population was mostly non-Muslim, from parts of the law that permits physical punishments based on Shari'a. There were no reports of court-ordered Shari'a punishments, other than lashings, in government-controlled areas of the south. The law legally can be applied in the south, if the state assemblies approve it.

On January 24, after being charged and tried, a sentence of amputation was carried out on a 46-year-old man imprisoned in Khartoum. He was accused of theft, and held in Kober prison in Khartoum from May 2000 until the date of his amputation.

In February an appeals court in Nyala sentenced a southern Christian woman accused of adultery to 75 lashes, instead of an initial December 2001 lower court sentence of execution by stoning.

On May 8, there were 14 prisoners charged with armed robbery who were sentenced to death by hanging; however, they were not executed by year's end.

In November 17 women from the village of Munwashi, Darfour, were convicted of adultery and received 100 lashes. None of the women had legal representation.

Amnesty International (AI) reported the case of five men sentenced to cross amputation and execution were executed in 2000. These men were accused of a 1998 bank robbery in Nyala. The Supreme Court heard and rejected their appeal.

Credible reports suggested the number of student victims of torture increased during the year. Security forces beat and otherwise abused youths and student leaders and others deemed to be opponents of the Government. For example, in October security officers arrested 11 students during demonstrations at Khartoum and Bahr el-Ghazal Universities who reportedly were tortured

while in custody.

In November a progovernment Islamic student militia beat students at Khartoum University, injuring several students and requiring the admission of 14 to a local hospital. The student militia also was responsible for an attack on student hostels at Shambat, which seriously injured at least 11 students. Reports indicated that many of the students attacked by the militia were arrested and tortured while in police custody.

Refugees were subjected to beatings and mistreatment by security forces (see Section 2.d.).

Soldiers, PDF members, and progovernment militia forces raped women (see Section 1.g.).

During the year, security forces injured persons while forcibly dispersing demonstrations (see Section 2.b.).

There was no information at year's end in the 2001 cases of Sebit Hassan Ramadan or Osman Robon and no action was taken against security forces who tortured, beat, raped, or otherwise abused persons in 2001 or 2000.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bombing attacks on civilian targets (see Section 1.g.). There were reports that persons abducted during raids were subjected to torture, rape, and forced servitude (see Section 6.c.).

Insurgent forces were responsible for a number of civilian injuries and for raping women. For example, early in the year, SPLA-affiliated forces attacked a camp that contained approximately 18,000 internally displaced persons (IDPs) at Mbiya, killing a tribal leader and raping numerous women. According to the HRW, there were instances of rape and other abuses in Raga, Western Bahr el-Ghazal. HRW inquiries with the SPLM/A regarding these attacks, including the alleged killings in Tuhubak (see Section 1.a.), went unanswered.

During the year, both sides laid landmines indiscriminately on roads and paths, killing and maiming both soldiers and civilians.

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

The Government routinely mistreated persons in custody. In June 88 members of the Rizeigat tribe in Nyala, including 2 14-year-old children, were beaten badly while in custody. The tribal members were arrested following armed clashes with the Ma'aliya tribe. In July the 88 persons were charged and tried for the crimes of murder, armed robbery, and public disturbance and were sentenced to death.

Female prisoners were housed separately from men and rape in prison reportedly was rare.

Minors often were held with adults. In order to care for their children, many women prisoners were forced to take their children with them into the prison. Inside the prison, the children were unable to receive an education. In December it was reported that 652 women and 161 children were incarcerated at Omdurman prison with 12 of the women awaiting trial.

The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.

In previous years, prisoners reportedly have died while in SPLM/A custody due to poor prison

conditions. The SPLM/A gave the ICRC access to approximately 550 POWs in 12 camps in southern Sudan but denied ICRC access to POWs in Kapoeta and Torit following battles there. The ICRC reported that living conditions in SPLM/A prisons were similar to living conditions for the general southern population. Some prisoners were released due to poor health.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention without charge; however, in practice the Government continued to use arbitrary arrest and detention under the state of emergency provisions. Under the Constitution and the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the amended National Security Act, which supercedes the Criminal Code when an individual is accused of violating national security, that individual may be detained for 3 months without charge, and the detention is renewable by the Director of Security for another 3 months. Under the state of emergency, the Government was not constrained by the National Security Act and could detain individuals indefinitely without judicial review, which reportedly it did. Persons arrested by government security forces often were held incommunicado for long periods of time in unknown locations without access to their lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment.

In general the Government detained persons for a few days before releasing them without charge or trial; however, detentions of PNC and NDA members generally were much longer. There were unconfirmed reports that security forces tortured, detained without charge, and held incommunicado members of the PNC. In addition to detentions, government security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for days.

Authorities continued to detain political opponents of the Government during the year. Dr. Hassan Al-Turabi, former Speaker of the National Assembly and head of the PNC, was arrested in February 2001 and charged with posing a threat to national security and the constitutional order because he signed a MOU with the SPLM/A calling for citizens to rise against President Bashir. Al-Turabi subsequently was placed under house arrest. In August a presidential decree renewed Al-Turabi's detention for another year, and he was moved from house arrest to a maximum-security prison then to a house owned by the Government. He remained in detention at year's end.

