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2008 Country Reports on Human Rights Practices - Sudan

Bureau of Democracy, Human Rights, and Labor
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Sudan, a republic with an estimated population of 40.2 million, is governed according to a power-sharing arrangement established by the 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity (GNU). The CPA calls for national elections to be held in 2009. The GNU is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA) led predominantly by Christians and practitioners of traditional indigenous religions from the south. The most recent national elections were held in 2000; Bashir was reelected, and his political party won 340 out of 360 seats in the parliament in deeply flawed elections boycotted by all major opposition parties. The SPLM is the ruling party of the autonomous Government of Southern Sudan (GOSS), established in 2005. The GOSS ratified a separate constitution in 2005. A referendum to determine whether the south will become an independent entity is scheduled for 2011. The country experienced several violent conflicts during the year. While civilian authorities in the north generally maintained effective control of the security forces and government-aligned militia outside of Darfur, there were frequent instances in which elements of the security forces and government-aligned militia acted independently in Darfur. In the south, civilian authorities generally maintained effective control of security forces, but there were frequent instances in which elements of the security forces acted independently.

Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide. Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February, violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad. Darfur rebel groups continued to commit serious abuses. On May 10, the Justice and Equality Movement (JEM), a Darfuri rebel movement, mounted an attack on Omdurman, near the capital. Intertribal conflict also killed civilians. According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to Chad. Estimates on the number of deaths vary. In 2006 the UN estimated that 200,000 persons had died as a result of the conflict.

Tensions over CPA implementation persisted between the north and the south. Sudanese Armed Forces (SAF) and the SPLA forces engaged in open combat in the disputed Abyei region from May 14 until May 22. Intertribal violence in the south continued. The Lord's Resistance Army (LRA), a rebel movement formerly-based in Uganda, made incursions into Southern Sudan and attacked and killed civilians.

The government's human rights record remained poor, and there were numerous serious abuses, including: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; disappearances, including of hundreds of Darfuris in Omdurman and Khartoum following the May 10 JEM attack; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of the delivery of humanitarian assistance; restrictions on privacy; restrictions on freedom of speech; increased restrictions on the press, including direct censorship; restrictions on freedoms of assembly, association, religion, and movement; harassment of IDPs and of local and international human rights and humanitarian organizations; violence and discrimination against women, including female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; preventing international human rights observers from traveling to/within Sudan; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced and child labor.

In Southern Sudan, serious human rights abuses were reported during the year, including extrajudicial killings and physical abuse of persons by the SPLA; poor prison and detention center conditions; arbitrary arrest; lengthy pretrial detention; use of child soldiers; abduction of women and children; and child labor. Interethnic violence was a problem.

In Darfur government-aligned militias killed and injured civilians, including during attacks on villages; raped women and children; destroyed and looted civilian property; and used child soldiers.

Rebel factions and bandits in Darfur killed and abducted persons, including civilians, humanitarian workers, and United Nations – African Union Mission in Darfur (UNAMID) peacekeeping troops and workers; beat and raped civilians; recruited and used child soldiers; and restricted humanitarian access.

The LRA attacked villages and killed and abducted civilians in the south.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government and its agents committed arbitrary and unlawful killings. Government forces, government-aligned militias, and rebels killed civilians in connection with the conflict in Darfur (see section 1.g.). Civilians were also killed in connection to conflict in Abyei (see section 1.g.).

Fighting between government forces and JEM rebels killed civilians during the May 10 JEM attack on Omdurman. A UN report cited the government as asserting that 57 civilians were killed, but the actual number of civilian casualties was believed to be far higher.

In the aftermath of the May 10 JEM attack, National Intelligence and Security Services (NISS) forces committed three confirmed extrajudicial killings in Khartoum and

Omdurman. NISS forces killed one woman as she tried to prevent the arrest of her brother; one Darfuri student; and beat one man who later died of his injuries.

The police and army killed demonstrators.

On May 21, students undergoing mandatory military training at Ed Damazin Camp protested violently against harsh training techniques and the death of a fellow student. SAF soldiers shot at the students, killing two and injuring 15 of them.

On July 27, police killed two demonstrators in White Nile after local farmers gathered to protest government land confiscation.

The UN Mission in Sudan (UNMIS) continued to receive reports that SPLA soldiers committed extrajudicial killings.

Civilians were killed and injured as a result of fighting between the SPLA and civilians during a GOSS disarmament campaign. For example, on June 5, in Iloli and Loguruny villages in Eastern Equatoria, eight civilians were killed and an estimated 1,410 persons displaced by fighting; the incident was not under investigation by year's end. On September 8, the SPLA injured persons during a disarmament activity in Rumbek.

Approximately 50 civilians reportedly died due to landmines in the south during the year, although some observers believed the number to be much higher since only a small percentage of deaths were actually reported to the UN. The government continued to cooperate with the UN Mine Action Group to remove landmines in the south.

On January 1, diplomat John Granville and driver Abdelrahman Abbas Rahama were killed in Khartoum. By August authorities had arrested five suspects in connection with the killings and commenced to try them; the trial was ongoing at year's end.

Interethnic conflict throughout the country resulted in deaths during the year (see section 1.g.).

The LRA committed numerous arbitrary killings in Southern Sudan throughout the year.

For example, on January 30, in Central Equatoria State, four civilians were killed in an LRA attack. In February an LRA incursion into Western Equatoria resulted in the deaths of 136 persons. On June 5, in Nabanga in Western Equatoria, an LRA attack on an SPLA base killed an estimated 12 civilians. In December the governments of Uganda, the Democratic Republic of Congo, and Southern Sudan began a joint military operation against the LRA.

b. Disappearance

The government was responsible for hundreds of politically and ethnically-motivated disappearances, particularly of Zaghawas living in Khartoum and Omdurman.

The NISS arrested hundreds of Darfuris in May and June following the May 10 attack, detaining pedestrians and car passengers who appeared to be Zaghawa. Released detainees reported that the NISS continued to hold up to 2,500 detainees at several detention locations in the weeks following the attack. Several reported that they were beaten while in custody. By year's end fewer than 300 persons had been charged with participating in the May 10 attacks. Human rights organizations claimed that while most of the detainees were released, the government continued to hold several hundred without charges at year's end.

