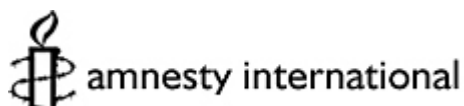


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Amnesty International Report 2009 - Sudan

Head of state and government: Omar Hassan Ahmed Al Bashir

Death penalty: retentionist

Population: 39.4 million

Life expectancy: 57.4 years

Under-5 mortality (m/f): 110/96 per 1,000

Adult literacy: 60.9 per cent

The conflict in Darfur continued unabated with an increase in attacks and violations of international humanitarian law by all parties to the conflict. An attack on Omdurman in May by a Darfur-based armed opposition group precipitated a wave of extrajudicial executions, arbitrary arrests and unlawful detentions, torture and other ill-treatment by the National Intelligence and Security Services (NISS) and the police, mainly targeting Darfuris and members of the Zaghawa ethnic group. Also in May, armed clashes in Abyei, on the border between northern and southern Sudan, led to the displacement of more than 50,000 people and the total destruction of the town. The Prosecutor of the International Criminal Court (ICC) applied for an arrest warrant to be issued against President Omar Al Bashir for war crimes, crimes against humanity and genocide.

The death penalty continued to be imposed, and courts passed death sentences on men, women and children under the age of 18. The security services imposed tight restrictions on the press and journalists.

Background

In January, the deployment of the UN-AU Hybrid Mission in Darfur (UNAMID) began, but by the end of the year only about half of the promised 26,000 peacekeeping force had arrived, and the force was also under-equipped.

The first census in more than 20 years took place in April. The census, one of the pillars of the Comprehensive Peace Agreement (CPA) that ended the decades-long conflict in South Sudan and a critical step towards a referendum on independence for South Sudan in 2011, was highly controversial. It did not allow the representation of all Sudanese communities, including Darfuris and Southerners.

On 10 May, a Darfur-based armed opposition group, the Justice and Equality Movement (JEM), took the Darfur conflict to Khartoum by launching an attack on the capital's twin city Omdurman. The attack was repulsed by Sudanese forces.

In June Djibril Yipènè Bassolé was appointed as the new joint UN-AU mediator for Darfur, replacing the UN and AU Special Envoys for Darfur, Jan Eliasson and Salim Ahmed Salim.

In July, the government adopted a new electoral law. The government also announced that the next presidential elections would be held in July 2009, another major step towards the referendum in 2011.

Sudan's parliament deliberated on the draft of a new Criminal Act that included crimes under international law, but was not enacted into law by the end of 2008.

In late October the President and the ruling National Congress Party (NCP) organized a gathering aimed at initiating a solution to the Darfur conflict. The so-called Sudan People's Initiative was highly controversial and was boycotted by 13 opposition groups. Its results were to pave the way for peace negotiations in Doha, proposed by Qatar. Negotiations were continuing at the end of 2008 to persuade the main armed opposition groups, such as the JEM, to attend.

International justice

On 14 July, ICC Prosecutor Luis Moreno Ocampo submitted to the ICC's pre-trial chamber an application for an arrest warrant to be issued against President Omar Al Bashir. The application includes 10 counts of war crimes, crimes against humanity and genocide that were allegedly carried out on President Al Bashir's "direct orders".

The announcement of the application coincided with an attack on UNAMID peacekeepers, putting the force on high alert and leading to the temporary relocation of non-essential staff from the UN and NGOs operating in Darfur.

The application triggered calls by states belonging to the AU, League of Arab States and the Organization of the Islamic Conference to defer the case under article 16 of the Rome Statute of the ICC.

In October the government announced that it had detained former Janjaweed leader Ali Kushayb, indicted by the ICC in 2007, pending his prosecution by a special court in El Geneina in West Darfur. Despite an announcement that Ali Kushayb's trial would begin in October, the case had not started by the end of the year. There were unconfirmed reports that he remained free to travel between the Darfur states.

Ahmed Haroun, also indicted by the ICC in 2007, remained in his position as Minister of State for Humanitarian Affairs.

On 20 November, the Prosecutor applied for arrest warrants to be issued against three commanders of armed opposition groups operating in Darfur. The Prosecutor did not disclose their names. The commanders were accused of war crimes arising from an attack on the AU Mission in Sudan (AMIS) in December 2007 in which 12 peacekeepers were killed.