A number of journalists were arrested and detained during the year (see Section 2.a.). In July security forces arbitrarily arrested 11 leaders of the Fuur tribe for reporting recent attacks by members of Arab militia.

Security forces continued to detain persons because of their religious beliefs and activities (see Section 2.c.). Generally detentions based nominally on religion were of limited duration; however, the Government routinely accused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention.

Security forces often targeted southern women in IDP camps because they produced and sold a traditional home-brewed alcohol. Such women were arrested and imprisoned for up to 6 months under Shari'a (see Section 1.c.).

There were reports that detainees were abused and tortured while in custody (see Section 1.c.).

There was no information on whether 10 to 12 civilians, including Ishmael Mohammad Ibrahim and Dr. Najib Nigom El Din, remained in custody at year's end, and there was no information on persons who remained in detention from 2000.

During the October battle to recapture the southern garrison town of Torit, the Government imprisoned 24 SPLM/A as POWs. They were under indefinite detention at year's end.

In September and October, SPLM/A officials detained local staff members of international humanitarian organizations on suspicion of espionage and holding sensitive information. Each of these persons was held without charge for approximately 2 weeks before being released. In response to these organizations' concerns about the arbitrary arrest of their staff, the SPLM/A has responded that the security forces have the right to take whatever action was necessary to assure SPLM/A security.

The law prohibits forced exile, and the Government did not use it; however, opposition leaders remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial

The judiciary was not independent and largely was subservient to the Government or the President. The Chief Justice of the Supreme Court was nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controlled the judiciary. On occasion some courts displayed a degree of independence. For example, appeals courts on several occasions overturned decisions of lower courts in political cases, particularly decisions from public order courts.

The President appoints the Constitutional Court's seven members. Within the regular court system, there were civil and criminal courts, appeals courts, and the Supreme Court.

The judicial system included four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land and water rights and family matters. The 1991 Criminal Act governs criminal cases, and the 1983 Civil Transactions Act applies in most civil cases. Shari'a was applied in the north. There continued to be reports that non-Muslims were prosecuted and convicted under Shari'a "hudud" laws. Courts did not apply formally Shari'a in the south. Public order cases were heard in criminal courts.

The Constitution provides for fair and prompt trials; however, this was not respected in practice in many cases. Trials in regular courts nominally met international standards of legal protections. The accused normally had the right to an attorney, and the courts were 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 this right and that counsel in some cases could only advise the defendant and not address the court. In some cases, courts refused to allow certain lawyers to represent defendants.

Military trials, which sometimes were secret and brief, did not provide procedural safeguards. Military trials sometimes have taken place with no attorney permitted and did not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, on which both military and civilian judges sat, handled most security-related cases. Attorneys could advise defendants as "friends of the court" but normally could not 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 special civilian tribunals, which were supposed to operate in the border regions that separated the north and south, were not operational during the year.

In 2001 the Government established emergency tribunals in the western part of the country to try banditry cases. The emergency tribunals were composed of civil and military judges. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences

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universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The insurgent SPLM/A generally was not known to interfere with privacy, family, home, or correspondence in areas that it controlled; however, rebel factions continued to conscript citizens forcibly, including high school age children.

During the year, there were reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

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

Since the civil war resumed in 1983, more than 2 million persons have been killed and more than 4 million persons displaced as a result of fighting between Government and insurgents in the south, interethnic conflict, and famine. The principal antigovernment faction was the SPLM, the political wing of the SPLA. In 1995 a coalition of internal and exiled opposition parties in the north and the south created the NDA as an antigovernment umbrella group. This broadened the scope of the civil war, making it a center-periphery rather than just a north-south conflict.

In 1994 the IGAD peace initiative promulgated the Declaration of Principles, which aimed to identify the essential elements necessary to achieve a just and comprehensive peace settlement: The relationship between religion and the state, power sharing, wealth sharing, and the right of self-determination for the south. After several unsuccessful peace efforts, the Government and the SPLM/A again met for peace negotiations in Machakos, Kenya, under the auspices of the IGAD. On July 20, the two sides signed the historic Machakos Protocol that resolved two of the most contentious issues in the civil war: The role of religion and the state during an interim period and the right of self-determination for the south. The terms of the Protocol called for a 6½-year interim period and a referendum for southerners in which they could vote to remain unified with the north or vote for secession. Talks continued through July and August, were suspended in September, and resumed in October. The next round of talks was scheduled for January 2003.

In the southern war zone, the SPLA controlled large areas of the states of Equatoria, Bahr el-Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal. During the year, military activity intensified throughout the south. All sides in the fighting were responsible for violations of humanitarian law. In the second half of the year, the SPLM attacked and captured the government garrison towns of Kapoeta and Torit. In late September, the Government recaptured Torit; however, the SPLM/A and its northern allies launched a military offensive along the border with Eritrea that led to the capture of the symbolically important town of Hamesh Khoreb and the displacement of several thousand local inhabitants. The Government continued efforts to strengthen its control of the oil producing areas in Western Upper Nile. Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports of government-allied militia intentionally attacking noncombatant civilians, looting their possessions, and destroying their villages. Despite having signed a Cessation of Hostilities Agreement with the SPLM in October, the Government and allied militia launched a series of military actions on December 31.

