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2009 Human Rights Report: Sudan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Sudan, a republic with an estimated population of 40 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; however, elections did not occur during the year. 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 semiautonomous 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 and human rights abuses in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army. Civilians in Darfur continued to suffer from the consequences of genocide. Government forces and government-aligned militia continued to kill civilians; the government continued to bomb civilian areas. Women and girls experienced continued gender-based violence. The government supported Chadian rebel groups. Darfur rebel groups committed serious abuses. According to the UN nearly 2.7 million civilians have been internally displaced, and over 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. The UN estimated in 2006 that 200,000 persons had died as a result of the conflict, and that by 2008 up to 100,000 more may have died.

On March 4, the International Criminal Court (ICC) issued an arrest warrant for President Bashir as an indirect perpetrator or as an indirect coperpetrator of five counts of crimes against humanity--murder, extermination, forcible transfer, torture, and rape--and two counts of war crimes--intentionally directing attacks against a civilian population as such or against individual civilians not taking part in hostilities, and pillaging in Darfur between March 2003 and July 2008. Following the announcement, the government expelled 13 humanitarian nongovernmental organizations (NGOs) from the country. The government also shut down three Sudanese NGOs in March. The expulsions and closures decreased the provision of humanitarian and development assistance, particularly in Darfur and the Three Areas (Abyei, Blue Nile, and Southern Kordofan).

Interethnic fighting and attacks by the Lord's Resistance Army (LRA) resulted in an estimated 2,500 deaths and the displacement of 359,000 persons during the year in the south. Tensions over CPA implementation persisted between the north and the south. Fighting between Sudanese Armed Forces (SAF) and SPLA members in Malakal resulted in civilian deaths.

The following human rights abuses occurred: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; 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 and the expulsion of humanitarian NGOs; restrictions on privacy; restrictions on freedom of speech; restrictions on the press, including direct censorship; restrictions on freedoms of assembly, association, religion, and movement; harassment of IDPs; harassment and closure of human rights 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 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 civilians, humanitarian workers, and United Nations -- African Union Mission in Darfur (UNAMID) personnel; beat and raped civilians; and recruited and used child soldiers.

In Southern Sudan, serious human rights abuses were reported during the year, including extrajudicial killings, physical abuse, and rape 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; restrictions on media freedom; forced evictions without due process; and child labor. Interethnic violence was a severe problem.

The Lord's Resistance Army (LRA) attacked villages and killed and abducted civilians in the south.

RESPECT FOR HUMAN RIGHTS

Section 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.).

For example, SAF and SPLA forces, and the LRA killed civilians in the south (see section 1.g.). Interethnic conflict in the south significantly increased and resulted in civilian deaths (see section 1.g.). Interethnic conflict in Darfur killed civilians. (see section 1.g.).

There were no reported developments regarding civilians killed by fighting between the government and rebels during the May 2008 Justice and Equality Movement (JEM) attack on Omdurman.

There were also no developments regarding persons killed by the National Intelligence and Security Services (NISS) in Khartoum and Omdurman following the attack.

There were no developments regarding protestors killed by security forces in 2008.

SPLA soldiers committed extrajudicial killings.

On May 19, in Pibor, SPLA soldiers indiscriminately fired at civilians and their homes, killing five civilians and injuring three other persons. The SPLA claimed that an unknown gunman shot and injured a soldier near their barracks prior to the incident. Five soldiers were detained in SPLA headquarters in Panpandiar, pending military investigation.

There were developments in the June 2008 case of civilians killed and displaced in connection with an SPLA disarmament operation in Iloli and Loguruny villages in Eastern Equatoria. According to the UN, the SPLA stated that members of its Brigade Nine were arrested in connection with the case. No additional information was available.

Nine civilians reportedly died due to landmines in the south during the year. The government continued to cooperate with the UN Mine Action Group to remove landmines in the south.

There were developments in the January 2008 killings of diplomat John Granville and driver Abdelrahman Abbas Rahama. In June a court convicted four suspects of the killings. On October 12, the four were sentenced to death. According to a UN report, they were held incommunicado for a month after their arrest in 2008, and the defendants claimed that they were tortured during that initial period of detention. A fifth man, who provided weapons for the attack, was convicted of arms offenses. Authorities released him for time served in jail.

b. Disappearance

The government was responsible for politically and ethnically motivated disappearances.

There was one reported development regarding the up to 2,500 cases of Darfuris detained by the NISS following the May 2008 JEM attack. By the end of 2008 authorities had released most of the detainees, but several hundred were still reported missing at the end of that year. On April 5, authorities released Barood Sandal, a prominent human rights lawyer arrested in the days following the May 2008 attack, after the prosecutor dismissed the case for lack of evidence. NISS agents immediately arrested him again and held him until April 23.

There were no developments in the case of Abdelillahi Widaa, cofounder of the NGO Darfur Forum for Reconciliation and Peaceful Coexistence, who turned himself in to the NISS for questioning in May 2008. As of year's end his whereabouts were unknown.

An estimated 15,000 Dinka women and children were abducted from villages in Southern Sudan, mainly from 1983 to 1999; thousands of these persons remain unaccounted for. In contrast with the previous year, the government Committee to Eradicate the Abduction of Women and Children (CEAWC) did not receive government funding and did not return any previously abducted persons. The UN Children's Fund (UNICEF) estimated that 4,000 Dinka abductees remained in South Darfur.

Gunmen in Darfur abducted humanitarian workers and UNAMID personnel (see section 1.g.).

Intertribal abductions of women and children in the south continued. For example, the Murle tribe regularly abducted children during raids.

The LRA abducted persons, including children in Southern Sudan (see section 1.g.).

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 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 charge.

On March 6, in Dongola, Northern State, the NISS arrested a man for publishing statements in support of the ICC arrest warrant for President Bashir. Authorities held the man for six days and beat and tortured him, causing vision and hearing damage. He was released without charge on March 12.

