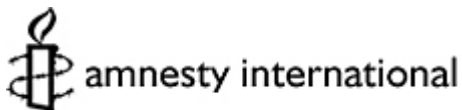


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Amnesty International Report 2010 - Sudan

REPUBLIC OF SUDAN

Head of state and government: Omar Hassan Ahmed Al Bashir

Death penalty: retentionist

Population: 42.3 million

Life expectancy: 57.9 years

Under-5 mortality (m/f): 117/104 per 1,000

Adult literacy: 60.9 per cent

Widespread human rights abuses by the government and armed groups continued. The conflict in Darfur was less intense than in previous years but nevertheless continued, with attacks on civilians and humanitarian convoys among violations of international humanitarian law committed by all sides to the conflict. Hundreds of civilians were killed. Violence against women, including rape, remained widespread, particularly during attacks on villages and near camps of internally displaced persons (IDPs). In Southern Sudan, armed clashes escalated as did ethnic conflicts, resulting in more than 2,500 deaths and the displacement of more than 350,000 people. In March, the International Criminal Court (ICC) issued an arrest warrant against President Omar Al Bashir for war crimes and crimes against humanity. Following this, the government stepped up repression of human rights defenders, political opponents and ordinary civilians, and expelled and closed down international and national humanitarian organizations. More than 60 people were sentenced to death, 54 by special counter-terrorism courts, and at least nine were executed. Torture and other ill-treatment were widely reported. The use of cruel, inhuman and degrading punishments persisted; at least 12 women were flogged after police arrested them mainly for wearing trousers.

Background

Tensions mounted between the National Congress Party (NCP), the ruling party, and the Sudan People's Liberation Movement (SPLM), the ruling party in Southern Sudan, particularly over legal reforms and the demarcation of Abyei's borders that were defined in July by the Permanent Court of Arbitration, which sits in The Hague. The Court decided that the oil fields of Heglig and Bamboo belonged to the North, which was

contested by the SPLM.

Disputes also continued between the NCP and the SPLM over aspects of the 2005 Comprehensive Peace Agreement and the South Sudan Referendum Bill, which was passed in December.

The national elections, which were supposed to be held by April, were delayed until April 2010. The voters' registration process, which lasted from November to December, was impeded by several factors, including lack of access to registration points.

In June, the UN Human Rights Council did not renew the mandate of the Special Rapporteur on the Human Rights Situation in Sudan and decided to replace the Special Rapporteur with an Independent Expert on the situation of human rights in Sudan. Mohamed Chande Othman, a former judge from Tanzania, was appointed on 2 October.

Preliminary consultations were held in Doha under the auspices of the Qatari government and in collaboration with the AU-UN joint chief mediator for Darfur, Djibril Bassole, to discuss the prospects of a new peace agreement for Darfur. In February, the government of Sudan and the Justice and Equality Movement (JEM), one of the main Darfur-based armed opposition groups, signed the "goodwill and confidence building agreement" following a week of negotiations in Doha. The two parties committed to finding a peaceful resolution to the conflict. The agreement contained provisions to exchange those involved in the conflict who had been captured, including people arrested following the JEM attack on Khartoum in May 2008, as well as ceasing arrests of displaced people and allowing access to humanitarian aid for the displaced. The agreement broke down after the ICC issued the arrest warrant against President Al Bashir, and after the government refused to surrender hundreds of detainees arrested after the 2008 JEM attack on Khartoum.

International justice

On 4 March, the ICC issued an arrest warrant against President Al Bashir for two counts of war crimes and five counts of crimes against humanity. The AU and League of Arab States expressed their support for President Al Bashir and requested the Security Council to defer the case under Article 16 of the Rome Statute of the ICC. The request was not granted.

The warrant against President Al Bashir was the third issued by the ICC relating to Darfur. The Sudanese government refused to co-operate or surrender any of the suspects. Ali Kushayb, one of the former leaders of the Janjaweed, the government-allied militia, against whom an arrest warrant was issued by the ICC in 2007, reportedly remained at liberty. Ahmed Haroun, former State Minister for Humanitarian Affairs, against whom the ICC also issued an arrest warrant in 2007, was appointed governor of South Kordofan in May.

On 7 May, the ICC's pre-trial chamber issued a sealed summons for Bahar Idriss Abu Garda, the alleged co-perpetrator of three war crimes in the Haskanita attack against peacekeepers of the African Union Mission in Sudan (AMIS) in 2007. Bahar Idriss Abu Garda voluntarily appeared before the ICC on 18 May.