As part of the Agreement on the Protection of Civilians from intentional military attack, the Government and the SPLA agreed to allow the international community to form a Civilian Protection Monitoring Team (CPMT). Located in Rumbek and Khartoum, the team was staffed with expert personnel experienced in investigating allegations of military attacks against civilians. On December 15, the CPMT released the report of its first investigation, the bombing at Lui/Mundri. The details of the report included recommendations on what both sides could do to prevent future unintentional attacks on civilians. The CPMT also initiated an investigation into the military attacks that took place in Western Upper Nile at year's end.

The Government and government-associated forces implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. These forces have injured persons seriously, destroyed villages, and driven out inhabitants in order to create an uninhabited security

such as death by stoning and amputations during the year. Sentences ordered by emergency tribunals were carried out quickly with only 1 week allowed for appeal to the district chief justice; there were reports that persons were executed the day after sentencing. Emergency tribunals ordered executions during the year. For example, according to AI, on May 14, numerous men in the Darfur region were hanged after being convicted of robbery by emergency tribunals. While executions by stoning were ordered, none were carried out. Executions were by hanging.

Lawyers who wished to practice must maintain membership in the government-controlled Bar Association. The Government continued to harass and detain members of the legal profession who it viewed as political opponents.

Civil authorities and institutions did not operate in parts of the rebel-held south and the Nuba Mountains. Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/A-held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM had a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognized traditional courts or "Courts of Elders," which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts particularly were active in Bahr el-Ghazal. The SPLM process of conducting a needs assessment for the courts continued during the year. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

There was an unknown number political prisoners in the country, although the Government maintained that it held none. The Government usually charged political prisoners with a crime, which allowed the Government to deny their status as political prisoners.

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

The Constitution provides for the inviolability of communication and privacy; however, the Government routinely interfered with its citizens' privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. Government forces occupied PNC offices during the year. In the north, security forces also searched the residences of persons suspected of making alcoholic beverages, which were illegal under Islamic law (see Section 1.d.).

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement. A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods.

The Government razed some squatter dwellings; however, the practice continued to decrease in frequency.

Government forces pursued a scorched earth policy aimed at removing populations from around the oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Section 1.g.). Government armed forces burned and looted villages and stole cattle (see Section 1.g.).

The Government continued to conscript citizens forcibly for military service, including high school age children (see Section 5).

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

zone. There was a significant increase in indiscriminate government bombing of civilian locations in September and October. The bombings often were associated with military actions by both sides or continuing government efforts to clear the population from near the oil producing areas in Western Upper Nile and adjacent areas.

During the year, the Government's PDF militia reportedly attacked several villages in northern Bahr el-Ghazal, killing civilians, abducting women and children, stealing cattle, looting and burning villages, raping women, and displacing persons. For example, on February 9, a government helicopter gunship attacked the village of Akuem in Western Bahr el-Ghazal killing 2 children and injuring 10 others. There was no known action taken against the responsible PDF members by year's end. At year's end, Government-allied militias attacked villages in Western Upper Nile, abducting the inhabitants and looting their possessions.

In his August report the U.N. Special Rapporteur for Human Rights in Sudan reported aerial bombings by Government forces. On May 22, government planes reportedly dropped 16 bombs between Mayam and Manken, killing 15 persons and seriously injuring 35 others. On the same day, government planes reportedly dropped 16 additional bombs on Rier, killing 11 persons and injuring 95 others. In June government airstrikes killed 34 civilians.

The Government also conducted bombing raids that targeted NGOs and impeded the flow of humanitarian assistance to the south. For example, on February 20, a government helicopter gunship attacked a World Food Program (WFP) distribution compound in Bieh, Western Upper Nile, killing 17 civilians and injuring dozens of other persons. The Government later announced that an investigation would be held; however, the results of the investigation were not made public and it was not known if any disciplinary action was taken by year's end.

There was no known action taken in the 2001 cases of government aerial bombings.

In addition to bombings that have made humanitarian assistance difficult, the Government routinely denied flight clearances during the year. In September the Government banned all relief flights to Eastern and Western Equatoria. It prohibited flights over these provinces, effectively halting OLS operations for more than 2 weeks. The Government frequently denied visas and work permits to foreign humanitarian workers and aircraft clearances to the U.N.'s OLS. A subsequent agreement between the Government and OLS resulted in greater humanitarian access; however, complete unrestricted access, particularly in the areas of Southern Blue Nile and the east, was not granted.

Government forces, antigovernment insurgents, and military militias loyal to both sides raped women and forcibly conscripted men and boys.

Despite an agreement to stop using antipersonnel mines, during the year both sides continued to lay mines. A government militia raided a relief center at Mading and placed landmines in an NGO compound, forcing the permanent evacuation of the center. Reportedly the SPLA continued to lay landmines in Eastern Equatoria for defense purposes. Injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines left by the SPLM/A and its allies during the war.

Insurgent forces routinely displaced, killed, and injured civilians and destroyed clinics and dwellings intentionally.

The SPLM/A has taken a number of POWs over the years. The SPLM/A often cooperated with the ICRC and allowed regular visits to the POWs (see Section 1.c.). The SPLM/A released a limited number of POWs for health reasons during the year. The Government did not permit access to POWs for any reason and did not return any POWs during the year.