On June 11, at the University of Khartoum, men dressed in black abayas entered a women's dormitory and assaulted 15 Darfuri women. The five most severely injured students sought medical treatment, but police forced them to leave the hospital. The NISS detained many of the assaulted women, as well as others from the same dormitory. Authorities beat them during the detention and later released them without charge. During the attack the women tackled one assailant and held him for authorities, but authorities freed him and did not file charges.

On December 7, police arrested and beat SPLM Head of Northern Sector Yassir Arman, as well as others, following a protest in front of the National Assembly. Security forces arrested 266 persons in protests in several cities the same day, as well as arrested and used excessive force to disperse protesters on December 14 (see sections 2.a. and 2.b.).

There were no developments in the 2008 cases of the secretary of legal affairs for the Transitional Darfur Regional Authority (TDRA), Abdelaziz Sam, and three of his family members; journalist and head of the Darfur Journalist Association Al-Ghali Shegifat; and human rights activists Moniem El Gak, Osman Hummaida, and Amir Suleiman, whom the NISS detained and abused.

Indecent dress is punishable by a maximum of forty lashes, by a fine, or both. Authorities in the north sometimes applied this law against women (see section 2.c.); they did not apply it against men.

Police and NISS officers forcibly dispersed protestors, which resulted in serious injuries (see section 2.b.).

Security forces in the south abused civilians, including two political party members (see section 3).

There were developments regarding the 2008 case in which the SPLA military police detained eight third-country nationals suspected of stealing SPLA payroll funds and reportedly abused four of them. The SPLA reported that the commander and the deputy commander were reassigned for failure to properly supervise and train soldiers, and that a sergeant was permanently dismissed due to wrongfully treating persons in custody.

There were no developments in the March 2008 shooting of an SAF soldier trying to escape an unofficial SPLA detention facility or the June 2008 case of an SPLA captain detained for beating a foreign national.

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

For example, on July 19, in Warrab State, an SPLA soldier raped a woman. The woman and her husband reported the assault to the police and the SPLA Military Intelligence Unit, but the commander denied that one of his soldiers had committed the act, and no action was taken.

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.

For example, according to Amnesty International, Ahmed Suleiman Sulman, one of the 103 persons sentenced to death by antiterrorism courts in relation to the May 2008 JEM attack, died on October 21 from tuberculosis in a police hospital after being transferred there from Kober Prison. Amnesty International stated that authorities did not provide him access to appropriate medical care, that his body showed signs of torture, and that the NGO had received reports that he was suffering from a mental illness during his trial.

Men and women were not held together in the north. Juveniles often were held with adults in the north. Political prisoners were held in special sections of prisons. The main prison in Khartoum, Kober Prison, contained separate sections for political prisoners, those convicted of financial crimes, and an unknown number of JEM detainees.

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. In contrast with the previous year, there were no reports that 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 UN reported that the SPLA held persons in jails in Kurmuk and Samir in Blue Nile State, and that persons held there reported torture and abuse.

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

The Minni Minawi faction of the Sudan Liberation Army (SLA/MM) 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 detention conditions. The SLA and other rebel groups allowed the ICRC access to some detainees. UNAMID visited the SLA/MM detention center in Zam Zam IDP camp 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. 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 Ministry of Defense's Border Intelligence Force, a loosely organized force composed of former janjaweed fighters, also operated in Darfur.

Security force corruption was a problem, and security force members 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, files, if used, were frequently misplaced, and suspects were 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.

The UN Mission in Sudan (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 Procedures and Treatment While in Detention

Warrants are not required for an arrest in the north. 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. In Southern Sudan, under the GOSS 2008 Criminal Procedures Code, a warrant issued by a duly authorized official is required for an arrest, although arbitrary arrests occurred. Police may detain individuals for 24 hours without charge in the south. Detainees in the south were generally informed of charges against them.

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.

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. Persons in the south were not always

informed regarding their right to access to a lawyer, and there was an insufficient number of lawyers.

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.

Security forces arbitrarily arrested and detained journalists, NGO members, and political opponents (see sections 1.e., 1.g., 2.a., and 5).

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 frequently arbitrarily arrested and detained university students (see section 1.b.).

In April authorities reportedly arrested several Darfuri university students who were members of the United People's Front party. At year's end they remained detained without charge at Kober Prison. They did not have access to legal representation.

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.

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 (see section 6).

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.

Antiterrorism courts set up to try persons arrested in connection with the May 2008 JEM attack on Omdurman continued to operate. 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.

Persons continued to be tried in antiterrorism courts in connection with the May 2008 JEM attack on Omdurman. Authorities did not permit defendants access to lawyers before trial, held them incommunicado for up to four months, and reportedly tortured defendants. From April to June the antiterrorism courts sentenced 53 persons to death. At year's end the total number of death sentences in the JEM trials was 103.

On January 28, a court found Mohamed Alsayr Ibrahim, a former popular police force member, guilty of planning to provide information to the ICC. UNMIS expressed concern that he was not provided access to counsel for three months, that his counsel did not have access to evidence against him, and that his confession was allegedly coerced.

On April 13, authorities hung nine men who received the death sentence for the 2006 killing of the editor in chief of *Al Wafaq*, Mohamed Taha Mohamed Ahmed. Observers expressed concern that their trials had not been fair, and defendants reported being tortured.

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.

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.

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 observers continued to report concerns that persons sentenced to death often did not receive fair trials due to lack of capacity of the legal system and a lack of 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, tortured, and held incommunicado political opponents. Detentions of such persons often were prolonged.

On January 14, authorities arrested without charge Popular Congress Party (PCP) founder Hassan Abdalla al-Turabi and PCP Secretary of Foreign Relations Bashir Adam Rahmaand. Both were released on March 8. Two days before the arrests, Turabi had called for President Bashir to appear before the ICC.

