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Freedom in the World 2009 - Sudan

Capital: Khartoum

Population: 39,400,000

Political Rights Score: 7

Civil Liberties Score: 7

Status: Not Free

Overview

Violence escalated on multiple fronts in 2008, with fresh fighting between government and Southern Sudanese forces over the oil-rich Abyei region, renewed government attacks on rebel strongholds in Darfur, and a dramatic but unsuccessful May assault on the capital by Darfur rebels. The latter attack prompted authorities to arrest hundreds of suspected rebel supporters. In July, International Criminal Court prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court's judges had yet to rule on the request at year's end. Tensions remained heightened throughout the year between the government and the Sudan People's Liberation Movement, the main southern political force, despite a power-sharing agreement between the two sides as part of a 2005 peace agreement, which was sparked by controversy over the disputed oil-rich South Kordofan state. In December, the army sent troops to the disputed state, alleging that Darfur rebel groups were operating in the area.

Sudan has been embroiled in nearly continuous civil wars since it gained independence from Britain and Egypt in 1956. Between 1956 and 1972, the Anyanya movement, representing mainly Christian and animist black Africans in southern Sudan, battled Arab Muslim-dominated government forces. In 1969, General Jafar Numeiri toppled an elected government and established a military dictatorship. The south gained extensive autonomy under a 1972 accord, and an uneasy peace prevailed for the next decade. In 1983, Numeiri restricted the south's autonomy and imposed Sharia (Islamic law), igniting a civil war that lasted until 2004 and caused the deaths of an estimated two million people and the displacement of millions more. Meanwhile, Numeiri was ousted in 1985, and a civilian government elected in 1986 was overthrown three years later by Lieutenant General Omar al-Bashir. Over the next decade, al-Bashir ruled with the support of senior Muslim clerics including Hassan al-Turabi, who served as leader of the ruling National Congress Party (NCP) and speaker of the National Assembly.

Tensions between al-Bashir and al-Turabi culminated in December 1999. On the eve of a parliamentary vote on a plan by al-Turabi to curb presidential powers, al-Bashir dissolved the legislature and declared a state of emergency. He fired al-Turabi as NCP

head, replaced the cabinet with his own supporters, and held deeply flawed presidential and parliamentary elections in December 2000, which the NCP won overwhelmingly. Al-Turabi and his top supporters were arrested in February 2001 after he called for a national uprising against the government and signed a memorandum of understanding with the Sudan People's Liberation Army (SPLA), the main southern rebel group, which became known as the Sudan People's Liberation Movement (SPLM) after 2005. In May 2001, al-Turabi and four aides were charged with conspiracy to overthrow the government; al-Turabi was placed under house arrest and eventually released in October 2003. In March 2004, authorities again placed him under house arrest, this time on suspicion of plotting a coup with sympathizers of rebel groups in the western region of Darfur.

By sidelining al-Turabi, who was considered a leading force behind Sudan's efforts to export Islamic extremism, al-Bashir began to lift Sudan out of international isolation. The government also focused on ending its long-running conflict with the SPLA. After intense negotiations, the two sides signed the Comprehensive Peace Agreement (CPA) in January 2005. The pact included provisions for power sharing, with the NCP retaining a slight majority in the parliament, as well as measures to share the state oil revenues that had helped to fuel the conflict. The CPA also called for a referendum on southern independence to be held after a six-year transitional period, during which the government was obliged to withdraw 80 percent of its troops stationed in the south. However, the agreement failed to address human rights abuses committed by both sides, and it left the status and boundaries of the oil-rich Abyei region undecided. Moreover, in a serious disruption to the pact's implementation, longtime SPLM leader John Garang died in an August 2005 helicopter crash, just 20 days after he was sworn in as first vice president under an interim constitution. The incident sparked riots by supporters who suspected that the crash was not an accident, leading to at least 130 deaths and some 2,000 arrests. Garang's deputy, Salva Kiir, replaced him as SPLM leader and first vice president.

In 2007, the SPLM warned that the CPA was near collapse, accusing the NCP of reneging on its terms. One point of controversy was al-Bashir's refusal to recognize a special panel's decision to place the Abyei region within autonomous Southern Sudan. Fighting between the SPLM and Arab Misseriya militias, which the government was suspected of backing, erupted in Abyei in December 2007 and continued intermittently through April 2008, leaving scores of people dead. In May, the SPLM attacked Sudanese army installations in the region, and the ensuing fighting displaced as many as 50,000 people. Representatives from the north and south in June signed the "Abyei Roadmap," which called for the withdrawal of troops and joint patrols, but the subsequent withdrawals were slow. In December, the Sudan Armed Forces sent troops into the disputed oil-rich Southern Kordofan state, which it claimed was necessary to counter a planned attack by the Justice and Equality Movement (JEM), a major Darfur rebel group; the SPLM criticized the deployment as a violation of the 2005 peace agreement.