The ICRC cooperated with UNICEF to remove child soldiers during the year.

There were credible reports of SPLM/A taxation and occasional diversion of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these problems; however, in practice

it appeared unable to impose consistently those commitments on its forces in the field. During the year, there were reports that SPLA-allied forces attacked international relief organizations, which jeopardized relief operations. In addition, there were reports that the Sudan Relief and Rehabilitation Association diverted humanitarian food to the SPLA or its allied forces and that humanitarian food was diverted in general.

During the year, a joint-monitoring commission was established in the Nuba Mountains to monitor a ceasefire. Conditions in the Nuba Mountains region had improved dramatically by year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedoms of thought, expression, and of the press "as regulated by law;" however, the Government severely restricted these rights in practice. Government detentions, intimidation, and surveillance of journalists as well as suspensions of newspapers continued to inhibit open, public discussion of political issues. There was self-censorship by journalists, and the Government confiscated entire issues of newspapers if it objected to an article.

There were a large number of independent daily newspapers, mainly in urban areas, and differing political views publicly were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was coverage of debates in the National Assembly, which allowed the press to report much that was previously ignored. There was one government-controlled newspaper. Four publications remained under intensive scrutiny and experienced intimidation, interruption, and arrest of their editors.

The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, through the National Press Council and security forces. Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations. The National Press Council applied the Press law and was directly responsible to the President. It was charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consisted of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists' Union; and 2 selected by the Journalists' Union leadership. Observers believed the Journalists' Union was government-controlled. The National Press Council was active in suspending journalists and newspapers in 2001. The National Press Council operated during the year.

During the year, the National Security Offices imposed restrictions on press freedom by suspending publications, detaining journalists and editors, confiscating already printed editions, conducting prepublication censorship, and restricting government advertising to progovernment media only. For example, on January 9, police interrogated a journalist for political views expressed in a newspaper column that was critical of the Government.

On March 7, two journalists were arrested in Khartoum for publishing caricatures of government officials and released after a few days. Security forces seized 3,000 copies of the newspaper.

On November 9, security forces arrested the editor of a Khartoum daily newspaper for criticizing the actions of the government during October clashes between students and police at several universities (see Section 2.b.) and released him after a week. At the same time, two daily newspapers were seized for failing to obey government instructions on how to report the student protests at Khartoum University.

The PNC newspaper Rai-al-Sh'ab (People's View) remained banned at year's end.

Radio and television were controlled directly by the Government and were required to reflect

government policies. During the year, there was a marked expansion of government-controlled regional radio and television. Television has a permanent military censor to ensure that the news reflected official views. There were no privately owned television or radio stations, although the Government and private investors jointly owned one television cable company. The Government often charged that the international, and particularly the Western, media had an anti-Sudan and anti-Islam bias.

In spite of the restrictions on ownership of satellite dishes (see Section 1.f.), 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 Cable News Network, the British Broadcasting Company, the London-based, Saudi-owned Middle East Broadcasting Corporation, Dubai-TV, Kuwait-TV, and a variety of other foreign programs.

Internet access, which was potentially monitored, was available through two Internet service providers.

The Government restricted academic freedom. In public universities, the Government appointed the vice-chancellors who were responsible for running the institutions. 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, professors also exercised self-censorship. The Government continued to determine the curriculum.

In January the Government introduced Student Discipline and Code of Conduct Acts in many universities. The new code required strict Islamic standards of dress and association, applied to Muslim and non-Muslim students alike (see Section 2.c.). A progovernment Islamic student militia attacked students during the year (see Section 1.c.).

On February 2, a student human rights activist was suspended for 12 months from Omdurman College of Technological Science for carrying out human rights activities. On March 2, security forces arrested a male student member of the SDF in Khartoum and severely beat him with water hoses and empty bottles.

In November the University of Khartoum was closed after progovernment administration officials banned student protests that called for student union elections. The administration refused new elections on the grounds that the students were not prepared for such elections, and that a large segment of the student body was fighting with the military forces in the south.

The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university.

The SPLM/A and the NDA provided few opportunities for journalists to report on their activities. The SPLM/A restricted the freedom of speech among populations under its control.

b. Freedom of Peaceful Assembly and Association

The continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than five persons, effectively circumscribed the right of assembly, and the Government continued to severely restrict this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, continued to be denied permission to hold large public gatherings during the year. In June 2001, the Government declared a ban on all rallies and public demonstrations in the country, and announced that no permits would be authorized or issued; the ban remained in effect at year's end.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to

disperse unapproved demonstrations. For example, in October police used tear gas and rubber bullets to disperse a crowd of protesting university students. The students had gathered to mark the anniversary of the October 1964 protests against the military government of General Abboud. Also in October, security forces in Khartoum used tear gas and live ammunition to disperse forcibly demonstrations by students at Khartoum University; two persons were killed and several were injured.

No action was taken against security forces who forcibly dispersed demonstrations or meetings in 2001 or 2000.

The Government severely restricted freedom of association. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. During the year, the Government amended the Political Parties Act to allow some former banned political parties to resume their activities; however, the parties still were unable to participate in elections unless the registrar was notified in writing. In November a loyalist of Hassan al-Turabi was jailed for hosting an "Iftar" dinner, an act the Government stated was a ruse for a political party meeting. Observers believed that the Government controlled professional associations.