On February 15, authorities arrested PCP Deputy Secretary General Kamal Omar and subsequently sentenced him to eight months in prison for defamation and publication of false news. The charge was in relation to an article he had written in 2006 in which he claimed the NISS discriminated against a group of Darfuris. He spent two months in prison before being released upon appeal.

The government detained persons who participated in political protests (see section 2.b.).

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.

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 government armed forces, aligned militia, and rebels continued to kill civilians. The government continued to bomb villages (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.

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.

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 at lower levels than in previous years. Attacks and other acts of violence by all parties to the conflict resulted in civilian deaths and injuries, displacement, and property destruction. For example, the UN reported that between January and mid-May, approximately 137,000 persons in Darfur were displaced as a result of the conflict. Government forces provided support, weapons, and ammunition to government-aligned militias, and the government generally took no action against soldiers or militia members who attacked civilians. Rape and recruitment of child soldiers continued to be widespread.

On March 4, the ICC issued an arrest warrant for President Bashir as an indirect perpetrator or as an indirect co-perpetrator of five counts of crimes against humanity--murder, extermination, forcible transfer, torture, and rape--and two counts of war crimes--intentionally directing attacks against a civilian population as such or against individual civilians not taking part in hostilities, and pillaging in Darfur between March 2003 and July 2008. Following the announcement, the government expelled 13 humanitarian NGOs from the country. The government also shut down three Sudanese NGOs in March. The expulsions and closures resulted in significant gaps in food, shelter, health care, water, sanitation, and hygiene assistance. While some programs were able to continue utilizing local staff and government assistance, the expulsions dramatically decreased nonemergency humanitarian services.

On May 7, Ahmad Muhammad Haroun, for whom the ICC issued a warrant of arrest in 2007 when he was then state minister for humanitarian affairs, was appointed the governor of Southern Kordofan.

Ali Muhammad Abd al-Rahman, also known as "Ali Kushayb," a janjaweed militia commander, for whom the ICC issued a warrant of arrest in 2007, remained at large.

The African Union High-Level Panel on Darfur, led by former South African president Thabo Mbeki, conducted extensive meetings and hearings throughout the year in Khartoum and Darfur. In October the panel released a report with recommendations that included the creation of a hybrid court of Sudanese and international judges to prosecute the most serious crimes committed in Darfur and a truth and reconciliation commission.

Killings

Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian areas. The aerial bombardment of villages was often followed by ground attacks by janjaweed.

In January in and around Muhajeria, South Darfur, fighting involving government forces and SLA/MM against the JEM resulted in deaths, injuries, and displacement of civilians. On January 14, the JEM attacked SLA/MM-controlled Muhajeria and took control of the town until February 3, when it withdrew. Government forces conducted aerial bombing of the area from January 22 to February 4. Two of the bombs hit an IDP site, killing a child. The fighting and bombing resulted in the almost complete displacement of the area's 30,000 residents.

On June 27 and 28, government aerial attacks and a subsequent ground assault on the village of Hashaba resulted in 38 deaths.

Beginning in early September, the SAF attacked SLA/Abdul Wahid (SLA/AW)-controlled Korma, North Darfur. On September 17, SLA/AW withdrew from Korma. Estimates on the number of civilians killed and displaced varied. A September 29 UNAMID assessment found that the fighting resulted in 13 civilian deaths and the displacement of 31,000 persons, extensive looting, and sexual violence.

Government security forces frequently fired on uniformed rebels in civilian areas, including those of DPA signatory SLA/MM.

Conflicts between different government security forces and between government forces and militiamen resulted in civilian casualties.

For example, on May 2, near Nyala, shots fired between NISS and CRP forces resulted in three civilian deaths.

On May 9, in the main market area of El Fasher, shots fired between an SAF soldier and militiamen resulted in four civilian deaths.

Conflicts among different rebel groups and with militia in Darfur resulted in civilian casualties throughout the year.

In May JEM attacked SLA/MM positions in Gorbora and east of Um Barro. Reportedly, 50 civilians were killed in the clash.

On February 8, in Wada'ah, North Darfur, fighting broke out between the SLA/MM and armed Mima militiamen, who opposed SLA/MM attempts to recruit them and to increase "taxes" on them. On February 10, SLA/MM forces attacked Wada'ah, destroying much of town and causing deaths and injuries. Government forces attacked SLA/MM forces on February 11 and gained control of the town.

There were developments in the ICC prosecutor's November 2008 sealed request for an arrest warrant for three rebel commanders for war crimes pertaining to the 2007 attack on African Union peacekeepers at Haskanita. On May 18, United Resistance Front in Darfur commander Bahr Idriss Abu Garba, alleged to have planned and executed the attack along with other persons, voluntarily appeared before the ICC in response to a summons. He was charged with three war crimes: violence to life in the form of murder, whether committed or attempted; intentionally directing attacks against personnel, installations, materials, units, and vehicles involved in a peacekeeping mission; and pillaging. On October 19–29, the court held confirmation hearings for the case. The names of the two other rebel commanders were not announced publicly during the year, and they did not appear before the ICC.

Chadian armed groups, who operated openly in Darfur and were supplied and supported by Sudanese authorities, committed abuses in Darfur.

According to an NGO report, in December Chadian rebels in North Darfur committed abuses including attacking villages, killing, raping, and looting from civilians.

Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur. For example, in March fighting between the Habaniya and Fallata tribes resulted in an unconfirmed number of civilian casualties.

In North Darfur in late October, fighting between Birgit and Zaghawa tribesmen near Shangil Tobayi town killed 12 persons.

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. An October UN Panel of Experts report found that sexual and gender-based violence continued throughout Darfur. IDPs reported that perpetrators of such violence were often members of Arab militia, government forces, rebel groups, and Chadian armed opposition groups. Assailants assaulted, raped, threatened, shot, beat, and robbed women.

