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Attacks on the Press 2009 - Sudan

Top Developments

- Government continues to impose vast censorship.
- New press law falls short of international standards.

Key Statistic

- 9: Men executed in editor's murder. Observers call it a miscarriage of justice.

Sudanese journalists worked amid political uncertainty and severe restrictions. Pervasive official censorship restricted journalists from closely reporting on the tumultuous events of 2009: The International Criminal Court (ICC) issued an arrest warrant for President Omar Hassan al-Bashir, sporadic fighting continued in the devastated region of Darfur, and a spike in ethnic violence in South Sudan sparked fears of renewed warfare. Security agents prevented coverage of topics deemed to be sensitive, including Darfur, the ICC, human rights issues, official corruption, the expulsion of aid agencies, and state censorship itself. The legislature passed a stringent new press law, dashing hopes that the repressive 2004 press law would be replaced with legislation up to international standards. Though the government announced an end to prior censorship in September, editors were unconvinced this would lead to significant change. Many local journalists feared that official regulations and widespread self-censorship could stifle hopes for a free and fair campaign in the lead-up to historic national elections scheduled for 2010.

The planned elections, which have been postponed multiple times, are a central condition of Sudan's north-south peace process. In January 2005, Sudan ended a two-decade civil war between the north's Arab-Muslim elite and the south's impoverished non-Muslim population with the signing of the Comprehensive Peace Agreement (CPA). As part of the agreement, the ruling Islamist National Congress Party and the Sudan People's Liberation Movement formed a government of national unity led by al-Bashir. Meanwhile, the conflict in Darfur, which is thought to have caused hundreds of thousands of deaths, continued to simmer despite the presence of a U.N.-backed regional peacekeeping force.

Both the CPA and the 2005 interim constitution affirm the rights of free expression and press freedom. Despite these guarantees, authorities in Khartoum have constructed an oppressive censorship regime through a variety of mechanisms. The National Press Council, a body with only nominal independence from the ruling party, administers mandatory professional exams for journalists and editors, according to a report in the *Columbia Journalism Review*. Though several dozen newspapers are published locally, they are subject to surveillance and sanction by the National Intelligence and Security

Services (NISS). Security agents frequently detain and harass journalists seen as critical of the ruling National Congress Party, including those seeking to cover Darfur and international justice issues. The government also monitors Internet communications, including e-mail between private citizens. Human Rights Watch concluded in early 2009 that "the scope of information available to people in Sudan is more and more restricted as discussions and debates about political developments or other matters of significant public interest are curtailed through harsh limitations."

After the conclusion of the north-south peace agreement, journalists and opposition members called for new media legislation that would allow independent political coverage of national elections. Instead, a press law passed unanimously by the national legislature in June contained several restrictive measures and failed to do away with official censorship. An earlier draft was particularly draconian, granting the National Press Council authority to close newspapers, grant and revoke publication licenses, impose strict disciplinary measures against journalists, and confiscate printing equipment. While the final version included amendments responding to criticism from media advocates and opposition parties, it still fell far short of international standards. For example, while the final version prohibits the press council from shutting newspapers for more than three days without a court decision, it retains a licensing system for journalists and allows state interference in the press on the grounds of national security or public order. The new law also failed to overturn a 1999 National Security Forces Law granting security agents significant powers over the media, which in practice has allowed them to censor newspapers by suppressing their publication or forcing them to remove critical stories.

In September, al-Bashir ordered an end to prior censorship by the NISS. Previously, all local publications were subject to prior review by the security service, which regularly forced editors to withhold individual articles. Even southern newspapers were subject to control by Khartoum, under a requirement that they either be printed in the capital or outside the country, greatly increasing costs. Censorship was tightened after February 2008, when some local newspapers accused the Sudanese government of backing rebels in neighboring Chad, according to international media reports.

The order to end prior censorship came after local newspaper editors agreed to sign a broadly worded code of conduct. It also followed a decision by the Supreme Court upholding media censorship as constitutional in the interests of national security and public morality, according to the Europe-based *Sudan Tribune*. Many local journalists were skeptical of al-Bashir's decision to ease censorship, and they remained concerned that the government would impose harsh punishments on journalists seen as crossing "red lines," the unwritten rules on what kind of journalism is acceptable. One editor told Reuters, "There is no way [security forces] are going to tolerate anything about security, about the International Criminal Court."