Armed conflict – Darfur

The conflict in Darfur intensified with an increase in attacks and violations of international humanitarian law by all parties to the conflict.

Attacks on villages noticeably increased in 2008, with between 270,000 and 300,000

people displaced during the year. Widespread human rights violations continued despite the deployment of UNAMID.

The UNAMID force was incapacitated by insufficient troop numbers and inadequate military equipment. With only 11,415 total uniformed personnel supported by 721 international civilian personnel, 1,393 local civilian staff and 246 UN Volunteers as of 31 October, UNAMID was not able to effectively discharge its mandate in Darfur. Its lack of attack helicopters and heavy ground transport undermined its ability to protect civilians and its own troops. In the course of the year, 17 members of the force were killed in various attacks. UNAMID was unable to intervene on a number of occasions where civilians in Darfur were under attack.

Attacks against humanitarian aid convoys peaked in 2008, leading to a reduction by half in the World Food Programme's aid delivery to Darfur. Eleven humanitarian staff members were killed between January and October. This sharp increase in the targeting of humanitarian workers, together with the hijacking of vehicles and abductions, limited the outreach activities of aid agencies and NGOs and their access to the most vulnerable communities in Darfur.

- In January, the Sudanese Armed Forces tried to regain control of the northern corridor of West Darfur from the JEM. The attempt resulted in attacks on the villages of Abu Suruj, Saraf Jidad, Silea and Sirba in West Darfur. The army, supported by the Janjaweed militia, resorted to aerial bombardments in support of their ground offensives. The entire area was inaccessible to humanitarian organizations and the UN from mid-December 2007 to March 2008. The attacks displaced an estimated 30,000 people, many to areas that were not easily accessible to aid agencies. The attacks were indiscriminate and the government's forces and security services looted and burned villages on their way. Damage to civilian property was widespread and at least 115 civilians were killed. In Sirba, several cases of rape were reported during and after the attacks.
- On 25 August the NISS sought to enter Kalma camp in South Darfur to search for illegal weapons and drugs. Kalma camp is home to more than 90,000 internally displaced people (IDPs), the largest IDP camp in Darfur. When the inhabitants refused to allow the NISS to enter the camp, the NISS surrounded the camp, opened fire and reportedly shelled the camp. Access into and out of the camp was denied, including to the wounded and to humanitarian agencies. More than 47 civilians were killed. UNAMID did not intervene.

Violence against women and girls

Incidents of gender-based violence, including rape and other forms of sexual violence, continued.

The operations of a large number of international NGOs committed to addressing violence against women continued being restricted by the government. Interference by the government's Humanitarian Aid Commission, which monitors and co-ordinates humanitarian work in Darfur, was reported to have increased in 2008. Amnesty International also received credible reports that workers from organizations countering gender-based sexual violence were harassed by the NISS over the year.

In desperate attempts to free them from the conflict, women and their children continued to be sent by their husbands to the capital, where they ended up living in IDP camps around the city, often in extreme poverty.

Abyei, South Sudan

The implementation of the CPA was beset by problems between the NCP and the Sudan People's Liberation Movement (SPLM). Confrontations took place over issues such as the

demarcation of the North-South border, the census, and returning southerners from Khartoum to South Sudan.

In the months leading to May, the forces of the Southern Sudanese Government and the Sudanese Armed Forces built up troops around Abyei, which lies in an oil-rich area on the border between the North and the South.

In May, the two forces clashed, resulting in the displacement of more than 50,000 people and the total destruction of the town.

On 8 June, the NCP and the SPLM reached the Abyei Roadmap Agreement to solve the Abyei crisis.

Arbitrary arrests and detentions

The JEM attack on Omdurman on 10 May, which was repulsed by government forces, caused more than 220 casualties, according to officials. Government forces then combed Omdurman, arresting and detaining any individual – man, woman or child – of Darfuri appearance, those suspected of supporting opposition groups, and especially Zaghawas. Hundreds of civilians were arrested in the aftermath, with reports of extrajudicial executions, torture and other forms of ill-treatment. Many people were held incommunicado in unofficial places of detention. The youngest victim of such detention was a nine-month-old infant who was held with his mother underground in a detention centre for two months. At least one individual died as a result of ill-treatment in detention during the first two weeks after the arrests.