For example, the panel noted a May 15 case, near Al Hamadiya Camp in Zalingei, in which three armed men gang-raped and stabbed a woman who was collecting firewood; the woman had been raped previously in 2003.

The government's expulsion of 13 NGOs resulted in closure of most gender-based violence programs.

Authorities often obstructed access to justice for rape victims, and during the year only four soldiers were convicted of rape in Darfur.

UNAMID documented cases of abuse, arbitrary arrest, and torture by security forces in Darfur, including the CRP.

Child Soldiers

Recruitment of child soldiers remained a serious problem in Darfur. The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators.

A UN report covering the period of September 2007 to December 2008 reported that there were more than 14 Sudanese and foreign armed forces and groups in Darfur that recruited and used children. The majority of cases occurred in West Darfur. These groups included the SAF; police including the CRP; government-aligned militias; Chadian rebels; JEM; JEM (Peace Wing); Movement of Popular Force for Rights and Democracy; SLA/AW; SLA/Abu Gasim/Mother Wing; SLA/Free Will; SLA/MM; SLA/Peace Wing; and SLA/Unity. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad.

In 2007 UNICEF signed an action plan with SLA/MM that committed the rebel group to identifying locations of child soldiers; however, SLA/MM continued to use child soldiers.

Between August and July, in Northern Darfur, SLA/Free Will released 144 child soldiers.

There were developments in the 2008 case of children detained in connection with the JEM attack on Omdurman. As of December, 119 children received pardons and were released, but some children were sentenced to death and remained detained at year's end.

Other Conflict-related Abuses

All parties to the conflict obstructed the work of humanitarian organizations and UNAMID, caused the displacement of civilians, and abused IDPs.

Immediately following the March 4 ICC announcement of the arrest warrant for President Bashir, the Humanitarian Affairs Commission (HAC) ordered 13 NGOs to depart the country within 24 hours. The government also shut down three Sudanese NGOs in March.

The expulsions reduced the access of 1.5 million persons to healthcare; 1.16 million to water, sanitation, and hygiene; and 1.1 million to food aid. While some programs were able to continue by utilizing local staff and government assistance, the expulsions dramatically decreased nonemergency humanitarian services.

Following the expulsions, armed SAF and NISS officers arrived at the Darfur field offices of several NGOs and confiscated office equipment and personal possessions of NGO staff. NGOs reported that not all seized assets had been returned by year's end.

According to the UN, the NISS detained four staff members of expelled international NGOs in South Darfur, severely beating one.

The UN also reported that the NISS arrested, detained, and later released four Sudanese UNAMID staff members in the period before and after the ICC announcement. One was arrested on February 29 and another on March 6. They were both questioned regarding their work with UNAMID and were released after two weeks. On April 11, two other UNAMID national staff members were arrested. They were accused of helping the ICC and were beaten, deprived of sleep, threatened with death, subjected to painful positions, and later released.

On April 11, authorities arrested Mohamed Al Mahjoub, director of the Amal Centre in El Fasher, and detained him incommunicado. He was released on April 17 without charge.

IDP leaders temporarily blocked humanitarian access to Kalma camp in protest of the NGO expulsions.

Despite the March 2007 Joint Communique between the government and the UN, government forces frequently harassed NGOs that received international assistance; restricted or denied humanitarian assessments; did not approve technical agreements; changed procedures; copied NGO files; confiscated NGO property; questioned humanitarian workers at length; monitored humanitarians' personal correspondence; delayed the issuance of visas and travel permits; restricted travel; and publicly accused humanitarian workers of being "spies," "Western agents," and "workers for Israel."

On May 12, the NISS briefly detained 12 staff members of national NGOs at Zalingei airport and took possession of 177,000 Sudanese pounds (\$75,000) of project funds that the NGOs received from UNAMID.

Policy discrepancies between Darfur state-level and Khartoum-based officials in the 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 additional requirements on humanitarian organizations during the year.

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. According to the UN, bandits and other armed persons killed seven humanitarian workers, assaulted 26 humanitarians, abducted 11 humanitarians, attacked 103 humanitarian compounds, and stole 64 humanitarian vehicles during the year as of September 28. Instability forced many international aid organizations to reduce their operations in Darfur.

On March 11, in Saraf Umra, North Darfur, armed men abducted three international and two national staff of Doctors without Borders-Belgium. They released one national staff member the same day. The three international staff and the other national staff member were released on March 14.

On July 3, in Kutum, NGO workers Sharon Commins and Hilda Kawuki were abducted from their homes and held for 107 days.

On October 22, armed men abducted ICRC staff member Gauthier Lefevre near Al Geneina, West Darfur. Authorities reportedly detained three persons in connection with the abduction. At year's end Lefevre was still being held.

The government restricted UNAMID's movement, including its access to IDP camps. Government forces at times threatened to use force against, and fired shots toward, UNAMID forces. Between January and October the government restricted UNAMID's movement on at least 42 occasions. The government was uncooperative with the UN Panel of Experts.

SLA/AW also restricted UNAMID's movement. On November 4, in Deribat, South Darfur, SLA/AW members surrounded a UN helicopter and prevented it from taking off for three hours.

According to the UN, bandits and other armed persons killed four UNAMID personnel, assaulted five UNAMID personnel, attacked 122 UNAMID structures, and stole 31 UNAMID vehicles during the year as of September 28. At year's end UNAMID reported that violence had killed 22 UNAMID personnel since January 2008.

For example, on August 29, gunmen abducted two UNAMID staff members from their residence in Zalingei, West Darfur. They were released on December 13.

On September 29, armed men attacked a UNAMID convoy. The attack resulted in the death of one peacekeeper and injured two others. The attackers also stole one vehicle in the convoy.

On December 4-5, unidentified assailants in North Darfur killed a total of five UNAMID peacekeepers in two separate incidents.