Prominent Darfuri lawyers and activists arrested by the NISS in Khartoum remained unaccounted for by year's end. For example, in May, Abdelillahi Widaa, cofounder of the nongovernmental organization (NGO) Darfur Forum for Reconciliation and Peaceful

Coexistence, fled Khartoum following repeated visits by NISS officers to his home and place of work, as well as a reported threat by the NISS to kill him. On May 19, Widaa turned himself in to NISS headquarters for questioning and subsequently disappeared; as of year's end his whereabouts were unknown.

From May 11 to 21, NISS officers arrested six Darfuri lawyers from the independent Darfur Bar Association, including Abdelshakur Dirar. On June 6, Dirar's wife and nine-month-old baby were also arrested and taken to NISS headquarters. On August 20, Dirar's wife and baby were released. All six lawyers were released by year's end.

An estimated 15,000 Dinka women and children were abducted, mainly from 1983 to 1999; thousands of them remained unaccounted for. In contrast to 2007, the government's Committee to Eradicate the Abduction of Women and Children (CEAWC) reportedly returned 228 previously abducted Dinka to their ancestral villages in Southern Sudan during the year. During the year CEAWC received four million Sudanese pounds (approximately \$180 million) in government funding. The UN Children's Fund (UNICEF) estimated that 4,000 Dinka abductees remain in South Darfur.

Rebel forces in Darfur abducted persons, including humanitarian aid workers (see section 1.g.).

Intertribal abductions of women and children in the south continued.

The LRA abducted persons, including children in Southern Sudan. On April 20, LRA members abducted women and children during an attack on villages in Western Equatoria State. On December 22, the LRA attacked Lokurubanga village in Central Equatoria State, and abducted 12 persons. In late December the LRA abducted persons, including children, from Luro village in Western Equatoria.

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

The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict government forces, rebel groups, and tribal factions committed torture and abuse (see section 1.g.). SPLA forces sometimes abused persons in the south.

In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion – the public display of a body after execution. Under the Interim National Constitution, the government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.

Government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charges.

On May 11, NISS officers arrested Abdelaziz Sam, Secretary of Legal Affairs for the Transitional Darfur Regional Authority (TDRA), and three members of his family. The men were bound together and beaten for five hours, then later released without charge.

On May 18, NISS officers arrested Al-Ghali Shegifat, journalist for the independent *Rai Al-shaab* newspaper and head of the Darfur Journalist Association; he was detained for 60 days without charge, during which time he was regularly beaten.

On November 24, the NISS detained human rights activists Abdel Moniem El Gak, Osman Hummaida, and Amir Suleiman. Suleiman was released the same day. El Gak was released on November 26, after having been released and detained again on November

25. Hummaida was released on November 28. Security forces physically abused El Gak and Hummaida, and threatened Suleiman that he would be tortured. El Gak and Suleiman fled the country following their release.

Police and NISS officers forcibly dispersed student protestors, which resulted in serious injuries.

On June 12, at the University of Khartoum, police forcibly dispersed Darfuri students who were peacefully protesting the arrest of a fellow student the previous day. NISS officers followed the students to their dormitory, where they beat several of them and threw two students from windows, severely injuring them.

Unlike in 2007, there were no reports that police conducted sporadic raids on houses occupied by Ethiopian and Eritrean refugees or migrants.

SPLA military police detained eight third-country nationals suspected of stealing SPLA payroll funds. All of the detainees were taken to SPLA headquarters in Juba. Four detainees were released a week later. The remaining four were transferred to a detention facility known as the customs market, then to another location; during detention they were reportedly caned, shackled, and allegedly subjected to psychological abuse. The four were released under house arrest in June, and by year's end were permitted to continue working and living in the country.

In June the SPLA reportedly detained one of its captains for beating a foreign national.

According to a UN report, on March 9, guards at an unofficial SPLA detention facility known as Jail 1 shot an SAF soldier when he tried to escape.

There were cases in which Southern Sudan Police Services (SPSS) officers and SPLA officers reportedly raped women, often with impunity.

In Darfur, government forces, government-aligned militias, rebel groups, and tribal factions killed, injured, and raped civilians (see section 1.g.).

Prison and Detention Center Conditions

Prison conditions throughout the country remained harsh and overcrowded. Almost all prisons lacked basic facilities such as toilets and showers. Health care was primitive; prisoners usually relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners.

The government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions.

Juveniles often were held with adults in the north.

Government authorities detained 109 children in connection with the May 10 JEM attack. Most of the children were sent to a detention facility for children after having been initially held with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and remained detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.

Unlike the previous year, the government allowed some restricted visits to prisons by human rights observers in the north. The International Committee of the Red Cross

(ICRC) had limited access to government prisons during the year; however, released prisoners reported that officials hid high-profile detainees during visits.

Prisons in Southern Sudan provided inmates with at least one meal per day. The Prisons Directorate of Southern Sudan (SSPD) provided separate quarters for male and female prisoners and usually housed juveniles in separate cells. Prison labor was used for the construction of private residences for SPLM officials.

Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centers in Southern Sudan were under the control of local tribal or state authorities, and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate.

The SSPD permitted monitoring of prison conditions by the ICRC and other observers.

SLA/Minni Minawi continued to operate detention centers in North Darfur, including in Dar al Salaam, Zam Zam, and Shagil Tobaya. UNAMID reported that detainees were held in poor conditions. The SLA and other rebel groups allowed the ICRC access to some detainees during the year.

d. Arbitrary Arrest or Detention

The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arbitrarily arrest and detain persons, often under the National Security Act. In Southern Sudan, arbitrary arrests and detention were common. While the law does not provide the SPLA with arrest powers, the SPLA arrested and detained persons.

Role of the Police and Security Apparatus

Several government entities have responsibility for internal security including the police, the NISS, the Ministry of Interior, and the Ministry of Defense; all had active security forces. Government security forces committed serious and widespread abuses against civilians with impunity, including in connection with the conflict in Darfur (see section 1.g.). The NISS maintains security officers in major towns and cities throughout the north, including Darfur, and also has a presence in the south. The NISS also controlled the Central Reserve Police (CRP). The CRP committed abuses in Darfur, including, for example, the August 25 killings of 33 IDPs at Kalma Camp. The SAF, under the Ministry of Defense, attacked civilian targets in Darfur. The Ministry of Defense's Border Intelligence Force (BIF), a loosely-organized force composed of former janjaweed fighters in Darfur, also committed abuses. Fighting between BIF and other security forces in Darfur resulted in civilian deaths.