Before al-Bashir's order, several egregious cases of censorship were documented by CPJ. For example, editors at the weekly *Al-Maidan*, operated by the opposition Sudanese Communist Party, declined to publish an issue in February because of extensive government interference. Security officials had forced staff to leave out nearly 20 articles, including political commentary and an opinion piece criticizing the war in Darfur, according to sources at the newspaper.

Various legal provisions, such as harsh criminal defamation statutes and other repressive articles of the penal code, allow authorities to curtail press freedom, while journalists rarely have access to fair legal recourse. In July, for example, authorities said female columnist Amal Habbani should pay a fine equivalent to US\$400,000 after she wrote an opinion piece criticizing official prosecution of Lubna al-Hussein, according to the Arabic Network for Human Rights Information. Habbani contested the claim, and the case was pending in late year. Al-Hussein, who is also a journalist, was convicted in a Sudanese court of indecent attire for wearing pants in public, in a case that drew international attention.

In a vast country lacking in infrastructure, broadcast media were the only means for

most of the population to receive news. But Khartoum owned all local television stations and controlled most local broadcasters, aside from radio backed by the United Nations and a handful of stations based in South Sudan, which fall under the regulatory authority of the semi-autonomous government of South Sudan. Southern Sudanese authorities also occasionally harass journalists and censor reporting. According to Human Rights Watch, draft bills are pending before the Southern Sudan Legislative Assembly that could help protect freedom of the press, including a Right to Information Bill, an Independent Broadcasting Authority Bill, a South Sudan Broadcasting Corporation Bill, and a Ministry of Information and Broadcasting Organizational Bill. These broadly seek to implement the Southern Sudan Interim Constitution, which contains freedom of expression guarantees.

While Sudanese journalists bear the brunt of the government's mistrust of the press, authorities also occasionally harass and restrict foreign journalists. Foreign journalists' ability to reside in Sudan or visit Darfur continued to be hampered by government surveillance and layers of bureaucratic restrictions. Authorities required multiple forms of documentation such as press cards and work accreditation, sometimes involving several government agencies, such as the Press Council and the ministries of Immigration, Information, and Labor. Journalists leaving Darfur were often searched and questioned by security agents.

In February, authorities expelled a Canadian-Egyptian journalist, Heba Aly, after she filed a series of reports on Darfur and made an inquiry about domestic arms production. A freelance reporter for several news organizations including Bloomberg, the U.N. humanitarian news organization IRIN, and *The Christian Science Monitor*, Aly had reported from Sudan since June 2008. While Sudan's security services accused Aly of immigration violations, Aly maintained in media interviews that she had been expelled because of her reporting. Aly told Reuters her press accreditation ran out in January and she had not been able to renew it, despite repeated applications to the National Press Council. In March, a resident Tunisian journalist working for the Arabic-language Web site of television news channel France 24 and the London-based pan-Arab newspaper *Al-Hayat* was detained for two days and expelled from the country. The journalist, Zuhair Latif, said Sudanese intelligence agents stormed his apartment in Khartoum and confiscated his camera, tapes, and cell phones, before arresting him. The France 24 Web site said Sudanese authorities had claimed that Latif had been expelled because he had "violated immigration procedures," without specifying the violations. Latif told the channel that before his expulsion he had visited Darfur, where he had taken pictures and interviewed victims about the conflict there.

The brutal 2006 murder of newspaper editor Mohammed Taha Mohammed Ahmed remained unresolved. Editor-in-chief of the private daily *Al-Wifaq*, Taha was kidnapped and beheaded in apparent retaliation for having published an article questioning the origins of the Prophet Muhammad. Nine men found guilty of involvement in the assassination were executed in April, but human rights groups and defense lawyers said the defendants had been arbitrarily arrested and their confessions extracted through torture. "This case raised from the start huge question marks and suspicions because Mohammed Taha Mohammed Ahmed had lots of problems with influential and symbolic figures of the ruling regime," an independent Sudanese journalist told CPJ. Fearing reprisals, he spoke on the condition of anonymity. "Many people doubted that those men were really responsible for his abduction and assassination. Others clearly said they were simply tools in the hands of some of al-Bashir's top aides."

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