The Government restricted diplomatic, international, and regional organizations' contact with any Sudanese political organizations, including the NDA, that the Government considered to be waging war against it.

In 2000 the SPLA implemented a 1999 MOU that was negotiated between the SPLM, NGOs, and donors and discussed increased SPLA control over NGO interaction with local communities, SPLA control over the planning and distribution of humanitarian assistance, a requirement to work "in accordance with SPLA objectives" rather than solely humanitarian principles, the payment of "security fees," and additional fees for services, including charges for the landing of aircraft carrying humanitarian aid and for NGO movement within SPLA-held areas. The MOU was in effect; however, it did not affect substantially NGO operations.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government severely restricted this right in practice. The Constitution states that "Shari'a and custom are the sources of legislation," and in practice the Government treated Islam as the state religion and declared that Islam must inspire the country's laws, institutions, and policies. Ten southern states, whose population was mostly non-Muslim were exempted from Shari'a.

There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities. There continued to be reports that Christian secondary school students in Khartoum were not allowed to continue their compulsory military service because they attended church. New codes of dress and association based on strict Islamic standards were introduced by universities during the year, which reflected an effort by the Government to force religious observance on male and female members of opposition and non-Muslim student groups. During the year, Islamic students harassed, beat, and otherwise abused non-Sudanese African students; part of the motivation for such acts appeared to be religious (see Section 1.c.).

The Government placed the same restrictions on churches as it did on nonreligious corporations. Religious groups must register in order to be recognized or worship legally. Government approval was required for the use and construction of houses of worship. The Government permitted non-Muslims to participate in services in existing and otherwise authorized places of worship only. Registered religious groups were exempt from most taxes. Nonregistered religious groups found it impossible to construct a place of worship and were harassed by the Government. Registration reportedly was very difficult to obtain in practice, and the Government did not treat all groups equally in the approval of such registrations and licenses.

Sudan

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups. The Government generally was least restrictive of Christian groups that historically had a presence in the country, including Coptic, Roman Catholics, and Greek Orthodox and was more restrictive of newer Christian groups. Although the Government considered itself an Islamic government, restrictions often were placed on the religious freedoms of Muslims, particularly on those orders linked to opposition to the Government.

Applications to build mosques generally were granted in practice; however, the process for applications for non-Muslim churches was more difficult. The Government did not authorize the construction of any churches in the Khartoum area or in the district capitals; the Government often claimed that local Islamic community objections restricted the issuance of permits. While the Government permitted non-Muslims to participate in services in existing, authorized places of worship, the Government continued to deny permission for the construction of any Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures in displaced persons camps to be used for Roman Catholic services.

Under the 1991 Criminal Act, non-Muslims may convert to Islam; however, conversion by a Muslim was punishable by death. In practice converts usually were subjected to intense scrutiny, ostracization, intimidation, torture by authorities and encouraged to leave the country.

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 to non-Muslim inmates to convert. Some persons in the government-controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non-Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non-Muslims children to convert to Islam. Unlike in the previous year, there were no credible reports of forced circumcision during the year. There were credible reports that some children from Christian and other non-Muslim families, captured and sold into slavery, were converted forcibly to Islam.

In late October, there was a case involving the alleged abduction and forced conversion to Islam of a Coptic Christian woman in Omdurman. The lack of transparency in the case and ongoing allegations by the woman's parents that their daughter was forced into marriage and conversion against her will brought into question the fairness of the judicial system and its ability to ensure due process for all citizens. Nevertheless, the allegations of forced conversion were not confirmed.

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

Authorities sometimes harassed foreign missionaries and other religiously oriented organizations; and delayed their requests for work permits and residence visas. For example, Catholic priests in the north continued to have problems obtaining visas and occasionally were subjected to interrogations by internal security agents.

The Government required instruction in Islam in public schools in the north. In public schools in areas where Muslims were a minority, students had a choice of studying Islam or Christianity. Christian courses were not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, which meant that many Christian students attended Islamic courses.

Children who have been abandoned or whose parentage was unknown—regardless of presumed religious origin—were considered Muslims and citizens and could be adopted only by Muslims (see Section 1.f.).

Minority religious rights were not protected. In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the

past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. Reports continued that Muslims (particularly supporters of the NIF) received preferential treatment for the limited services provided by the Government, including access to medical care.

Aerial bombings by the government in southern rebel-held areas at times have struck hospitals, schools, mosques, Christian churches, and interrupted religious services (see Section 1.g.). For example, in June, four bombs dropped in Ikotos struck the residence of the Christian bishop.

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

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for freedom of movement and residence, including exit from and entry into the country; however, the Government severely restricted these rights in practice.

Movement generally was unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits for domestic travel outside of Khartoum, which often were difficult to obtain and sometimes refused; however, foreign diplomats could travel to many locations with a government escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and re-register at each new location within 3 days of arrival. Foreign NGO staffs at times had problems obtaining entry visas as well as work or travel permits once they had entered the country. In December 2000, the Government announced restrictions on travel by diplomatic, international, and regional organizations, and others into rebel-controlled areas without prior written permission from the Ministry of External Affairs. These restrictions remained in force at year's end.