Police corruption was a problem, and some police officers supplemented their incomes by extorting bribes.

The SPSS has responsibility for law enforcement in the south under the interim GOSS constitution. The SPSS lacked resources and capacity. Police reports were often incomplete, if used, files frequently misplaced, and suspects frequently detained based on accusations rather than official investigations. Police corruption, impunity, and lack of effectiveness were problems. There were reports of retaliation against persons who complained about police abuses.

The SPLA does not have law enforcement authority under the interim GOSS constitution, except when requested by civil authorities due to necessity; however, the SPLA detained persons, including in SPLA-run detention facilities.

UNMIS regularly trained SSPS and SPLA personnel on a wide-range of security-related subjects during the year, but limited GOSS resources hampered the effectiveness of the

training programs.

Arrest and Detention

Warrants are not required for an arrest. The Criminal Code permits authorities to detain individuals for three days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which superseded the Criminal Code, an individual accused of violating national security may be detained for three months without charge, and the director of security may extend this period for another three months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system in the north. Southern Sudan had no functioning bail system; suspects granted bail in exceptional cases were generally required to post exorbitant amounts as bond.

Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. Following arrests of an unknown number of Darfuris in Khartoum and Omdurman after the May 10 JEM attack, lawyers belonging to the Darfur Bar Association volunteered to represent the detainees, but authorities severely restricted their access to the detainees and arrested some defense lawyers. Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance.

Individuals were arbitrarily arrested and detained. The NISS committed numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer.

Foreigners in Southern Sudan, generally Ugandans or Kenyans, were held for long periods without trial; authorities required the families of juveniles to sign for their release, resulting in indefinite detention for some juveniles from foreign countries.

Journalists and NGO members were arrested, detained, and tortured during the year.

Unlike in previous years, there were no reports of religious leaders being arrested and beaten.

There were reports that some businessmen were held in detention without due process for failure to pay back large loans to Sudanese financial institutions.

Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home-brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari'a.

Women in Southern Sudan were frequently arrested and detained on suspicion of adultery.

Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court. In Southern Sudan, trial delays also resulted in unreasonably lengthy pretrial detentions, and persons were not provided prompt access to lawyers.

The government routinely imposed house arrest without due process.

e. Denial of Fair Public Trial

Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. The judiciary was inefficient and subject to corruption.

An executive-level judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. However, political interference with the courts was commonplace.

The judicial system includes four types of courts: regular, military, special, and tribal. In the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel and did not provide the same rights as civilian and criminal courts. Special courts existed in Darfur under the state of emergency to try crimes against the state. There were three such courts, one in each Darfur state capital; however, the courts did not function during the year. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters.

In August the Ministry of Justice appointed a special prosecutor for crimes in Darfur, Nimr Ibrahim Mohamed. Human rights observers asserted that the special prosecutor was biased in favor of the ruling party, and that the process was not credible. The special prosecutor did not begin judicial proceedings against any persons for crimes in Darfur by year's end.

Antiterrorism courts were set up to try persons arrested in connection with the May 10 JEM attack on Omdurman. Persons tried under these courts did not have the same rights as those tried in regular courts.

In the south the GOSS employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the south, including domestic matters and criminal cases.

Trial Procedures

The Interim National Constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this was often not respected. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally has the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. Defendants and their attorneys generally had the right to present evidence and witnesses; to be present in court; to confront accusers; and had access to government-held evidence relevant to their cases. However, there were reports that defendants frequently did not receive legal counsel, and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes did not allow the calling of defense witnesses. Defendants have a right to appeal, except in military trials, where there is no appeal.

In both the north and south, women were usually not allowed to testify as witnesses without the backing of three men.

Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession whom it considered political opponents, and did not allow the Darfur Bar Association to register as an NGO.

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

During the year the Ministry of Justice tried suspects, including children, in connection with the May 10 JEM attacks in antiterrorism courts under the Terrorism Act of 2001. Authorities did not permit defense lawyers consistent access to their clients; frequently changed venues and admission procedures at the last minute; and did not fully identify all the suspects. In August the court sentenced 42 defendants to death on charges of subverting the state and engaging in terrorism, and trials of 87 additional suspects were ongoing at year's end. Defense lawyers for the accused claimed that two were mentally ill. Nine children were tried in the courts: four of them were acquitted and released; the trials of five were ongoing; and one was sentenced to death and had on ongoing appeal.

The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases.

Shari'a is applied in the north, but not in the south, under the Interim National Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In the south, traditional or customary law was often used.

In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation.

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

Political Prisoners and Detainees

The government held an undetermined number of political detainees. Security forces detained without charge, abused, and held incommunicado political opponents. Detentions of such persons often were prolonged.

The NISS arrested and detained large numbers of Darfuris in May and June following the May 10 JEM attack on Omdurman. Human rights organizations claimed that while most of the detainees were released, the government continued to hold several hundred detainees without charges at year's end.

Several members of SLA/Minni Minawi were arrested at their homes, beaten, and detained overnight following the May 10 JEM attack. Hassan al Turabi, leader of the Popular Congress Party (PCP), was also arrested and detained for 12 hours after the attack.

PCP members were detained for short periods of time; members arrested in previous years remained in detention. Journalists and lawyers active in the PCP were also detained.

The government arrested and detained journalists.

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

Civil Judicial Procedures and Remedies

There was access to a court for lawsuits seeking damages for human rights violations; however, the judiciary was not independent. There were problems enforcing domestic court orders.

Property Restitution

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

There were reports that the government's Merowe Dam Implementation Unit did not compensate nomads for land it took in 2006. During the year the government closed the dam's flood gates, causing the water level to rise and civilians to be displaced. By year's end approximately 21,000 persons remained without adequate shelter or access to humanitarian assistance after refusing to settle on land provided for them, which they claimed was substandard and distant from their ancestral homelands along the Nile. In March the UN Special Rapporteur on the situation of human rights in Sudan was denied access to Northern State, where she had planned to meet with communities affected by the Merowe and planned Kajbar dams. On August 23, on Sai Island, police reportedly beat persons while dispersing a protest regarding the dams.