As the north-south peace effort moved forward, the separate conflict in Darfur had been escalating. It had begun in 2003 when rebel forces – drawn from Muslim but non-Arab ethnic groups – attacked Sudanese military positions, complaining of discrimination by the Arab-dominated government. In early 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring the inhabitants, slaughtering and stealing livestock, and raping women and girls. The military also bombed settlements from the air. Millions of civilians were displaced by the violence. Although the African Union (AU) deployed a force to monitor an April 2004 ceasefire between the government and two of the main rebel groups, it remained underfunded and was not authorized to intervene directly in the fighting. The scale of the killing and displacement led to accusations of genocide by international human rights groups. While a special commission's report to the UN Security Council in January 2005 stated that the mass killings and rape fell short of genocide, it requested that the case be referred to the International Criminal Court (ICC).

In May 2006, the government signed a peace agreement with a faction of the Sudan Liberation Army, one of the western region's rebel groups. All the other major rebel groups refused to sign the pact. Sudan finally agreed to allow UN peacekeepers to

replace the beleaguered AU force in February 2007, but deployments stalled due to Sudanese obstruction and contributing countries' reluctance to commit troops and key equipment. Also during 2007, the ICC charged Ahmed Haroun, a Sudanese official, with almost two dozen crimes, including crimes against humanity; he was subsequently appointed as a cabinet minister.

Despite peace efforts, violence escalated in Darfur during 2008. Between January and May, the military and allied militias carried out air and ground attacks against suspected rebel strongholds. Human rights groups contended that the attacks were indiscriminate and destroyed entire villages, killing hundreds of people and displacing over 30,000. On May 10, members of the JEM launched an attack on Khartoum that was intended to oust al-Bashir, but it was repulsed on the city's outskirts. In response to the threat, the government established special courts to try suspected rebel supporters, and as many as 38 people received death sentences in allegedly flawed trials. Meanwhile, heavy fighting continued in Darfur. In July, ICC prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court's judges had yet to rule on the request at year's end. According to UN sources, as many as 300,000 people had died in Darfur over the previous five years, from fighting as well as disease and hunger.

Sudan's relatively weak economy, which had benefited from high oil prices in recent years, slowed in 2008 due to a drop in prices late in the year and declining production in the country's older fields. The United States and many of its allies have imposed sanctions on Sudanese companies and officials due to the Darfur conflict, but China, one of Sudan's main trading partners, continues to violate a UN arms embargo by supplying the government with military equipment and training.

Sudan's relations with neighboring Chad remained tense in 2008. The two sides signed a deal in March pledging to avoid interference in each other's civil conflicts, but Sudan cut diplomatic ties with Chad following the May attack on Khartoum.

Political Rights and Civil Liberties

Sudan is not an electoral democracy. The last national elections in 2000 were boycotted by major opposition parties, and the European Union refused an invitation to monitor the balloting. President Omar al-Bashir and his NCP won easily, and the NCP remained dominant until the peace agreement with the SPLA was implemented in 2005. The SPLM – the SPLA's postconflict political incarnation – and the existing Sudanese government formed a joint transitional administration, with the SPLM leader as first vice president. Nine of Sudan's 30 cabinet ministries are now headed by members of the SPLM. The joint presidency appointed members of the 450-seat lower house of parliament, the National Assembly, with the NCP holding 52 percent, the SPLM controlling 28 percent, and the remaining seats divided among other northern and southern parties. The parliament's upper house is the Council of States, which is made up of 50 members indirectly elected by state legislatures. Although the current members of parliament were appointed, members of both chambers would serve five-year terms after the next elections, scheduled for 2009.

In keeping with the CPA, a census launched in April 2008 will be used to determine electoral districts and verify revenue and power-sharing arrangements between north and south. Nevertheless, southern leaders have asserted that the census results will not be binding, and the process has been boycotted by Darfur rebels. In July, the parliament approved an election law whereby 60 percent of the lower house's seats will be allocated by a majoritarian system, and 40 percent will be elected by proportional representation; 25 percent of the proportionally elected seats will be reserved for women, with the remainder open to other candidates. In order to present a united front against al-Bashir, who was expected to run for reelection, representatives of the SPLM met with the JEM as well as former rebels based in eastern Sudan during 2008.