According to the UN, nearly 2.7 million civilians had been internally displaced, and more than 250,000 refugees had fled to neighboring Chad since the conflict in Darfur began in 2003. Despite the signing of the DPA in 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in displacement during the year. For example, the UN reported that between January and mid-May, approximately 137,000 persons in Darfur had been displaced as a result of the conflict. Some existing IDPs were displaced for the second or third time. Darfur IDPs did not return in any significant numbers to their place 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 or relocate persons to other sites. The government harassed IDPs in Darfur who spoke with foreign observers.

On August 1-4, following the July killing of IDP camp leader Omer Adam Ishaq and his wife, authorities took 14 IDP leaders into custody. The IDP leaders were released on August 19, but were arrested again that same day. Two additional leaders were arrested in September. At year's end the IDP leaders remained detained without access to legal counsel at Shala Prison outside of El Fasher and at NISS facilities. Authorities charged only two of the detainees.

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.

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

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.

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

Rebel forces based in Chad attacked government military installations, resulting in civilian displacement. For example, on May 24, in Umm Barro, North Darfur, fighting between government and JEM forces resulted in the displacement of 300 civilians.

There were no developments regarding the August 2008 killings of 33 IDPs and injuring of 108 IDPs by the CRP at Kalma IDP Camp.

Southern Sudan

Interethnic violence and LRA attacks in the south significantly increased during the year. The violence resulted in an estimated 2,500 deaths and the displacement of 359,000 persons.

Tensions over CPA implementation persisted, and fighting between SPLA and SAF members in Malakal resulted in civilian deaths.

On July 22, the Permanent Court of Arbitration (PCA) issued a determination on the boundaries of Abyei. The NCP and the SPLM announced they would accept the decision. Misseriya elements later rejected the findings. Little progress was made on demarcating the border due to insecurity and lack of political will. Deployment of joint integrated units continued, but the units did not have sufficient equipment or training. Few persons displaced by May and December 2008 fighting in Abyei town returned.

Killings

On February 24 and 25, in Malakal, fighting between SPLA and SAF members of joint integrated units resulted in 31 civilian deaths and injuries to 21. Reports indicated that both the SPLA and the SAF were responsible for civilian deaths. An SAF tank reportedly fired into a civilian area, killing eight persons. A UN investigation indicated that SPLA soldiers shot six unarmed civilians from the north.

On October 2, SPLA forces loyal to Deputy Chief of Staff Paulino Matiep and bodyguards for the Unity State governor, Brigadier General Taban Dang Gai, clashed in Bentiu, resulting in the deaths of four civilians, including a child, and injuries to four more.

The LRA killed civilians in Southern Sudan, particularly in Western and Central Equatoria, throughout the year. According to UN agencies, LRA attacks killed more than 200 persons between December 2008 and November. They often attacked near food distribution locations.

On January 2, LRA members attacked the village of Mboroko, killing 18 persons and injuring eight others.

On October 14, LRA members attacked Bambia Village in Yambio County, killing two women.

On December 15, LRA members attacked Boro-Medina in Raja County, killing one person and abducting 13 others.

Intertribal and intercommunal clashes, particularly in Jonglei, Upper Nile, Lakes, and Warrab states, increased during the year and resulted in civilian deaths.

For example, between March 5 and 13, in Pibor County, Jonglei State, fighting between Luo Nuer and Murle tribes resulted in civilian deaths and displacement. The Lou Nuer reportedly attacked the Murle after Murle raids on Nuer cattle camps. The commissioner of Pibor County stated that more than 450 persons were killed, several hundred wounded, more than 1,000 persons displaced, and an unknown number of women and children abducted as a result of the fighting. The UN reported that 5,000 persons were displaced. GOSS President Salva Kiir denied the casualty rates were this high and cited only 52 deaths.

On August 2, in Akobo County, Jonglei State, members of the Murle tribe attacked Lo Nuer villages, resulting in the deaths of 161 persons.

On September 20, in Duk Padiet, Jonglei State, at least 1,000 Luo Nuer tribemen attacked a Dinka village. The fighting resulted in the deaths of approximately 72 civilians and security force members, numerous injuries, and the destruction of approximately 250 homes.

Abductions

LRA members abducted civilians. Between December 2008 and November, the LRA abducted approximately 150 persons in the south, according to the UN.

On June 24, LRA members reportedly attacked Bariguna Payam in Ezo, Western Equatoria, and abducted nine men, eight women, and three children.

On August 12, LRA members abducted persons during an attack in Ezo Town. Several humanitarian workers left the area as a result of the violence, and the UN temporarily suspended operations. As of October humanitarian workers were still unable to work in Ezo County.

On November 12, near Sakure Town in Western Equatoria, five LRA members attacked the area and abducted eight men.

Children were abducted during intertribal and intercommunal clashes, particularly in Jonglei, Upper Nile, Lakes, and Warrab states.

Child Soldiers

A UN report covering the period of September 2007 to December 2008 cited that the SAF and SPLA used child soldiers.

On November 20, the SPLA signed an action plan with UNICEF to end the use of child soldiers.

The LRA, who used child soldiers, abducted children from Southern Sudan.

Other Conflict-related Abuses

The order for 13 NGOs to depart Sudan resulted in the disruption of humanitarian services in the Three Areas.

The SAF obstructed UNMIS access to areas north of Abyei Town before the PCA decision and continued to deny access to Heglig and Kharasana throughout the year.

Intertribal conflict and LRA attacks limited the ability of humanitarian organizations to provide assistance to vulnerable populations.

On June 12, in Upper Nile State, Jikany Nuer men attacked a World Food Program boat convoy that was transporting food assistance. The attackers killed 31 civilians and destroyed five boats; 15 boats were looted during the attack.

Interethnic and LRA-related violence in the south resulted in the deaths of an estimated 2,500 and displacement of 359,000 persons during the year.