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

The Interim National Constitution and law prohibit such actions, but the government routinely violated these rights in practice.

Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes.

In Darfur, throughout the year, government armed forces and aligned militia continued to bomb and burn villages, loot property, and attacked IDPs (see section 1.g.).

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and often seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison.

The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

In several areas the government sought to forcibly resettle or displace local populations. There were no developments in the case of 12,000 persons displaced during the 2006 demolition of a squatter camp in Gezira State.

The use of child soldiers in Darfur was a problem (see section 1.g.).

Under Shari'a, a Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim unless he converts to Islam; this prohibition was not observed or enforced universally in the south or among the Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The government detained persons for alleged violations by a member of their family.

The GOSS generally did not interfere with privacy, home, or correspondence in the south; however, there were reports that rural detention centers held family members of accused persons who had fled before they could be arrested in the south.

The use of child soldiers in the south was a problem (see section 1.g.).

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

Darfur

In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued during the year, and insecurity increased. The government and government-aligned militias continued to attack villages; aerial bombardment of villages by the government continued. Humanitarian access was restricted by the government, and rebels attacked and abducted humanitarian workers. On May 10, JEM rebels attacked Omdurman, near Khartoum. On November 12, President Bashir announced a cease-fire in Darfur; however, government and rebel attacks continued. Intertribal violence also continued.

A UN Panel of Experts report found that Chadian armed groups operate openly in Darfur, and are supplied and supported by Sudanese authorities. The panel noted that the NISS reportedly provides vehicles, weapons, and fuel to Chadian rebels and that Chadian rebels receive training in Darfur, including in SAF-controlled areas. Several Chadian rebel groups were observed operating openly in West Darfur. The panel frequently saw vehicles of the Chadian rebel group Union of Forces for Democracy and Development entering and leaving government installations.

Attacks and other acts of violence by all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread.

Killings

Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian targets, such as homes, schools, and markets. According to several UN reports, the government painted white the aircraft used to conduct bombing raids and transport arms to Darfur, the same color as UN aircraft, in violation of UN Security Council Resolution 1591. The aerial bombardment of villages was often followed by ground attacks by janjaweed and SAF vehicles.

The SAF bombed rebel-held villages in West Darfur, displacing tens of thousands of civilians and killing many others. For example, on January 7, 12, and 24, the SAF and supporting militias attacked and burned Seraf Jidad village, killing 26 civilians. On February 8, the SAF bombed the towns of Abu Suruj, Silea, and Sirba – SAF and militia ground attacks followed; at least 115 persons were killed. In Silea attackers also killed two NGO workers. A UN report noted that the SAF and armed militias committed "violations of international humanitarian and human rights law against the civilian populations of Seraf Jidad, Sirba, Silea, and Abu Suruj." In February the SAF also conducted several aerial bombings of JEM positions in and around Jebel Moon, displacing thousands, including some to Chad, and killing at least 20 civilians.

During the year aerial bombardments of villages in North Darfur killed civilians. For example, government bombing of Madu and Mou on March 29, and of Shegeg Karo on May 4, killed civilians. On September 3, SAF aircraft bombed the villages of Birmaza and Diza; the bombings and follow-up ground attacks killed at least 20 civilians.

The government attacked IDPs, killing and injuring many. On August 25, at Kalma IDP Camp, South Darfur, the CRP killed 33 IDPs and injured 108 IDPs when they opened fire on a group of IDPs assembled to prevent a search of the camp. On October 9, government forces attacked Nertiti IDP Camp, injuring civilians.

There was no evidence that the government prosecuted or otherwise penalized attacking militias. Government forces provided support, weapons, and ammunition to government-aligned militias.

Government security forces frequently fired on uniformed rebels in civilian areas, including those of DPA signatories. During a two-week period in May, 14 fighters with SLA/Minni Minawi were killed in North Darfur, including seven at a police checkpoint near the village of Dar Al Salaam.

Conflicts between different government security forces resulted in civilian casualties.

On April 9, janjaweed working in the BIF rode into the El Fasher market on horseback to protest unpaid salaries, and killed one civilian in the ensuing gun battle with local police.

In July fighting between BIF and CRP forces in South Darfur killed one civilian.

On August 28, fighting between the CRP and BIF in the South Darfur town of Mershing killed one civilian and wounded eight.

Conflicts among different rebel groups in Darfur resulted in civilian casualties throughout the year. On May 21, in Kafoud, North Darfur, fighting between SLA/Minni Minawi and SLA/Free Will killed 13 civilians and injured eight.

There were developments in the September 2007 case of several hundred unidentified rebels who attacked an African Union Mission in Sudan camp in Haskanita, South Darfur, killing 10 peacekeepers and wounding many more. On November 20, the International Criminal Court (ICC) prosecutor requested an arrest warrant for three rebel commanders for war crimes pertaining to this attack; the names of the rebel commanders were not released by year's end. On December 9, the ICC pretrial chamber requested that the prosecutor first submit additional information.

Unknown assailants killed 12 UNAMID peacekeeping troops during the year.

For example, on July 8, hundreds of well-armed fighters ambushed a UNAMID convoy east of Shagil Tobaya in an attack lasting several hours; seven peacekeepers and police officers were killed and 22 wounded. By year's end no suspects had been arrested and no specific rebel groups had been formally accused of attacking the convoy.

On July 10, a UNAMID officer was killed in his vehicle in West Darfur by unknown assailants.

Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur.

For example, fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths.

In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons.

In October, near Abu Dungal village and Muhajerja town, in South Darfur, interethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands.

Physical Abuse, Punishment, and Torture

All parties to the conflict perpetrated acts of torture and abuse. The government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports that janjaweed, rebels, and government security forces raped women and children.

In 2005 the UN noted the "widespread and systematic" prevalence of sexual violence in

Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by "men in uniform," and their assailants generally beat them and threatened to kill them.

For example, there were reports that janjaweed raped children during the February 8 SAF attacks in West Darfur. In March, in Nyala, government soldiers raped two 14-year-old girls. On August 19, an IDP spokesman reported that janjaweed raped two girls and one woman after they left the camp to gather firewood. UNAMID reported that armed men in uniform raped two girls, age 11 and 12, in November in North Darfur.

Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur.

A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor. The report also cites other such incidents involving the SAF and the Popular Defense Forces (PDF).

Child Soldiers

Recruitment of child soldiers remained a serious problem in Darfur.

A 2007 UN report cited the SAF, police including the CRP, janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad.

The JEM used child soldiers as part of the May 10 attack. Government authorities detained 109 children in connection with the attack. Most were sent to a detention facility for children after having been initially held along with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and were detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.

In June 2007 UNICEF signed an action plan with SLA/Minni Minawi that committed the rebel group to identify locations of child soldiers; however, SLA/Minni Minawi continued to use child soldiers. In August UNAMID officers visited an SLA/Minni Minawi encampment and observed numerous boys bearing arms intermingled with older soldiers.

Other Conflict-Related Abuses

All parties to the conflict obstructed the work of humanitarian organizations, caused the displacement of approximately 315,000 civilians during the year, and abused IDPs.

The government continued to restrict and obstruct humanitarian assistance to Darfur, despite the March 2007 Joint Communiqué between the government and the UN.

Government forces frequently harassed NGOs that received international assistance. The government often shut down NGO offices; restricted or denied humanitarian assessments; copied NGO files; confiscated NGO property; questioned humanitarian workers at length; monitored humanitarian workers' personal correspondence; and publicly accused humanitarian workers of being "spies," "Western agents," and "workers for Israel."

The government frequently changed procedures pertaining to NGOs operating in Darfur.

Government officials did not issue visas and travel permits for international humanitarian workers on a timely basis despite agreements to do so.

Policy discrepancies between Darfur state-level and Khartoum-based officials in the Humanitarian Affairs Commission (HAC) adversely affected humanitarian operations.

The HAC continued to request that NGOs refrain from interviewing or selecting staff unless they used a five-person government selection panel and had HAC officials present, significantly delaying the hiring of new staff in Darfur.

The HAC also continued to impose new additional requirements on humanitarian organizations during the year, including for medical supply documentation, regional and local governmental approvals, and travel.

On January 7, near Tine, SAF personnel shot at a UNAMID convoy, injuring a driver and damaging an armored personnel carrier and diesel tanker.

Rebel forces and bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid, assets, and vehicles. Attacks against humanitarian convoys increased during the year. Instability forced many international aid organizations to scale back their operations in Darfur.

According to the UN, bandits and other armed persons killed 11 humanitarian workers, abducted 189 staff, hijacked 261 vehicles, and broke into 172 humanitarian compounds during the year as of November 30.

In May increased attacks on humanitarian convoys forced the World Food Program (WFP) to cut food rations in Darfur by 50 percent. WFP was able to restore full rations by year's end due to relative improvements in the security situation and the opening of alternative road corridors with the end of the rainy season.

According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. Despite the signing of the DPA in May 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in 315,000 new displacements during the year, and some existing IDPs were displaced for the second or third time. Darfur IDPs did not return in any significant numbers to their places of origin, although small-scale spontaneous returns to certain villages occurred.

There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes, beatings, and attempts by the government to forcibly return relocated persons to other sites. There were credible reports that the government harassed IDPs in Darfur who spoke with foreign observers.

Insecurity in Darfur, especially outside of IDP camps, restricted IDPs' freedom of movement; women and girls who left the town and camps risked sexual violence.

On May 12, the CRP burned the market and several homes in Rwanda IDP Camp, causing camp residents to flee.

The government forced IDPs to relocate to alternative IDP camps or other sites.

Following several days of interethnic clashes inside Kalma IDP Camp, on October 20 the governor of South Darfur announced plans to divide the camp into nine smaller camps. At year's end, approximately 20,000 of the estimated 90,000 residents had left the camp as a result of the clashes. According to the International Organization on Migration, Sudanese security forces and the government's Humanitarian Affairs Commission forcibly relocated approximately 500 IDP households between October 26 and October 28.

Kalma Camp representatives accused the local government of shifting the course of a major river in Nyala, causing it to flow through the camp and displacing thousands of IDPs within the camp.

There were reports that the government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance later returned to the IDP camps. Government attempts to resettle IDPs were generally unsuccessful.

The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force.

In October government authorities arrested a Khartoum journalist who translated an elderly IDP's statement from Zaghawa into Arabic for a visiting Qatari envoy; he was later released.

International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps, as well as operated back-and-forth across the border with Chad.

Southern Sudan

Tensions over CPA implementation persisted. Civilians were killed and displaced by fighting in Abyei from May 14 to 22 and from December 12 to 13; LRA attacks along the country's southern border; and regularly occurring intertribal fighting, including between police and SPLA soldiers of different tribes.

According to the UN, approximately 2.1 million persons returned to Southern Sudan and the Three Areas (Abyei, the Nuba Mountains, and Blue Nile) since 2005. These persons had been displaced as a result of conflict, famine, and fighting during the north-south conflict.

Fighting between the SAF and SPLA from May 14 to 22 destroyed much of the town of Abyei, caused hundreds of casualties among combatants and civilians, and displaced more than 50,000 persons.

On June 8, the presidency endorsed the Abyei roadmap agreement. The agreement includes provisions for the deployment of new joint integrated units (units composed of SAF and SPLA forces), the return of IDPs, administration and wealth sharing, and arbitration to resolve disagreements regarding the Abyei Boundaries Commission's findings (a commission established under the CPA to define Abyei's boundaries). Implementation of the agreement was slow. By December a tribunal to arbitrate the disagreement over the ABC report had been established, its members appointed, and the government and SPLA/M had submitted briefs. On November 11, a chief administrator of Abyei and five other administration members were appointed; however, the administration did not have an operating budget. New joint integrated units and police were put in place, but a small number of SPLA and SAF troops remained in the area.

On December 12 and 13, in Abyei town, clashes between joint integrated units and joint integrated police units killed approximately two civilians and caused thousands of civilians to flee the town. At year's end the joint integrated units were withdrawn from Abyei town, and the joint integrated police units were given responsibility for law enforcement.

Few of those displaced by the May 14-22 and the December 12-13 fighting returned.

In previous years members of the government-allied PDF were responsible for the deaths of numerous civilians and returning IDPs; no specific information was available during the year.

Intertribal and intercommunal clashes also resulted in hundreds of civilian deaths and displacement.