The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, the Government has banned all travel to several outspoken human rights activists in Khartoum. Some former political detainees have been forbidden to travel outside Khartoum. The Government also restricted the external travel of Joseph Okel and other southern political leaders who were arrested in 2000 after meeting with a foreign diplomat. During the year, the Government claimed it had canceled the exit visa requirement for its citizens; however, in practice the Government still denied travel privileges to certain individuals when they arrived at exit ports (such as airports). The Government denied exit visas to NDA representatives during the year. Women cannot travel abroad without permission of their husbands or male guardians.

The SPLM/A restricted freedom of movement among populations under its control. Citizens from the north or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners. Insurgent movements also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas. There were reports in June 2001 that SPLM/A commanders were ordered not to permit persons to attend a reconciliation conference in Kisumu, Kenya. In addition, a conference held by Justice Africa in Kampala on Nuba and Blue Nile civil society was attended poorly because the SPLM/A did not permit the participants to obtain transportation clearance.

There were estimates that up to 4 million persons were displaced internally due to the civil war.

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums in the Khartoum area. The Khartoum state government planned to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The state government was in contact with foreign NGOs and U.N. agencies concerning this effort. During the year, displaced persons were included in a government housing development plan and were granted land in a new planned settlement area.

Nearly 500,000 Sudanese were refugees in neighboring countries. Refugees have fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of the Congo, and the Central African Republic.

The law includes provisions for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR reported that there were 349,209 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 150,000 refugees were in camps, and the rest were scattered in urban areas throughout the country. The Government provided first asylum; however, no statistics were available for the year.

In 2000 the Government signed an agreement with the Government of Eritrea to repatriate longtime Eritrean refugees in the country. Although fighting between the Government and the NDA along the eastern border with Eritrea delayed the process, most Eritrean refugees that lived near the border voluntarily returned to Eritrea during the year. Security authorities also arrested, fined, imprisoned, and deported many Eritreans in Khartoum during October and November for alleged conspiracy with the Government of Eritrea to pass information on the mobilization of government forces.

In 2000 the UNHCR signed an agreement with the Government of Sudan and the Government of Ethiopia to repatriate pre-1991 Ethiopian refugees to their homeland by the end of the year. In 2001 and during the year, more than 12,000 Ethiopians chose to return with UNHCR assistance. The UNHCR also signed an agreement with the Governments of Sudan and Eritrea in 2001 to encourage the repatriation of some 300,000 Eritrean refugees. Although fighting along the Eritrea-Sudan border slowed the repatriation process, almost 100,000 refugees returned to Eritrea with UNHCR assistance by year's end.

There were some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

Citizens had no genuine opportunity to change their government peacefully. Presidential and parliamentary elections were held in December 2000, and there were allegations of serious irregularities, including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

The Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and implemented in early 1999. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the 1998 Constitution charged that it neither was drafted nor passed with truly national participation. Some critics also objected to the statement that Shari'a would be among "the prevalent sources of law" in regard to amending the Constitution. Despite the adoption of the Constitution promulgated by presidential decree in 1998, the Government continued to

restrict most civil liberties.

In 1999 President Bashir disbanded the Parliament, suspended the Constitution, and decreed a state of national emergency, which suspended basic civil liberties. Parliament resumed 14 months later in February 2001. The state of emergency remained in effect at year's end.

The law allows the existence of political parties (see Section 2.b.). The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.). During the year, authorities seized and occupied PNC offices.

The federal system of government slowly was developing a structure of 26 states, with governors and senior state officials appointed by the President from Khartoum. The Government considered this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners were underrepresented in the central Government, and local appointees were not viewed universally as representative of their constituencies. This underrepresentation remained a key obstacle to ending the rebellion.

Women had the right to vote. There was 12 women members in the 360-seat Parliament. There were two female ministers, the Minister of Social Welfare and a member of the Council of Ministers. There also were two female State Ministers.

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

Due to government restrictions, there were only two independent domestic human rights group--the Sudan Human Rights Group and the Sudan Human Rights Organization (SHRO). The SHRO operated out of Cairo until 2000 when the Egyptian Government asked them to close their offices. There also were two local NGOs that addressed health concerns related to the practice of FGM and other "traditional" practices (see Section 5).

During the year, there was at least one report a government helicopter gunship attacked an NGO in Bieh (see Section 1.g.).

The Human Rights Advisory Council, a government body whose rapporteur was the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council was composed of representatives of human rights offices in 22 government ministries and agencies. While the council was charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some ministry and agency offices. In January the Government reactivated the CEAWAC, which in turn formed mechanisms to identify and return abductees (see Section 1.b.).

Dr. Gerhart Baum served as Special Rapporteur for Human Rights in Sudan. In November Dr. Baum presented his report to the U.N. Human Rights Commission, which highlighted ongoing human rights abuses during the year and noted the continuation of the state of emergency and the virtual impunity enjoyed by the security services. The Commission has assigned a representative to work with the U.N. Development Program in Khartoum who was active in organizing human rights courses for security and police forces; however, he had no human rights monitoring responsibilities.

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

The Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, were ineffective.