In the aftermath of the attack, the government announced on national television that it was detaining in a social rehabilitation centre more than 80 children who had been arrested during the security crackdown on Omdurman. The government alleged that the children, some as young as 11, were found wearing uniforms and holding weapons. The children were reportedly ill-treated during the first days of their detention, but were allowed visits and were later released by the government.

Although many of the arrested individuals were released, many remained unaccounted for, their whereabouts and fate unknown.

Unfair trials – death penalty

Courts continued to hand down death sentences, including on women and children under the age of 18.

The 2004 Child Act was revised by the legal reform committee and was sent to the Cabinet of Ministers for further revision. The amended Act redefines a child as a person under 18 and raises the age of criminal responsibility to 18. However, pending its enactment, the 2004 Child Act remained in place, placing children under 18 at risk of degrading and inhuman punishments including the death penalty if they showed physical "signs of maturity" when they committed a criminal offence.

Following the JEM attack on Omdurman, the Chief Justice established five special counter-terrorism courts, in a first application of the Counter-Terrorism Act promulgated in 2001. The special courts initially took on the trials of 37 named individuals. More than 50 defendants appeared in front of these courts in June, July and August. A total of 109 individuals were eventually scheduled for trial before the special courts.

By the end of August, 50 individuals had been sentenced to death by these courts following unfair trials. The trials failed to meet international standards of fairness in a number of ways. Some defendants were only allowed to meet their lawyers for the first

time after their trial had begun and others were convicted on the basis of confessions extracted under torture.

A number of lawyers, mainly members of the Darfur Bar Association, organized themselves into a defence committee and volunteered to defend many of those on trial before the special courts. These lawyers submitted an appeal to the Constitutional Court, contesting the constitutionality of the counter-terrorism courts. The appeal was rejected.

After the death sentences were passed, the lawyers appealed against the verdicts and sentences. The Special Court of Appeal had not ruled on the appeals by the end of 2008.

- On 22 May, Al Tayeb Ali Ahmed Abdel Rahman was executed on the orders of the Constitutional Court, three hours after his family and lawyers were informed that he was going to be executed. Al Tayeb had been sentenced to death by a Special Court in El Fasher on 27 January 2004, following an unfair trial where he was not granted any legal representation. His death sentence was however confirmed by the Constitutional Court. A former member of the Sudan Liberation Army (SLA) (Mini Minawi faction), he had been convicted of taking part in SLA attacks, including an attack on El Fasher's airport in 2003. The Constitutional Court rejected an appeal submitted hours before his execution. Mini Minawi, by now a presidential adviser, called for an amnesty for Al Tayeb under the terms of the Darfur Peace Agreement, but this was disregarded.

In December Sudan voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Freedom of expression – journalists

A clampdown by the security services on the press and journalists was the most severe since 2005, when the Interim National Constitution was adopted as part of the CPA's implementation, putting in place provisions to safeguard freedom of expression and freedom of the press.

The reintroduction of censorship measures against privately owned newspapers began in February. At the time, many local newspapers had reported on links between the Sudanese government and Chadian opposition groups that attacked the capital of Chad, N'Djamena. In retaliation, representatives of the NISS resumed a daily inspection of newspapers offices and printing houses. The JEM attack on Omdurman in May led to a further tightening of restrictions on the press. Journalists were widely targeted by the NISS; while some were intimidated and harassed, others were arrested and detained, especially in the aftermath of the attack.

The censorship measures that were reinstalled in February remained in place at the end of 2008. On 4 November, more than 100 journalists went on hunger strike for a day, in protest against the repression of the press and the government's continuing violation of freedom of expression. Three newspapers did not publish for three days in solidarity. They were censored for a day in response to their protest.

- AlGhali Yahya Shegifat, a journalist and president of the Association of Darfur Journalists, was arrested by the NISS in the aftermath of the May attack on Omdurman. He was held in incommunicado detention for more than two months during which he was continuously tortured. He was not given access to a lawyer and his family was not allowed to visit him or even informed of his whereabouts. He was not charged with any offence.

Human rights defenders

On 24 November, three prominent human rights defenders were arrested by the NISS in Khartoum. Amir Suleiman, Abdel Monim Elgak and Osman Humeida were arrested and tortured in custody before being released. Amnesty International considered the three individuals to be prisoners of conscience who were detained solely because of the peaceful exercise of their rights to freedom of expression and association.

Amnesty International reports

- Sudan: Displaced in Darfur – a generation of anger (1 January 2008)

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