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Freedom in the World 2010 - Sudan

Capital: Khartoum

Population: 42,272,000

Political Rights Score: 7 *

Civil Liberties Score: 7 *

Status: Not Free

Overview

The International Criminal Court issued an arrest warrant for President Omar al-Bashir in March 2009, citing evidence of crimes against humanity and war crimes in Darfur, but the government rejected the move. Fighting in Darfur continued at a lower level, but violence surged in Southern Sudan, where at least 2,500 people were killed in ethnic clashes. North-South tensions continued to undermine the 2005 Comprehensive Peace Agreement between al-Bashir's National Congress Party and the main Southern political force, the Sudan People's Liberation Movement. National elections scheduled for mid-2009 were consequently postponed until April 2010. The two sides also haggled over how the 2011 referendum on Southern secession would be organized and who would get to vote. Meanwhile, an international arbitration panel determined the boundaries of the oil-rich territory of Abyei, placing its main oil field in the North.

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

Mounting tensions between al-Bashir and al-Turabi prompted the former to dissolve the legislature and declare a state of emergency in 1999. Al-Bashir fired al-Turabi and oversaw deeply flawed presidential and parliamentary elections in 2000, which the NCP won overwhelmingly. Al-Turabi was arrested in 2001 after he signed a memorandum of

understanding with the Sudan People's Liberation Army (SPLA), the main Southern rebel group, whose political arm was known as the Sudan People's Liberation Movement (SPLM).

After sidelining al-Turabi, the chief proponent of Sudan's efforts to export Islamic extremism, al-Bashir began to lift Sudan out of international isolation. The government also ended the long-running civil war with the South by signing the Comprehensive Peace Agreement (CPA) with the SPLA in January 2005. The pact included provisions for power sharing in a Government of National Unity (GoNU), with the NCP retaining a slight majority in the parliament, as well as plans to share state oil revenues. The CPA granted autonomy to a Government of Southern Sudan (GoSS) led by the SPLM, and allowed for a referendum on Southern independence to be held after a six-year transitional period, during which the Khartoum government was obliged to withdraw 80 percent of its troops stationed in the South. However, the agreement failed to address human rights abuses committed by both sides, excluded non-SPLM opponents of the NCP, and left the status and boundaries of the oil-rich Abyei region undecided. Moreover, in a serious setback to the pact's implementation, longtime SPLM leader John Garang died in a July 2005 helicopter crash, just 20 days after he was sworn in as first vice president. Garang's death deprived the South of its leading advocate of continued unity with the North and tilted the political balance in favor of the secessionists. His deputy, Salva Kiir, replaced him as SPLM leader and first vice president.

The North-South peace process coincided with a separate conflict in Darfur. It had begun in 2003 when rebels – drawn from Muslim but non-Arab ethnic groups – attacked military positions, citing discrimination by the Arab-dominated government. In 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring the inhabitants, slaughtering and stealing livestock, and raping women and girls. The military also bombed settlements from the air. More than two million civilians were displaced. The scale of the violence led to accusations of genocide by international human rights groups and the United States, among others. While a special commission's report to the UN Security Council in 2005 stated that the mass killings and rape fell short of genocide, it requested that the case be referred to the International Criminal Court (ICC).

In 2006, the government reached a peace agreement with a faction of the Sudan Liberation Army, one of Darfur's rebel groups. All the other major groups refused to sign the pact. Khartoum finally agreed to allow UN peacekeepers to replace a beleaguered African Union force in February 2007, but deployments stalled due to Sudanese obstruction and contributing countries' reluctance to commit troops and equipment.

In May 2008, members of one of the main Darfur rebel groups launched an attack on Khartoum that was intended to oust al-Bashir, but it was repulsed on the city's outskirts. In July, ICC prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide. The request was partially granted in March 2009, when the ICC decided that there was enough evidence to prosecute Sudan's president for war crimes and crimes against humanity, but not enough to charge him with genocide. The Arab League and the African Union refused to recognize the arrest warrant, and al-Bashir continued to travel freely in the region.

Violence continued in Darfur during 2009, albeit at a lower level. The first three months of the year saw the worst violence, with more than 400 people killed. The international community worked to revive the peace process and persuade the fragmented rebel groups to adopt a common position, but peace talks scheduled to resume in Qatar in October were delayed.

To some extent, events in Darfur in 2009 were overshadowed by those in Southern Sudan, where more than 2,500 people died in inter- and intraethnic violence and a quarter of a million others were displaced. In the worst incident, 185 people died when armed youth from the Murle ethnic group attacked Lou Nuer civilians in Jonglei State in August. The GoSS noted the use of heavy weapons in the attacks and accused the NCP of arming proxy forces to destabilize the South and create an excuse to postpone the 2011

referendum, though the NCP denied involvement.