Women

Violence against women was a problem; however, since reliable statistics did not exist, its prevalence was unknown. Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.

Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varied from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law.

FGM was widespread, especially in the north. An estimated 90 percent or more of girls and women in the north have undergone FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, was the most common type. Usually it was performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, which caused severe pain, trauma, and risk of infection to the child. No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. Unlike in the previous year, there was no evidence that women displaced from the south to the north reportedly were imposing FGM increasingly on their daughters, even if they themselves have not been subjected to it. A small but growing number of urban, educated families were abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, "sunna," as an alternative to infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and it has introduced information about FGM in some public education curriculums. One local NGO was working to eradicate FGM.

Prostitution is illegal but was a growing problem. Trafficking in women was a problem (see Section 6.f.).

The law prohibits sexual harassment; however, it occurred.

Some aspects of the law discriminated against women; including certain provisions of Shari'a interpreted and applied by the Government, and many traditional law practices. Gender segregation was common in social settings. In accordance with Shari'a, a Muslim woman has the right to hold and dispose of her own property without interference. Women were assured an inheritance from their parents; however, a daughter inherited half the share of a son, and a widow inherited a smaller percent than did her children. It was much easier for men to initiate legal divorce proceedings than for women. These rules only applied to Muslims and not to those of other faiths for whom religious or tribal laws applied. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converted to Islam; however, this prohibition was not observed or enforced in areas of the south not controlled by the Government or among Nubans. Unofficial, nonregistered marriages, known as "orfy" or traditional weddings, are valid legally but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's parentage. Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for women affiliated with the PNC.

A number of government directives required that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code (see Section 2.a.). At the least, this necessitated wearing a head covering; however, enforcement of the dress code regulations was inconsistent.

In February there were a number of incidents in which young women were detained at police stations and sometimes beaten for alleged improprieties of appearance or behavior. There were reports that police demanded bribes in exchange for releasing the women. In addition, a Khartoum-based NGO received an increasing number of reports of female students threatened with rape while detained at police stations.

Women generally were not discriminated against in the pursuit of employment; however, in July 21 women arbitrarily were dismissed from their jobs at the Customs and Excise forces (CEF) headquarters in Khartoum. No reason was given.

Children

Education was compulsory through grade eight; however, attendance reportedly was declining and was less than the 1990 level of 61 percent. There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the northern part of the country, boys and girls generally had equal access to education (50 percent and 47 percent respectively), although many families with restricted income choose to send sons and not daughters to school. Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education. Nomadic groups also were disadvantaged. Although the gender gap in enrollment between boys and girls was only 3 to 5 percent in favor of the boys, girls were more affected by early withdrawal due to family obligations or early marriage. In the urban areas of the south, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls. More than 50 percent of university students were women, in part because men were conscripted for war.

The Government operated camps for vagrant children. Police typically send homeless children who have 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.). There were reports that boys in these camps and in homes for delinquent youths were forced to undergo circumcision. Male teenagers in the camps often were conscripted into the PDF, including some girls in the south (see Section 1.f.). There were reports that abducted homeless and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

FGM was performed frequently on girls (see Section 5, Women).

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (see Sections 6.c. and 6.f.).

The Government forcibly conscripted young men and boys into the military forces to fight in the civil war (see Section 2.a.). There were reports of at least 50 cases this year of children taken from the markets of Khartoum and conscripted into the PDF. Government authorities frequently carried out conscription by raiding buses and other public places to seize young men. No one was jailed during the year for evading compulsory military service.

Rebel factions have conscripted citizens forcibly, including high school age children. During the year, the SPLM/A actively engaged in efforts to demobilize child soldiers; however, there were reports that child soldiers were involved in military incidents during December, which raised concerns that the SPLM/A again was using forced recruitment of children.

People with Disabilities

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. The law requires equal educational opportunities for persons with disabilities.

National/Racial/Ethnic Minorities

The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians)

total approximately 6 million and sought independence, or some form of regional self-determination or autonomy from the north.

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

There were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. 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. During the year, there was at least one serious incident near Pibor in which members of the Murle tribe abducted women and children from other tribes.

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

Intertribal fighting among Nuer tribesmen increased during the year. In November battles, which took place near Bentiu, resulted in numerous deaths.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association for economic and trade union purposes; however, the Government restricted this right in practice. The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees. The Trade Union Act established a trade union monopoly. There were no independent trade unions. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned.

Former workers' union leaders were arrested during the year.

The law does not prohibit antiunion discrimination by employers.

SWTUF, the official government union, affiliated with international bodies, such as the African Workers' Union and the Arab Workers' Union.

b. The Right to Organize and Bargain Collectively

The emergency decree passed in December 2001 still was in effect. Labor organizing committees have the right to organize and bargain collectively; however, government control of the steering committees meant that in practice the Government dominated the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials have raised some grievances with employers, although few raised them with the Government. There were credible reports that the Government intervened routinely to manipulate professional, trade union, and student union elections (see Section 2.a.).