According to the UN, approximately two million persons had returned to south since 2005. These persons had been displaced as a result of conflict, famine, and fighting during the north-south conflict.

Few persons displaced during the May and December 2008 fighting in Abyei returned to the area.

Section 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. The government, through the NISS, continued to

control print and broadcast media, and harass vocal critics of the government. The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

On June 8, the Press and Publication Law was passed. The law states that no restrictions will be placed on freedom of the press except on issues pertaining to safeguarding national security and public order and health. Civil society expressed concern that the new law did not meet international standards for freedom of expression. For example, it gives the National Press and Publication Council the power to shut down newspapers for three days without a court order.

Individuals who criticized the government publicly 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 the government restricted UN radio to operating only in the states of the south. 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.

On February 1, authorities ordered Egyptian-Canadian journalist Heba Aly, who had been researching the manufacture of Sudanese weapons, to leave the country. Aly reportedly had been harassed by security officials since October 2008.

In early March authorities deported foreign journalist Zouhir Latif. Prior to his deportation, he was arrested and detained for two days. Latif had been in Darfur before his arrest.

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

On November 10, the government's National Press and Publications Council reportedly revoked the journalism license of *Al-Wifaq* editor Ahmed Fadallah. The following day a court suspended the revocation.

On December 14, Rushan Oshi, a journalist for the *Al-Tayier* newspaper, was arrested while covering a political demonstration (see section 2.b.). She was beaten and suffered a broken finger. Authorities released her after several hours and charged her with disturbing the peace.

The government directly censored the media.

On February 10, March 17, and July 28, the newspaper *Al-Maidan* was reportedly not published after authorities censored articles from those issues.

Official censorship prevented the publication of the newspaper *Ajras al-Hurriya* multiple times during the year.

On September 9, the NISS censorship prevented the publication of the newspaper *Al-Sudani*.

On September 27, President Al-Bashir issued a decree to eliminate the nightly direct NISS newspaper censorship that began in March 2008. The decree is based on a new code of honor signed by a group of editors and NISS officials. Other restrictions, such as calls from government officials to editors and writers warning of off-limit topics and prohibiting advertisers from placing ads in newspapers the government did not favor, continued.

Authorities similarly harassed English-language newspapers whose primary readership was southerners.

There were some reports of harassment of journalists in Southern Sudan.

On January 13, biweekly *Juba Post* editor in chief Isaac Billy Cideon was detained for nine hours for publishing a press release in October 2008 accusing SPLA Major General Wilson Deng of illegally selling local land to Somali businessmen without community consent.

On October 9, following false rumors that GOSS President Salva Kiir had died, armed SSPS officers entered the Juba compound of UNMIS and demanded that UNMIS *Radio Miraya FM* shut down temporarily following a taped interview with GOSS Vice President Riek Machar aimed at dispelling a hoax.

On May 16, in Juba, SPLA military police reportedly briefly detained, searched, and questioned journalists Abdulgadir Mohammed and Adil Badir and confiscated their telephones.

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 regularly blocked access to youtube.com. According to International Telecommunication Union statistics for 2008,

approximately 10 percent of the country's inhabitants used the Internet.

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.

Authorities prevented persons from meeting to discuss the elections planned for April 2010.

Police use of excessive force to disperse persons resulted in injuries.

On March 11, at Dilling University in Southern Kordofan State, a group identified as students, former students, and NISS officials broke up an authorized student forum. The NISS officials and others attacked the group of approximately 200 students with sticks and iron bars. Ten students were reportedly injured.

On December 7, authorities in Omdurman arrested 146 persons, including SPLM Secretary General Pagan Amum and Head of Northern Sector Yassir Arman. Many, including Yassir Arman, were beaten by police. The arrests followed an SPLM-led demonstration aimed at delivering a memo to the National Assembly speaker calling for progress on pending key legislation needed for CPA implementation. Authorities also arrested an additional 120 persons in protests in the northern cities of Wad Madani, El Obeid, and El Hasahisa. All those arrested were released by the following morning.

On December 14, police arrested several high-ranking opposition party members, including prominent Umma Party member Mariam Al-Sadiq, along with approximately 100 other protesters as the group attempted to march to the National Assembly following a political rally in Omdurman. Security forces used excessive force and tear gas to disperse the crowd of approximately 300 demonstrators. Authorities released those arrested by the following morning.

Authorities took no action against security forces that used excessive force.

Freedom of Association

The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right in practice. There were 76 officially registered political parties as of August 31. The law effectively prohibits political parties linked to armed opposition to the government. SLM/MM was not permitted to register. The government continued to harass some opposition leaders who spoke with foreign organizations or embassies.

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, the registration requirement was not enforced, 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.

On March 27, local officials in Chat, a Nuba Mountains village, allegedly led a mob that razed a building used by the Evangelical Presbyterian Church and the Sudanese Church of Christ.

In February in Southern Kordofan, two local members of the NCP-aligned Popular Defense Force (PDF) reportedly threatened to kill a Presbyterian church leader. On March 1, PDF members interrupted a church service and threatened further destruction after breaking the cross on the church's roof. On March 7, a church in Shatt Mazarik was the target of an arson attack, and on March 21, there was a similar attack on a church in Shatt Dammam.

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.

The construction and use of houses of worship required government approval.

According to an NGO report, in June a group of Christian clergy members in Khartoum were arrested while worshipping.

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, and intimidation or encouraged them to leave the country; however, there were no reports of conversion punished by death.

The government restricted foreigners from entering the country expressly for Christian missionary work. Foreign Christian religious workers, including priests and teachers, experienced lengthy delays in obtaining visas.

On February 1, the HAC expelled the NGO Thirst No More from Darfur, accusing it of Christian proselytizing.