In July, an international tribunal in The Hague ruled that the main oil field in the disputed Abyei region lay in Northern territory. Al-Bashir in 2007 had refused to recognize a special panel's initial decision to place the Abyei region within Southern Sudan; fighting between the SPLM and Arab Misseriya militias, which the government was suspected of backing, had erupted in Abyei late that year, leaving scores of people dead.

Another area of contention centered on the CPA provision that national elections should take place before the independence referendum. Scheduled for 2009, they were postponed until April 2010, partly because of disputes over the census upon which the electoral roll was to be based. The GoSS rejected the census, claiming it undercounted the population of Southern Sudan. Voter registration proceeded at the end of the year in spite of the row, but participation was low in Darfur, North and South Kordofan, and much of southern Sudan. Meanwhile, after difficult negotiations on the terms of the referendum, both sides eventually decided that a vote in favor of secession would be invalid unless it was approved by a simple majority of the Southern electorate, with 60 percent voter turnout. The referendum bill also resolved the issue of who could vote in 2011 and laid out the registration requirements necessary to do so. Less progress was made on other issues. The SPLM boycotted the GoNU in October to protest delays in security-sector reform. A new national security law passed in December contained no mechanism for holding the security services accountable.

Sudan's economy continues to rely on oil exports and is therefore vulnerable to price fluctuations on the international market. Oil revenue makes up 98 percent of Southern Sudan's budget and approximately 60 percent of the North's. While most of Sudan's oil is located in the South, the oil infrastructure and banking facilities are in the North. For this reason, the CPA provision for sharing Sudan's oil wealth is a source of rancor between the two sides. The SPLM expressed frustration after a report in September 2009 suggested that Khartoum was underreporting oil production to deprive the South of its share of the revenue. This friction was compounded by a budget crisis in Southern Sudan that raised serious questions about the GoSS's ability to provide its people with essential goods and services and develop the institutions necessary for an independent state.

Sudan's relations with Chad remained tense in 2009. The two neighbors signed a reconciliation pact in May, but just two days later, Chad accused Sudan of violating the deal by backing a Chadian rebel attack. Khartoum denied the allegations.

Political Rights and Civil Liberties

Sudan is not an electoral democracy. The last national elections, held in 2000, were boycotted by major opposition parties. President Omar al-Bashir and his NCP won easily and remained dominant until the peace agreement with the SPLM was implemented in 2005. The SPLM and the existing Sudanese government formed a joint transitional administration, with the SPLM leader as first vice president. Eight of Sudan's 30 cabinet ministries are now headed by members of the SPLM. The joint presidency appointed members of the 450-seat lower house of parliament, the National Assembly, with the NCP holding 52 percent, the SPLM controlling 28 percent, and the remaining seats divided among other Northern and Southern parties. The 50 members of the upper house, the Council of States, are indirectly elected by state legislatures. Although the current members of parliament were appointed, members of both chambers will serve five-year terms after the next elections, currently scheduled for April 2010.

In keeping with the CPA, a census will be used to determine electoral districts and verify revenue and power-sharing arrangements between North and South. The census results were released in May 2009 after a long delay, and they were immediately rejected by the SPLM. The dispute remained unresolved at year's end. Under the 2008 election law, 60 percent of the lower house's seats will be allocated by a majoritarian system, and 40 percent will be elected by proportional representation; 25 percent of the proportionally elected seats will be reserved for women.

Sudan is considered one of the world's most corrupt states. It was ranked 176 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. Corruption is also a serious problem in the GoSS.

The 2005 interim constitution recognizes freedom of the press, but the news media continue to face significant obstacles. A new Press and Publication Act, passed in 2009, drew angry protests from journalists. The measure formalizes the powers of the government-appointed Press Council, which can prevent publication or broadcast of material it deems unsuitable, temporarily shut down newspapers, and impose heavy fines on those who flout the rules.

Throughout 2009, journalists faced arrest for writing articles that offended the NCP. The newspaper *Al-Midan* was temporarily closed in February and unable to publish at least three separate editions because its articles failed to satisfy the censors. Other newspapers, including *Ajras al-Hurria* and even the traditionally progovernment *Al-Wifaq*, had to pull stories and were denied permission to publish individual editions. A contributing writer to the newspaper *Ray al-Shaab* was sentenced in February to six months in prison for defamation. Others were arrested and fined during the year, and at least two foreign journalists were expelled from Sudan for their work.

Although al-Bashir in September announced the end of prepublication censorship, which had forced journalists to submit their articles for approval by the National Intelligence and Security Services (NISS), reporters were asked to abide by a code of honor that narrowly defines the issues they are allowed to discuss. Stories about the ICC, Darfur, and the 2010 elections are closely scrutinized. In spite of the restrictions, numerous privately owned dailies and weeklies provide a range of views, including those of the opposition and the GoSS. While some private radio stations operate in Khartoum and the South, they are closely monitored. The state controls the only television broadcaster. Internet penetration is among the highest in sub-Saharan Africa, but the government monitors e-mail messages.