On March 9 and 10, interethnic attacks in Tonj County, Warrap State killed 67, injured 117, and displaced 2,600 persons.

On April 22, 92 persons were reportedly killed during fighting between Dinka Luach of Warrap State and Dinka Pakam of Lakes State.

In April and May, in the villages of El Sunnut and Abu Junuk in Southern Kordofan State, armed conflict between Misseriya Arab and Nuba ethnic groups displaced approximately 5,000 persons.

In February fighting in Jonglei State between the SSPS and the SPLA displaced more than 3,500 persons.

Child Soldiers

A 2007 UN report cited the SAF, South Sudan Defense Forces, including those of Major-General Gabriel Tang Ginyi, the SPLA, and the Pibor Defense Forces (a local militia in the south) as recruiting or using child soldiers.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Interim National Constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. Restrictions on the media increased during the year. The government, through the NISS, continued to censor print and broadcast media, ban the printing of newspapers, and harass vocal critics of the government. The government controlled media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

Individuals who criticized the government publically or privately were subject to reprisal, including arrest. The government attempted to impede such criticism, and monitored political meetings.

The government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship.

The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available. A private FM radio station continued to operate, and UN radio operated throughout the country. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.

The government restricted international media in the north. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates.

Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.

In February the government detained overnight Sid Ahmed Khalifa and Adil Sid Ahmed, the editor and deputy editor of *Al-Watan*, after they published an article regarding the police.

On May 18, the NISS arrested Al Ghali Shegifat, a journalist for the independent *Rai Al-shaab* newspaper, and head of the Darfur Journalists Association. Shegifat was held for 60 days without charges, and was beaten regularly during his confinement.

On November 1, journalist Salah Bab Allah of Al Entibaha was reportedly arrested after he wrote an article on hemorrhagic fever; he was later released.

On November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released.

The government directly censored the media.

In March the NISS instituted a policy that required newspaper editors to bring their broadsheets to NISS headquarters for review before printing. Censors removed controversial articles before newspapers were printed at a government-controlled printing press.

In May three Arabic-language newspapers were shut down for refusing to comply with the NISS policy. After several days of negotiations, the NISS instituted a new policy requiring newspapers to permit NISS censors to review newspapers each evening in their respective editorial offices. Human rights lawyers estimated that censors removed an average of five press articles each day.

Authorities similarly harassed English-language newspapers whose primary readership was southerners. According to editors of *The Citizen* and *The Khartoum Monitor*, two daily newspapers printed in Khartoum, in September authorities refused the newspapers permission to print in Khartoum after both printed articles critical of the government's policy in Darfur. The editors temporarily printed *The Citizen* and *The Khartoum Monitor* in Uganda. *The Sudan Tribune* was also banned from printing in Khartoum on September 1; the ban was lifted approximately one week later. By year's end all three newspapers had resumed printing in Khartoum.

Authorities in Southern Sudan generally respected press freedom, although there were some reports of harassment of journalists. For example, on October 10, in Juba, GOSS authorities arrested Nhial Bol, editor of *The Citizen*, after he published an article regarding corruption. On October 12, he was released on bail.

Internet Freedom

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

Academic Freedom and Cultural Events

The government restricted academic freedom. In public universities, the government appointed the vice chancellors, who were responsible for administering the institutions. The government also determined the curriculum. Some universities required students to participate regularly in progovernment rallies and other activities. Some professors exercised self-censorship.

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the Interim National Constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced.

Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.

Police use of excessive force to disperse demonstrators resulted in deaths and injuries.

On May 21, SAF soldiers shot student protestors, killing two and injuring 15, at Ed Damazin SAF training camp.

On July 27, police killed two demonstrators in White Nile.

On November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released.

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

In the south, on November 11, in Central Equatoria State, teachers and students violently protested the nonpayment of teachers' salaries. The UN reported that two student protestors were injured during clashes with GOSS authorities, one of whom later died as a result of his injuries.

Freedom of Association

The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits political parties linked to armed opposition to the government.

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

The government did not allow the Darfur Bar Association the right to register as an NGO.

c. Freedom of Religion

The Interim National Constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies.

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

Blasphemy and defaming religion are punishable by imprisonment in the north, although

these restrictions were rarely enforced.

The Commission for the Rights of Non-Muslims in the National Capital, a CPA mechanism for protecting religious freedom, issued regular reports and recommendations to the government.

The construction and use of houses of worship required government approval. Three new churches in Khartoum were under construction during the year.

Under the state-mandated curriculum, all schools in the north – including private schools operated by Christian groups – are required to teach Islamic education classes from preschool through university.

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

Foreign Christian religious workers, including priests and teachers, experienced lengthy delays in obtaining visas.

The NISS routinely monitored religious activities at mosques and churches.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely. The GOSS officially favored secular government. Christians dominated the GOSS. Local government authorities often had a close relationship with local Christian religious leaders.

Societal Abuses and Discrimination

Muslims in the north who express an interest in Christianity or convert to Christianity faced severe social pressure. Christians reported pressure on children in school; some teachers and media characterized non-Muslims as nonbelievers.

There were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and in court cases involving Muslim against non-Muslim.

Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.

The Jewish community remained small, and there were no reports of anti-Semitic violence during the year; however, government officials made anti-Semitic comments, and government-controlled newspapers featured anti-Semitic caricatures.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice.

While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners were required to register with the police on entering the country, obtain permission to move more than 25 kilometers outside of Khartoum and from one city to another, and reregister at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the south, and did not require foreigners to register upon entry.

The government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs.

In contrast to previous years, there were no reports that the government detained persons, particularly opposition political figures, at the airport and prevented them from traveling, citing security concerns.

The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens' travel, the government did deny some humanitarian workers exit visas.

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

The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self-imposed exile throughout northern Africa and Europe during the year.

Internally Displaced Persons (IDPs)

In Darfur, approximately 2.7 million civilians have been internally displaced since the conflict began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to Chad. Many persons were displaced for the second or third time during the year (see section 1.g).

Since 2005 an estimated 2.1 million IDPs and refugees returned to the south. Approximately 28,500 IDPs returned to their places of origin and 62,000 refugees returned during the year either as a part of organized or assisted returns. Fighting in Abyei, intertribal and intercommunal fighting, and LRA attacks displaced persons during the year (see sections 1.a. and 1.g.)