In March, the AU formed a panel on Darfur, headed by former South African President Thabo Mbeki, to investigate ways of securing peace, justice and reconciliation in the region. In October, the panel submitted its report to the AU. Among other recommendations, it called for the creation of a hybrid court comprising Sudanese judges as well as AU-appointed judges from other countries to prosecute the most serious crimes committed in Darfur. The report was subsequently endorsed by the AU's Peace and Security Council.

Armed conflict – Darfur

Despite a reduction in attacks and the return of some displaced people to their home villages, conflict persisted in Darfur. Civilians continued to bear the brunt of the fighting, with hundreds of civilians killed. Attacks on villages led to the displacement of thousands of civilians.

Attacks on humanitarian workers and convoys, and on the joint UN-AU Mission in Darfur (UNAMID) also continued. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA) in September, three UNAMID staff and seven national humanitarian staff were killed and 12 humanitarian staff and 10 UNAMID staff were wounded in the first eight months of the year. UNAMID still lacked essential equipment and fell short of the pledged strength of 26,000 uniformed troops required to fulfil its mandate to protect civilians.

- In January, JEM entered Muhajeria, a town in south Darfur that was previously controlled by the Sudan Liberation Army/Minni Minawi branch (SLA/MM), the only Darfur-based armed opposition group to have signed the 2006 Darfur Peace Agreement with the Sudanese government. Both sides engaged in fighting and the shelling of civilian areas, and government planes bombed the town killing scores of civilians and injuring hundreds, and causing the displacement of most of the town's population. In February, around 6,000 people sought safe haven around the UNAMID base in Muhajeria. The government asked UNAMID to leave Muhajeria, but it refused to do so.

Access to humanitarian aid

On 4 March, immediately after the ICC issued its warrant of arrest against President Al Bashir, the government expelled 13 international humanitarian organizations and closed down three national human rights and humanitarian organizations. The government said some of the organizations' papers were not in order and accused others of providing information to the ICC.

The expulsions removed 40 per cent of all aid workers from Sudan and threatened to have a dramatic impact on the humanitarian situation in Darfur, in the transitional areas (Abyei, Blue Nile and South Kordofan) and eastern Sudan – all home to significant numbers of vulnerable people relying on humanitarian aid.

In June, the government announced that it would allow the entry and registration of new organizations and their staff. However, the three national humanitarian and human rights organizations remained closed – the Khartoum Centre for Human Rights and Environmental Development, the Sudan Social Development Organization (known as SUDO) and the Amal Centre for the Rehabilitation of Victims of Torture in Khartoum – leaving a significant gap in humanitarian services and the monitoring and reporting of human rights violations in Darfur and Sudan in general. The National Intelligence and Security Services (NISS) harassed staff of these organizations, raided their offices and froze their assets.

Violence against women

Rape and other violence against women continued to be widespread during attacks on villages and in the vicinity of IDP camps, especially when women ventured outside. Organizations offering protection services, particularly to survivors of sexual violence in Darfur, were seriously affected by the expulsions and closures of humanitarian organizations.

Armed conflict – Southern Sudan

Armed clashes between different ethnic communities continued. More than 2,500 people were reportedly killed and more than 350,000 were displaced. The violence mostly affected remote areas. The worst affected state was Jonglei, where at least 2,000 were killed, according to UN estimates.

Attacks increased on civilians by the Lord's Resistance Army (LRA), an armed group that originated in northern Uganda. According to the UN Office of the High Commissioner for Human Rights (OHCHR), the LRA's attacks in Southern Sudan could amount to war crimes, with 27 confirmed attacks between December 2008 and March 2009.

The increase of violence across southern Sudan was exacerbated by poor rainfall, leading to a dire humanitarian situation. The lack of cultivation and access to fields, as well as the difficulty for humanitarian agencies to travel, increased food insecurity, with the threat of famine affecting an estimated 1.5 million people.

Arbitrary detentions, torture and other ill-treatment

The NISS continued to detain people arbitrarily and hold them incommunicado, particularly in Khartoum and Darfur after the ICC issued the warrant of arrest for President Al Bashir. NISS personnel raided the offices of several Sudanese NGOs, took away files and arrested some of their staff. They also arrested staff of international humanitarian organizations seen by the government as possible suppliers of information to the ICC. Human rights defenders were particularly affected by the wave of arrests and many fled the country.

A new National Security Bill, adopted by parliament in December, retains the power of the NISS to detain people without charge for four and a half months and maintains immunity from prosecution for security officers.