Press freedoms in Southern Sudan are generally greater than in areas controlled directly by Khartoum, and journalists have more leeway to criticize government policies. Nevertheless, journalists who criticize the SPLM face harassment and in some cases arrest.

Religious freedom, though guaranteed by the 2005 interim constitution, is not upheld in many parts of the country. Islam was previously the state religion, and Sharia was regarded as the source of legislation. Northern states, which are predominantly Sunni Muslim, are still subject to Sharia, unlike those in the South, which are predominantly Christian and animist. The North-South conflict was characterized as jihad by the government, and in some cases non-Muslims were forced to convert to Islam. The Christian minority in the North continues to face discrimination and harassment. Under the 1994 Societies Registration Act, religious groups must register in order to legally assemble, and registration is reportedly difficult to obtain. There were reports of attacks on churches in 2009, particularly in flashpoint regions such as South Kordofan. The GoSS generally respects religious freedom.

Respect for academic freedom is limited. The government administers public universities and is responsible for determining the curriculum. Authorities do not directly control private universities, but self-censorship among instructors is common.

Freedom of assembly is restricted. The authorities have clamped down on public activities, lectures, and rallies related to the 2010 elections. The NISS has broken up opposition party gatherings, denied permission for political meetings, and raided party offices. In December, demonstrators calling for democratic reform were tear gassed and rounded up in the city of Omburman.

The operating environment for nongovernmental organizations (NGOs) deteriorated in 2009. The government responded to the ICC's decision to approve an arrest warrant for al-Bashir by expelling international humanitarian aid organizations from the country. It

revoked the permits of 13 foreign NGOs and closed down three domestic organizations. This had an immediate impact in Darfur, where 1.1 million people depended on food supplies distributed by the expelled organizations. While some foreign NGOs were allowed to return in May, they were unable to operate freely.

Trade union rights are minimal, and there are no independent unions operating in the country. The Sudan Workers Trade Unions Federation has been co-opted by the government and is not a credible advocate of workers' interests. Strikes are essentially illegal, as the required government approval has never been granted.

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. Sudanese criminal law is based on Sharia and allows punishments such as flogging and amputation, although such laws apply only to Northern, Muslim states. Under the CPA, the government created the National Judicial Service Commission (NJSC) to manage the judicial system; coordinate the relationships between judiciaries at the national, Southern Sudan, and state levels; and oversee the appointment, approval, and dismissal of judges. Nevertheless, the NJSC is subject to government pressure.

The police and security forces practice arbitrary arrest, holding people at secret locations without access to lawyers or their relatives. According to Human Rights Watch, the fate of 200 people arrested following the attack on Khartoum by Darfur rebels in 2008 remains unknown. Torture is prevalent, and prison conditions do not meet international standards.

The National Assembly passed a new national security bill in December despite complaints by the SPLM and other opposition parties. The act retains the repressive elements of its predecessor, giving the NISS sweeping powers to seize property, conduct surveillance, search premises, and detain suspects. The new legislation contains no public accountability mechanism.

It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have documented the widespread use of rape, the organized burning of villages, and the forced displacement of entire communities. In the South, the GoSS has proved unable to provide a modicum of law and order, leaving communities exposed to violence from rival ethnic groups or clans, often sparked by competition for scarce resources. In a departure from previous tactics, the attackers have recently targeted women and children. The GoSS has done little to address the proliferation of small arms in the South.

Female politicians and activists play a role in public life but face extensive discrimination. Islamic law denies Northern women equitable rights in marriage, inheritance, and divorce. Female genital mutilation is practiced throughout the country. Sudan has not ratified the international Convention on the Elimination of All Forms of Discrimination Against Women, arguing that it contradicts traditional values. The restrictions faced by women in Sudan were brought to international attention in 2009 by the case of journalist Lubna Hussein, who was arrested along with several other women for wearing trousers in public. They faced up to 40 lashes under the penal code for dressing indecently, and 10 of the women reportedly received 10 lashes each after pleading guilty. Hussein, who challenged the charges, was sentenced to one month in jail after she refused to pay a fine of about \$200. However, she was freed after one day in jail when the Sudanese Union of Journalists paid the fine on her behalf.

The U.S. State Department considers Sudan to be a source, transit, and destination country for persons trafficked for forced labor and sexual exploitation. Legislation does not criminalize all forms of human trafficking, and enforcement of existing laws is weak. The Sudanese military, Darfur rebel groups, Southern Sudanese forces, and various militia groups continue to use child soldiers.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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