Approximately 379,000 Sudanese refugees resided in neighboring countries because of the conflicts in the south and Darfur. Some 250,000 refugees from Darfur were in Chad. Others were in countries including Uganda, Kenya, Ethiopia, and Egypt.

There was a report that the government destroyed thousands of homes in an IDP settlement known as Mandela, located near Khartoum.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Government officials reportedly were unresponsive to applications for refugee status.

In previous years there were reports of abuses against Ethiopian refugees, although there was no specific information on such actions during the year.

The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations in assisting refugees and asylum seekers in some cases; in others, the government defied agreements and targeted refugees and asylum seekers for abuse.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.

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

Although the Interim National Constitution provides citizens the right to change their government peacefully, the CPA established an interim government; under the CPA, national elections are scheduled for 2009.

The Interim National Constitution provides for power sharing nationwide between the NCP and the SPLM. The DPA, which was incorporated into the interim constitution upon its signing, contains provisions for power sharing and the inclusion of Darfuris at all levels of government; however, the majority of the power-sharing provisions in the DPA remained unimplemented at year's end.

The Interim National Constitution established a three-member presidency to head the government, consisting of a president, Omar Hassan al-Bashir (NCP); a first vice President, Salva Kiir Mayardit (SPLM), the president of the GOSS; and a vice president, Ali Osman Taha (NCP), who was formerly the country's first vice president. The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group SLA/Minawi. Minawi returned to his troops in Darfur in July, citing lack of progress on DPA implementation, although he did not officially withdraw from the GNU; he returned to his position in Khartoum by year's end.

A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties.

GNU members took office in 2005, and in October of that year Salva Kiir Mayardit, the country's first vice president and president of the GOSS, appointed the GOSS cabinet. At the same time, Kiir appointed governors of the 10 states of Southern Sudan, and each southern state also formed its legislative assembly with 48 members allocated proportionally as stipulated in the CPA: 70 percent to the SPLM, 15 percent to the NCP, and 15 percent to other southern political groups. Southern Sudan's legislative assembly approved an interim constitution in 2005, which President Kiir signed in December of that year.

The DPA-mandated TDRA, headed by Minawi, and charged with implementing the DPA

and promoting coordination and cooperation among the three Darfur states, was established in April 2007, but the government withheld 99 percent of its budget during the year.

Elections and Political Participation

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

A national census, called for under the CPA to be held no later than July 2007, was conducted from April 22 to May 6. The CPA states that certain power sharing provisions of the agreement are to be adjusted based on the census results. The presidency scheduled the census for April 15 to 30, but it was further postponed until April 22 after the GOSS announced a delay due to concerns regarding the number of IDPs from the south who remained in the north, the exclusion of questions on ethnicity and religion, border demarcation, insecurity along the north-south border, and unexpected and heavy rainfall. According to the UN, the census was supported by most of the population; however, the UN noted that Darfur IDPs in several camps opposed the census and did not participate; areas in West Darfur and Southern Darfur were not accessible due to insecurity; irregularities occurred in Southern Kordofan due to a deputy governor's decree to boycott; and insecurity and logistical problems limited access of enumerators to certain areas in the south. The census results were still pending at year's end.

On July 7, a new election law was signed, but opposition activists from smaller political parties asserted that the law favored the NCP and SPLM. On November 25, the national electoral commission was formed.

The law permits the existence of political parties, but prohibits parties linked to armed opposition to the government, and the government routinely denied permission for, or disrupted, gatherings viewed as politically oriented. Security forces arrested, detained, and abused political opponents. Unlike in 2007, there were no reports that security forces raided the offices of political parties during the year.

Women had the right to vote. There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the GNU. The GOSS agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women at all levels of government; however, in practice, there were few women in government in Darfur.

Government Corruption and Transparency

The law does not provide criminal penalties for official corruption, and the World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a severe problem. Government officials frequently engaged in corrupt practices. The government did not investigate officials suspected of corruption. Government officials were not subject to financial disclosure laws.

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

In Southern Sudan GOSS officials often engaged in corrupt practices with impunity. Corruption was a problem in all branches of the GOSS.

The GOSS granted access to government information for citizens and noncitizens, including foreign media.

4. Governmental Attitude Regarding International and Nongovernmental

Investigation of Alleged Violations of Human Rights

The government restricted and harassed domestic and international human rights organizations.

Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual violence. The government was generally uncooperative with and unresponsive to domestic human rights groups. Members of local human rights organizations were subject to arrest and detention. Local human rights organizations include the Khartoum Center for Human Rights and the Sudan Development Organization.

The government did not allow the Darfur Bar Association the right to register as an NGO.

Humanitarian NGOs operating in Darfur continued to face bureaucratic impediments to their work, especially in South Darfur state. All NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year the HAC often changed its rules and regulations without prior notification.

There were no developments in the 2007 case of more than 50 local human rights NGOs suspended by the South Darfur HAC.

The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, despite the March 2007 Joint Communiqué between the government and the UN. Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common.

The UN continued to investigate the humanitarian situation in Darfur. The UNHCR and the UN special rapporteur on the situation of human rights in Sudan visited the country during the year. The special rapporteur was not permitted access to Northern State. The rapporteur reported to the UN on conditions in the country and concluded that, "Despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country." UNMIS deployed observers to Darfur to monitor and investigate the human rights situation.

The government's Advisory Council for Human Rights did not respond to requests of international organizations for investigations into human rights violations, and did not provide lists of detained individuals to the international community.

In Southern Sudan, the South Sudan Council for Human Rights operated somewhat independently. Its members were appointed by the president of the GOSS. The council cooperated with international human rights advocates and submitted regular reports and recommendations to the GOSS.

In 2005 UN Security Council Resolution 1593 referred the situation in Darfur to the prosecutor of the ICC. The same year the ICC chief prosecutor opened an investigation into Darfur without the cooperation of the government, which refused to hand over any alleged perpetrators associated with the conflict.

On November 20, the ICC prosecutor requested an arrest warrant for three rebel commanders for war crimes pertaining to the 2007 attack on African Union peacekeepers at Haskanita. On December 9, the ICC Pretrial Chamber requested that the prosecutor submit additional information pertaining to the request for a warrant.