- On 21 October, Adam Suleiman Sulman, one of the 103 defendants sentenced to death by special counter-terrorism courts (see below), died in a police hospital in Khartoum two days after he was taken there from Kober prison. He was still in shackles. Adam Suleiman Sulman had been tortured during his detention. He also had a mental disorder that was reportedly exacerbated by his detention and torture. He died of tuberculosis and was denied adequate health care, despite warnings by his lawyer that he needed urgent medical attention.

Unfair trials – special courts

Between July 2008 and June 2009, 103 individuals were sentenced to death by special counter-terrorism courts. The defendants were convicted collectively after unfair trials of crimes relating to their alleged participation in the JEM attack on Khartoum in May 2008. The special courts were set up in the aftermath of the attack in application of the 2001 Counter-Terrorism Act. The "confessions" of most defendants were allegedly extracted under torture and were accepted by the courts as the main evidence to secure their conviction. Many defendants were only given access to a lawyer after their trial had begun. All but one defendant, who died in custody (see above), were awaiting the outcome of appeals at the end of the year.

Death penalty

In addition to those sentenced to death by the special courts, at least six people were sentenced to death by ordinary courts and nine were executed.

- Nine men accused in relation to the murder of newspaper editor Mohamed Taha, who was found beheaded in September 2006, were executed on 13 April after the Supreme Court upheld their death sentences. Although all nine retracted their confessions in court alleging they had been extracted under torture, the Appeal Court accepted their "confessions" as evidence against them. All nine were from Darfur.
- Four men were sentenced to death in June by the Court of First Instance in Khartoum for the killing of USAID employee John Granville and his driver Abdel Rahman Abbas on 1 January 2008. After the family of Abdel Rahman Abbas pardoned the four men, as they are entitled to do under Islamic law in Sudan, the

Court of Appeal sent the case back to the Court of First Instance which upheld the death sentences on 12 October. Three of the defendants alleged that their confessions had been extracted under torture.

Enforced disappearances and incommunicado detention

Around 200 of the approximately 1,000 people arrested following the attack by the JEM on Khartoum in May 2008 remained unaccounted for, according to a June report by the Special Rapporteur on the situation of human rights in the Sudan. At the end of 2009, the government had still not named the detainees, clarified their status or whereabouts, or allowed them access to their families and lawyers.

Freedom of expression – freedom of the press

The print media was heavily censored in the first nine months of the year. The NISS visited newspapers daily and censored articles they considered harmful to the government or ruling party, or covered sensitive issues such as the ICC or Darfur. This prompted protests by journalists and media owners, including the voluntary suspension of their publications. A new press law, passed in June, maintained restrictions on journalists, such as fines against journalists and publications for alleged press offences, and the powers of the National Press and Publication Council to close down newspapers. On 27 September, President Al Bashir lifted the censorship, imposed 18 months earlier by the NISS, and the government called on editors in return to adhere to a journalistic "ethical code" that could mean they would not address issues that would have been censored in the past.

Journalists continued to be intimidated and arrested by the NISS. Foreign journalists were harassed and expelled reportedly for covering issues seen as sensitive or harmful to Sudan.

- On 2 March, Zouhir Latif, a Tunisian journalist who was also working for the UN World Food Programme, was expelled after he had been detained by the NISS for three days. Zouhir Latif had covered stories on Darfur, including a battle in Muhajeria in February.

Cruel, inhuman and degrading punishments

Cruel, inhuman and degrading punishments, including flogging, continued to be passed and implemented.

- In July, 13 women, including journalist Lubna Ahmed Hussein, were arrested in a restaurant in Khartoum for wearing trousers, which was deemed "indecent or immoral dress" by the public order police officers who arrested the women. Ten of the women were sentenced to 10 lashes each under Article 152 of the Criminal Act. The flogging was carried out. Lubna Hussein took her case to an ordinary court, which in September convicted and fined her. She led a public campaign against Article 152 and announced she would be appealing against her conviction.

Amnesty International reports

- Empty promises on Darfur: International community fails to deliver (AFR 54/001/2009)
- Sudan: Death penalty – 82 Darfuri men (AFR 54/012/2009)
- Sudan: Amnesty International calls for arrest of President Al Bashir, 4 March 2009
- Sudan: Execution of nine potentially innocent men shows flaws of death penalty, 14 April 2009

- Sudanese authorities must abolish the punishment of flogging and repeal discriminatory laws, 24 August 2009

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