A tripartite committee comprising representatives of the Government, the SWTUF, and business set wages. Specialized labor courts adjudicated standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. A labor code has been in effect since December 2000, which strengthened government control over trade unions and continues to deny

trade unions autonomy to exercise their basic right to organize or to bargain collectively. The code provides that unions should be democratic, national, and neutral, defend the welfare of their members, and should raise productivity. There was nothing in the code regarding organizational structure, strikes, or term limits. Union funds were subject to control by the auditor general. A 30 percent salary increase was scheduled to take place in January 2003 but only in Khartoum.

The Government continued to dismiss summarily military personnel as well as civilian government employees whose loyalty it considered suspect.

Strikes were banned and were considered illegal unless the labor office granted approval, which never has been given. In most cases, employees who tried to strike were subject to employment termination. No action was taken against members of the security forces who forcibly dispersed strikes in previous years.

There was one export processing zone.

c. Prohibition of Forced or Bonded Labor

The 1998 Constitution prohibits forced or bonded labor, including by children; however, slavery and forced labor persisted, affecting women and children in particular. The enslavement of women and children, particularly in the war zones, and their transport to the central and northern parts of the country continued.

Some NGOs reported that victims of government bombings and of the civil war in general who fled to government-controlled peace camps were subject to forced labor.

There were frequent and credible reports that militia raiders, "murahileen", with the support of forces directly under the control of government authorities, systematically raided villages and captured women and children as remuneration for their services in Bahr el-Ghazal and Upper Nile. The Government took no action to halt these practices and continued to support tribal militias. Abductees frequently were forced to herd cattle, work in the fields, fetch water, dig wells, or do housework. They also were subjected to arbitrary punishment, torture, and rape, and at times, killed. These practices had a pronounced racial aspect, as the victims exclusively were black southerners and members of indigenous tribes of the Nuba Mountains. There were reports of the sale and purchase of children, some in alleged slave markets; however, the Government continued to deny slavery and forced labor existed but acknowledged that abductions occurred (see Section 1.b.).

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Section 5). There were reports that the Government's PDF seized underage recruits from the streets of Khartoum. Conscripts faced significant hardship and abuse in military service, often serving on the frontline.

The ILO Conference Committee urged the Government to punish the perpetrators of these abductions and to enforce ILO Convention 29 on forced labor. The ILO also has recommended an ILO "direct contact" mission to investigate the situation. The Government rejected this suggestion.

The rebel factions continued to force southern men to work as laborers or porters.

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

The Constitution provides that the Government protect children from exploitation; however, the Government did not enforce the provisions. The legal minimum age for workers was 18 years; however, the law was not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produced edible oils. In addition, severe poverty has produced widespread child labor in the informal economy. In rural areas, children traditionally assisted their families with agricultural work from a very young age.

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The Government did not adhere to ILO Convention 182 on the worst forms of child labor and has not taken any action to investigate abuses or protect child workers.

There were credible reports that children were taken as slaves (see Section 6.c.).

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

e. Acceptable Conditions of Work

The legislated minimum wage was enforced by the Ministry of Labor, which maintained field offices in most major cities. Employers generally respected the minimum wage. Workers who were denied the minimum wage could file a grievance with the local Ministry of Labor field office, which then was required to investigate and take appropriate action if there was a violation of the law. The Ministry of Finance approved a 30 percent increase in the minimum wage effective January 2003 for all workers only in Khartoum. The minimum wage was \$26 (6,881 SD), an insufficient amount to provide a decent standard of living for an average worker and family. There were reports during the year that some workers were not paid their regular wages.

The workweek was limited by law to an 8-hour day, with a day of rest on Friday, which generally was respected. Legal foreign workers had the same labor rights as domestic workers.

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

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

f. Trafficking in Persons

Although the law does not prohibit specifically trafficking in persons, the Constitution specifically prohibits slavery and forced labor; however, slavery, forced labor, and trafficking in persons persisted, particularly affecting women and children (see Sections 1.b. and 6.c.). The capturing and abduction of women and children as slaves and their transport to other parts of the country continued; the majority of abductees were taken to the government-controlled part of the country. During the year, there were credible reports of abductions of women and children by government and government-associated militia and their use as domestic servants, forced labor, or sex slaves.

The Government has pledged to end abduction and slavery, and the CEAWAC has resulted in the return of approximately 300 abducted individuals (see Section 1.b.); however, an estimated 10,000 to 12,000 women and children remained in captivity and subject to forced servitude at year's end. The Government did not identify publicly the abductors or forced labor owners and chose not to prosecute them.

During the year, the Government's refusal to approve flight clearances for the transfers of the abductees prevented additional reunifications.

In November 2001, the Government announced the establishment of special civilian tribunals in the border regions separating the south and the north of the country to prosecute persons involved in the abduction, transport, holding, and selling or exchanging of women and children from war zones. The tribunals were not set up nor were administrative procedures promulgated by year's end.

Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children

who were captured by government troops.

There are credible reports that intertribal abductions of women and children continued in the southern part of the country; abductees were absorbed into tribes or kept as domestic servants or sex slaves (see Section 5).

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

During the past 10 years, between 3,000 and 10,000 Ugandan children were kidnaped by the LRA, taken to the southern part of the country, and forced to become sex slaves or soldiers. There also were reports in previous years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan. In March the Government signed an agreement to stop supporting the LRA and permit Ugandan army access in the south to pursue the LRA. The LRA continued to operate in the south and to hold a large number of child abductees during the year.