On July 14, the ICC prosecutor requested an arrest warrant for President Bashir for genocide, crimes against humanity, and war crimes in Darfur. On October 15, the

pretrial chamber requested that the prosecutor submit additional information pertaining to the request for a warrant, and the prosecutor did so in November.

In April 2007 the ICC Pretrial Chamber issued warrants of arrest for Ahmad Muhammad Haroun, state minister for humanitarian affairs, and Ali Muhammad Abd al-Rahman, also known as "Ali Kushayb," a janjaweed militia commander, for the commission of war crimes and crimes against humanity in Darfur. In September government officials announced they arrested Kushayb, but human rights advocates indicated that the information was not correct. Kushayb's whereabouts were unknown at the end of the year.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The Interim National Constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status.

Women

The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death; however, the government did not effectively enforce these provisions. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. Spousal rape is not addressed in the law. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.

Rape of women and girls throughout the country, including systematic rape in Darfur, continued to be a serious problem (see section 1.g.). Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur.

Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy." The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.

The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available. Prostitution is illegal but widespread throughout the country.

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

Some aspects of the law discriminated against women, including many traditional legal practices and certain provisions of Shari'a as interpreted and applied by the government. In accordance with Shari'a, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings.

A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among

Nubans (most of whom were Muslim).

Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly.

To obtain an exit visa, children must receive the permission of their father or a paternal uncle. Women cannot apply for exit visas for their children.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum, persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

Women experienced economic discrimination in access to employment, credit, and pay for substantially similar work, and owning or managing businesses.

Women were accepted in professional roles; more than half the professors at Khartoum University were women.

Children

The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued.

The government did not register all births immediately.

The law provides for free basic education up to eighth grade; however, students often had to pay school, uniform, and exam fees. In the north the primary school enrollment rate was approximately 68 percent in 2005. Boys and girls generally had equal access to primary education, although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In Darfur information on enrollment rates was unavailable, but few children outside of cities had access to primary education. Primary school enrollment in the south tripled since 2005, according to UNICEF; however, lack of schools remained a serious problem in the south, and girls in the south did not have equal access to education.

In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent.

Many children were abused, abducted, or used as slaves. Child labor remained a problem.

Female genital mutilation (FGM) remained widespread, particularly in the north, where a 2005 UNICEF estimate put prevalence at 90 percent. The law does not prohibit FGM. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. The government actively campaigned against it. Several NGOs worked to eradicate FGM.

The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys.

There were no reliable statistics on the extent of child marriage, but child marriage was a problem.

Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement.

Children were used as soldiers in armed groups (see section 1.g.).

Internally displaced children often lacked access to government services such as education.

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

Trafficking in Persons

The law does not prohibit all forms of trafficking in persons, but does prohibit abduction, luring, and forced labor. The Interim National Constitution prohibits slavery. The State of Emergency Law prohibits all forms of sexual exploitation, and penalties include fines and imprisonment. However, internal trafficking for the purposes of forced labor, sexual exploitation, and domestic servitude occurred. Women and girls were also possibly trafficked to Middle Eastern countries for domestic servitude. Ethiopian women were trafficked to and through the country for domestic servitude. In the south, intertribal abduction of women and children continued.

There were no informed estimates on the extent of trafficking.

Government and other armed groups continued to recruit child soldiers (see section 1.g.).

The LRA, which used child soldiers, continued to operate in the south despite its 2006 signing of an agreement to cease hostilities. The LRA abducted adults and children in the south.

In contrast to previous years, there were no reports of children being trafficked for use as camel jockeys.

A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor. The report also cites other such incidents involving the SAF and the PDF.

Intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribe, with most women marrying into, or being forcibly married into, the new tribe; however, other victims were used for labor or sexual purposes.

The government's Committee to Eradicate the Abduction of Women and Children (CEAWC) and its 22 joint tribal committees investigated a limited number of abduction cases involving Dinkas abducted by the Misseriya and Rezeigat tribes that dated back to the 1980s and 1990s, and repatriated 228 individuals to their home regions during the year. However, there were problems with the return process, including the insufficient provision of food, water, shelter, and reintegration services to the released abductees; these problems were not resolved by year's end. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation.

In 2007 the governments of Sudan and the United Arab Emirates (UAE) signed an agreement establishing claims facilities to compensate former Sudanese child camel jockeys for their injuries. UNICEF and the government's National Council for Child Welfare estimated that 219 former child camel jockeys were repatriated from the UAE during the year, and the government began compensation programs for them. A police task force assisted in repatriation efforts.

There were no prosecutions of trafficking cases during the year.

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

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that "the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society." The government has not enacted laws or implemented effective programs to ensure access to buildings for persons with disabilities. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day, and mentally disabled prisoners were not exempted from trial.

National/Racial/Ethnic Minorities

The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab (see section 1.g.). Interethnic and intercommunal fighting in the south continued (see section 1.g.).

The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.

Other Societal Abuses and Discrimination

The law prohibits homosexuality, but there were no reports of persons being prosecuted on the charge. Societal, but not official, discrimination existed against homosexuals.

There were no reports of societal violence or discrimination based on HIV/AIDS status.

Incitement to Acts of Discrimination

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

6. Worker Rights

a. The Right of Association

Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established

a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.

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

b. The Right to Organize and Bargain Collectively

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

There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.

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

The law does not prohibit antiunion discrimination by employers.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices continued.

Abduction, forced labor, and sexual slavery of women and children continued.

Although the government continued to deny that slavery and forced labor existed in the country, CEAWC acknowledged that abductions had occurred in the 1980s and 1990s, and that not all abductees had since been freed.

The forcible recruitment of persons into armed groups continued (see section 1.g.).

Forced prison labor was used for the construction of private residences for SPLM officials.

d. Prohibition of Child Labor and Minimum Age for Employment

Although mandated by the Interim National Constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.

The use of child soldiers, child trafficking, and child prostitution were problems (see sections 1.g. and 4).

The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective.

In the south, child labor laws were rarely enforced.

e. Acceptable Conditions of Work

The minimum wage was 124 Sudanese pounds (approximately \$62) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid.

The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime.

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

In the south, the Ministry of Labor and Public Services is responsible for monitoring health and safety standards for workers; however, it did not do so effectively.