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 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 an informal group of persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards. The government's public order police conducted raids of public establishments in Khartoum to arrest women for violating Islamic dress codes. Punishment for violating the dress code was 50 lashes, although those arrested were sometimes able to pay bribes to escape punishment.

On March 26, in Khartoum, police reportedly arrested two Christian women for wearing trousers. They were released pending trial. On March 29, a court sentenced them to 40 lashes or to a fine. The two women paid the fine and were released.

On July 3, authorities arrested 13 women and girls for wearing pants. Ten of them, including three girls, did not have legal representation and received 10 lashes and had to pay fines. Three of the women, including Lubna Hussein, asked for legal representation. Two of these women accepted a presidential pardon; one, Lubna Hussein, did not accept the pardon. On September 7, a court found Lubna Hussein guilty of immoral or indecent dress. Hussein was sentenced to either pay a fine or serve one month in jail, but was released on September 8, when, against her wishes, the head of the progovernment Sudanese Journalists' Union reportedly paid the fine on her behalf. Hussein was not permitted to enter a plea or call witnesses on her behalf. Authorities arrested and later released 45 peaceful protesters who waited outside the trial in support of Hussein. They also harassed and arrested journalists covering the trial. Hussein's appeal of the conviction was pending at year's end.

On November 18, police reportedly arrested 16-year-old Silva Kashif for indecent dress; she was wearing a skirt. Authorities lashed Kashif 50 times.

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 expressed an interest in Christianity or converted 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 religious groups 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 *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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.

The government impeded the work of the UN High Commissioner for Refugees (UNHCR) and delayed full approval of UNHCR activities, particularly in North and South Darfur. In some cases it cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers. In previous years the government defied agreements and targeted refugees and asylum seekers for abuse, although specific information regarding whether this occurred during the year was not available. The government permitted refugees from Eritrea and Ethiopia to remain in the country and travel to Khartoum.

In the south the GOSS cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs and returning refugees.

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.

The government restricted persons from traveling outside of the country to attend conferences. In May the government restricted more than 50 Darfuris from traveling to a conference in Ethiopia, hosted by the Mo Ibrahim Foundation, to discuss peace-building and reconciliation in Darfur. The restriction resulted in the cancellation of conference.

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 must register with the police on entering the country, obtain permission to move more than 15.5 miles 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 delayed issuing humanitarian and diplomatic visas and travel permits for Darfur and the Three Areas to foreign NGO staff.

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

In Darfur approximately 2.7 million civilians had been internally displaced since the conflict began in 2003. Violence continued to displace persons in Darfur during the year. For example, the UN reported that between January and mid-May, approximately 137,000 persons in Darfur had been displaced as a result of the conflict. Many persons were displaced for the second or third time during the year (see Section 1.g.).

In the south interethnic fighting and LRA attacks resulted in the widespread displacement of persons during the year (see section 1.g.).

According to the UN, approximately two million persons had returned to south since 2005 (see section 1.g.).

There were no developments regarding the thousands of persons displaced by the Merowe dam in previous years.

In January authorities in Juba began to forcibly evict persons from residential areas and markets, which were subsequently demolished, displacing more than 30,000 persons, including IDPs. On May 25, UNMIS called for the demolitions to be halted and stated that they were not done in accordance with the law or international human rights standards.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, 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.

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.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951

convention.

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

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

The Interim National Constitution provides citizens the right to change their government peacefully; however, elections, originally scheduled under the CPA for July were rescheduled for 2010.

The Interim National Constitution provides for power sharing nationwide between the NCP and the SPLM. The DPA 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 second 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/MM.

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 forces. Southern Sudan's legislative assembly approved an interim constitution in 2005, which President Kiir signed in December of that year.

On October 19, SPLM delegates temporarily withdrew from the national assembly due to concerns over lack of progress on legislative reforms pertaining to the CPA. On December 13, the SPLM and NCP reached an agreement pertaining to legislation on the referendum on southern independence, the Abyei referendum, and popular consultations. On December 20, the National Assembly passed national security legislation without the support of the SPLM or opposition parties. On December 29, the National Assembly passed legislation on the southern referendum in line with the previously agreed language with the SPLM; this superseded legislation passed on December 23 that was not in accordance with the December 13 agreement. On December 30, the assembly passed legislation on the Abyei referendum and on popular consultations in Southern Kordofan and in Blue Nile states.

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 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.

On April 1, the National Electoral Commission scheduled national elections for February 2010; they were later rescheduled to begin on April 5, 2010, and then again rescheduled for April 11-18, 2010.

From April 28 to May 9, a UN team conducted an elections assessment in the country. The UN reported that important advances had been made, but noted that several basic actions, including the protection of civil liberties, needed to be implemented to provide a free and fair environment. The report also expressed concern that election preparations were behind schedule, voters needed increased civic education, and the national elections commission needed to address registration constraints of IDPs, refugees, and those without necessary documentation.

Political parties and NGOs also expressed concern that the legal environment did not guarantee civil liberties needed for free and fair electoral environment.

On June 18, the National Electoral Commission's members were sworn in.

Voter registration occurred from November 1 to December 7. The Carter Center observed the registration process. The center's findings included that the process was mostly peaceful and that officials registered relatively high numbers of voters, but also that there was uneven participation across geographic areas, a shortage of registration materials, the collection of registration receipt slips by some political parties, lax procedural compliance, and proxy registration. In Darfur the center noted that election committees could not access all areas, including some IDP camps; some IDPs chose not to participate; and security forces were present at registration centers. UNMIS noted high voter turnout as well, but also reports of irregularities throughout the process including registration of military units outside their constituencies and the registration of more persons than the estimated population in some areas.

On June 29, the results of April 2008 national census were released. The CPA states that certain power sharing provisions of the agreement are to be adjusted based on the census. The SPLM rejected the results, claiming that populations in the south were underestimated. Many IDPS in Darfur also rejected the results.