Sudan is one of the world's most corrupt states. It was ranked 173 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The 2005 interim constitution recognized freedom of the press, and there were some improvements in practice after the signing of the CPA, but the news media continue to face significant obstacles. The 2004 Press and Printed Material Act introduced a number of restrictions that remain in effect. In 2008, the authorities cracked down on private media amid tensions with Chad and the May rebel attack on the capital. The government imposed prepublication censorship for private media in February, following accusations that the government had supported rebels seeking to overthrow the Chadian president. Several journalists were detained during the year, and security officials raided the offices of a number of private papers. Journalists launched a hunger strike in November to protest the rise in censorship.

The National Press Council, which is dominated by government appointees, licenses newspapers and monitors journalists. Numerous privately owned dailies and weeklies reflect a range of views, including those of the opposition and the Southern Sudanese government. The Ministry of Information tightly controls the broadcast media. While some private radio stations operate in Khartoum and the south, the government monitors programming for objectionable material. The state controls the only television broadcaster. Internet penetration is among the highest in sub-Saharan Africa, but is limited to urban areas. The government monitors e-mail messages and blocks sites with pornographic content. Most news sites are not affected, but in August 2008 authorities blocked the YouTube video-sharing service after videos circulated on the site showed abuses by security forces against suspected JEM rebels.

Press freedom conditions in autonomous Southern Sudan are generally better than in areas controlled directly by Khartoum, and journalists have more leeway to criticize government policies. Nevertheless, authorities suspended the licenses of two English-language papers based in the south, the *Citizen* and the *Sudan Tribune*, which have been critical of the national government. The *Tribune's* suspension was eventually lifted.

Religious freedom is guaranteed by the 2005 interim constitution. Islam was previously the state religion, and Sharia was regarded as the source of legislation. Sudan's northern states, which are predominantly Sunni Muslim, are still subject to Sharia, unlike those in the south, which are predominantly Christian and animist. The Christian minority in the north faces discrimination and harassment, and permits to build churches there are sometimes denied. Under the 1994 Societies Registration Act, religious groups must register in order to legally assemble, and registration is reportedly difficult to obtain. The north-south conflict was characterized as jihad by the government, and in some cases non-Muslims were forced to convert to Islam.

Respect for academic freedom is limited. The government administers public universities and is responsible for determining the curriculum. Authorities do not directly control private universities, which have served as forums for debate about critical issues, but self-censorship among instructors is common. Both the Ministry of Higher Education and the Ministry of Education are headed by SPLM members.

Conditions for nongovernmental organizations have deteriorated considerably in recent years due to government hostility toward groups that criticize its policies in Darfur as well as violence that threatens humanitarian activities in both Darfur and the south. In June 2008, authorities expelled the head of the Dutch branch of Doctors Without Borders (MSF) from Darfur. UN reports indicated that as of late November, 11 humanitarian workers in Darfur had been killed, 189 had been kidnapped, and over 250 vehicles had been hijacked. Hijackings of World Food Programme convoys in Darfur and the south have hindered aid deliveries, and insecurity in Northern Darfur state forced MSF to temporarily cease operations there in August, eliminating medical services for tens of thousands of people.

Trade union rights are limited. While unions were politically active prior to al-Bashir's seizure of power in 1989, they have since been effectively destroyed. The Sudan Workers Trade Unions Federation has been co-opted by the government and is not a credible, independent advocate of workers' interests. Strikes are essentially illegal, as the required government approval has never been granted.

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. In response to the ICC investigation into crimes committed in Darfur, the government created the Special Courts for Darfur; their credibility has been challenged by legal experts. Sudanese criminal law is based on Sharia and allows punishments such as flogging and amputation, although such laws apply only to northern, Muslim states. Police and security forces practice arbitrary arrest and torture with impunity, and prison conditions do not meet international standards. Under the CPA, the government created the National Judicial Service Commission (NJSC) to manage the judicial system; coordinate the relationships between judiciaries at the national, Southern Sudan, and state levels; and oversee the appointment, approval, and dismissal of judges. Nevertheless, the NJSC is subject to government pressure.

It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have also gathered a great deal of evidence on the widespread use of rape in the conflict.

Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination. Islamic law denies northern women equitable rights in marriage, inheritance, and divorce. Female genital mutilation is widely practiced in both the north and the south. Sudan has not ratified the international Convention on the Eradication of All Forms of Discrimination Against Women, arguing that it contradicts Sudanese values and traditions. The U.S. State Department considers Sudan to be a source, transit, and destination country for persons trafficked for forced labor and sexual exploitation. Legislation does not criminalize all forms of human trafficking, and enforcement of existing laws is weak. The Sudanese military, Darfur rebel groups, the South Sudan Defense Forces, and *janjaweed* militia groups continue to use child soldiers.

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