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 tortured political opponents.

Authorities regularly impeded and monitored political party and NGO meetings and activities, and arrested participants.

For example, on June 23, in the state of Khartoum, authorities prevented a public discussion on elections by an NGO. Authorities told the organizers that they needed prior approval to hold the event.

On August 6, the NISS disrupted a public talk about the upcoming elections. Security forces dispersed the crowd from the Sudanese Congress Party and ordered the organizers to cancel the event. The organizers had reportedly obtained all the necessary permissions and clearances to hold the public event.

On September 9, the NISS prevented three organizations from holding a symposium on elections at Khartoum University.

In the south authorities obstructed the activities of Democratic Change (SPLM-DC).

On July 3, SPLA soldiers arrested two members of the recently formed SPLM-DC. One of the men was released on July 13 and stated that SPLA members beat him while in custody. The other person was reportedly beaten so severely that he required hospital care and was subsequently released by the SPLA.

On November 9, the GOSS issued an order to governors in the south to not impede the actions of any political party, except the SPLM-DC. SPLM-DC founder Lam Akol appealed the decision and later announced that the Constitutional Court granted the appeal.

Women had the right to vote. There were approximately 80 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. Under the July 2008 National Elections Law, 25 percent of the seats in the national, Southern Sudan, and state assemblies are to be filled from state-level women's lists.

Section 4 Official Corruption and Government Transparency

The law does not provide criminal penalties for official corruption, and 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.

The Auditor General's report on fiscal year 2008 found that 5.4 billion Sudanese pounds (\$2.3 billion) was embezzled from government institutions.

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.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government was uncooperative with and unresponsive to domestic human rights groups. Both domestic and international human rights organizations were restricted and harassed.

While various local human right groups were active in the country, the government, in addition to expelling 13 international organizations, closed three major domestic NGOs in March: the Khartoum Centre for Human Rights and Environmental Development, the Amal Centre for Treatment and Rehabilitation, and the Sudan Social Development Organization (SUDO). The Khartoum Centre and SUDO's assets were seized.

Members of local and international human rights organizations were subject to arrest and detention, including in Darfur (see section 1.g.).

For example, on August 30, the NISS arrested Abdel Majeed Saleh Abakr Haroun, a Darfuri human rights activist and leading member of the Darfur Democratic Forum. He was on his way to meet students who were beaten in the June 11 Khartoum University attack. At year's end he remained in NISS custody without charge.

NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur and the Three Areas (see section 1.g.). During the year the HAC often changed its rules

and regulations without prior notification.

The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, despite the 2007 Joint Communiqué between the government and the UN. This included delaying the issuance of visas and travel permits to humanitarian workers.

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

On April 21, the National Commission for Human Rights Act was adopted. A commission had not been set up by year's end.

The government did not cooperate with the ICC (see section 1.g.).

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.

Section 6 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 against 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. Spousal rape is not addressed in the law. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. 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 in Darfur, continued to be a serious problem (see section 1.g.). Authorities often obstructed access to justice for rape victims.

Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy" (see section 1.d.).

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 prohibits 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.

Couples were able to decide freely on reproductive issues, but societal and religious norms pressured married females to have several children. Contraception, skilled medical attendance during childbirth, and obstetric and postpartum care were not widely accessible. Women had equal access to diagnosis and treatment for sexually transmitted diseases, including HIV.

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 Islamic law, 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 was 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 their 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. There were instances in which police in the north and south arrested women for their dress, and

authorities subjected women to flogging. 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 Interim National Constitution states that persons born to a Sudanese mother or father have the right to citizenship.

The government did not register all births immediately.

The law provides for free basic education up to grade eight; however, students often had to pay school, uniform, and exam fees. 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 few children outside of cities had access to primary education. Primary school enrollment in the south has tripled since 2005 according to UNICEF. Lack of schools was a serious problem in the south. Girls in the south did not have equal access to education.

In 2005 UNICEF reported that in Southern Sudan only approximately 500 girls completed primary school each year.

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. 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. FGM was also increasing in IDP camps in Darfur. 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.

The country does not have a statutory rape law and there is no minimum age for consensual sex.

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 trafficked to Middle Eastern countries for domestic servitude and to Europe for sexual exploitation. Ethiopian women were trafficked to and through the country for domestic servitude. Children were trafficked through Yemen into Saudi Arabia for forced begging. The recruitment and use of child soldiers was a problem. 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.

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.

In August police in Jonglei State rescued 12 children and arrested suspected child abductors.

Thousands of Dinka were abducted by the Misseriya and Rezeigat tribes during 1980s and 1990s. In contrast with the previous year, government's Committee to Eradicate the Abduction of Women and Children (CEAWC) received no funding from either the GNU or the GOSS and did not repatriate any individuals to their home regions during the year.

In 2007 the governments of Sudan and the United Arab Emirates signed an agreement establishing claims facilities to compensate former Sudanese child camel jockeys for their injuries. In previous years the government's National Council for Child Welfare reported the repatriation of former child camel jockeys, although none were repatriated during 2009.

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.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

While the law does not specifically prohibit discrimination against persons with disabilities, it stipulates 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 considered themselves either Arab or non-Arab and also between different Arab tribes (see section 1.g.). Interethnic fighting in the south was a severe problem (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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits homosexuality; there were no reports of persons being prosecuted on this basis. Societal discrimination against homosexual persons occurred. Sexual orientation was not openly discussed in the country. There were no visible lesbian, gay, bisexual, or transgender organizations.

Other Societal Abuses and Discrimination

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

Incitement to Acts of Discrimination

The government and government-supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence.

Section 7 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.

On November 12, authorities reportedly arrested Sudan airways pilots after they participated in a strike.

In the south, on September 10, the SSPS reportedly beat doctors and nurses following a one-day strike.

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.).

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 had 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 (\$53) 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. 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.

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