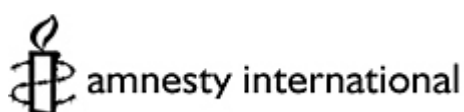


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Amnesty International Annual Report 2011 - Sudan

Head of state and government: Omar Hassan Ahmed Al Bashir

Death penalty: **retentionist**

Population: **43.2 million**

Life expectancy: **58.9 years**

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

Adult literacy: **69.3 per cent**

In Darfur and south Sudan, hundreds of thousands of civilians continued to suffer the effects of armed conflict and restricted access to humanitarian aid. The conflict in Darfur escalated and included attacks on villages which resulted in thousands of newly displaced people. Sexual violence against women remained rife in and around camps for the internally displaced. Abductions and attacks on humanitarian convoys also increased. Human rights violations, mainly by the National Intelligence and Security Service (NISS), continued to be committed with impunity. Perceived critics of the government were arrested, tortured or ill-treated and prosecuted for exercising their rights to freedom of expression, association and assembly. Death sentences were handed down, including against juveniles. Women, young girls and men were arrested and flogged in the north because of their "dress" or "behaviour" in public places.

Background

Presidential and parliamentary elections took place in April. President Al Bashir was re-elected amidst reports of fraud and vote-rigging, which prompted some of the main opposition parties to withdraw from the elections.

Preparations for the referendum on self-determination for south Sudan, scheduled to take place on 9 January 2011, were marked by disputes between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM). Contentious issues included voter registration and border demarcation, particularly in the area of Abyei, an oil rich region and one of three transitional areas (together with Blue Nile and South Kordofan).

In February, negotiations resumed between the government and a number of Darfuri armed groups in preparation for peace talks in Doha, Qatar, under the auspices of UN-AU joint mediation and the government of Qatar. A Framework Agreement to Resolve the

Conflict in Darfur, similar to one signed in 2009, was signed in Doha on 23 February by the government and the armed opposition Justice and Equality Movement (JEM).

On 1 October, the UN Human Rights Council renewed the mandate of the Independent Expert on the situation of human rights in Sudan.

In October, a UN Security Council delegation visited Sudan in connection with preparations for the referendum.

An International Donors and Investors Conference for east Sudan was held in Kuwait in December. East Sudan continued to suffer marginalization, arms proliferation and insecurity. In addition, hundreds of refugees arrived each month from neighbouring countries, namely Eritrea, Ethiopia and Somalia.

International justice

On 8 February, the International Criminal Court (ICC) decided not to confirm the charges against Bahar Idriss Abu Garda, leader of the United Resistance Front, a Darfur-based armed group. Bahar Idriss Abu Garda had been summoned in relation to three war crimes in an attack on Haskanita in 2007 against peacekeepers from the African Union Mission in Sudan (AMIS). He appeared voluntarily before the ICC on 18 May 2009. The pre-trial chamber rejected the ICC Prosecutor's appeal on 23 April 2010 and again refused to confirm the charges.

On 17 June, Abdallah Banda Abbaker Nurein, Commander in Chief of the JEM Collective Leadership, and Saleh Mohammed Jerbo Jamus, former Chief of Staff of the Sudan Liberation Army-Unity who then joined the JEM, appeared before the ICC. The hearing to confirm the charges against them took place on 8 December.

On 12 July, the ICC issued an additional arrest warrant against President Al Bashir for genocide. The pre-trial chamber found there were reasonable grounds to believe that President Al Bashir was responsible for three counts of genocide against the Fur, Massalit and Zaghawa ethnic communities.

The Assembly of the AU reaffirmed in July its decision not to co-operate with the ICC in relation to the arrest and surrender of President Al Bashir. The Assembly asked AU member states to comply with its decision. President Al Bashir visited Chad and Kenya, both states parties to the Rome Statute, in July and August.

The Sudanese government did not co-operate with the ICC. The three people against whom the ICC had issued arrest warrants – President Al Bashir, Ahmed Haroun, governor of South Kordofan since May 2009, and Ali Kushayb, former Janjaweed leader – also remained free from prosecution in Sudan.

Armed conflict – Darfur

In February, as the prospect of a peace agreement was being discussed in Doha by the government and various armed groups from Darfur, the government launched a military campaign in Darfur. Armed clashes between government troops and the Sudan Liberation Army (SLA) Abdel Wahid faction, mainly in the Jebel Marra area in West Darfur, led to the displacement of an estimated 100,000 people between February and June. The joint UN-AU Mission in Darfur (UNAMID) and humanitarian organizations were denied access to the Jebel Marra area for several months. Fighting between various communities also escalated and was exacerbated by divisions within armed groups. Inter-communal fighting and clashes between government troops and the SLA/Abdel Wahid and the JEM led to hundreds of civilian casualties.

The framework agreement signed in Doha included an exchange of prisoners and the government released 57 alleged JEM prisoners in February. Fifty of them had been sentenced to death by special counter-terrorism courts following the JEM attack on Khartoum in May 2008.

The governments of Sudan and Chad formed a joint force to patrol their borders and the government of Chad denied Khalil Ibrahim, leader of the JEM which was mainly based in eastern Chad, access to its territory. While Khalil Ibrahim took refuge in Libya, the JEM

re-entered Darfur. The agreement between the JEM and the Sudanese government collapsed, leading to military confrontations including in the Jebel Moon area.

In Kalma camp in South Darfur, armed clashes between supporters and opponents of the Doha peace process led to tens of casualties amongst camp residents in July and forced half the residents out of the camp. The camp's inhabitants were denied access to humanitarian aid by the government for several weeks while those who left the camp were not easily traceable by humanitarian agencies.

In September, the government adopted a new strategy for Darfur to control the conflict, encouraging the "voluntary" return of internally displaced people (IDPs) to their areas of origin, and planning a shift from recovery to development activities. The new strategy was rejected by several armed groups and political parties who alleged that the government was attempting to dismantle the camps and force people to return to their villages while pursuing a military solution to the conflict.

- In July, the police and the NISS arrested a number of individuals in Kalma camp. At least two were reportedly tortured and remained in incommunicado detention without charge at the end of the year. Following the arrests, six camp residents, one a woman, sought refuge at a UNAMID community policing centre. Although the government reportedly presented UNAMID with arrest warrants for the five men, UNAMID refused to surrender them without guarantees for their safety, including freedom from torture and the death penalty.
- Four IDPs from Abushok camp in North Darfur who were arrested in August 2009 under the 1997 Emergency and Public Safety Act remained in detention without charge. Thirteen IDPs in total were arrested following the killing of a sheikh in the camp. Seven were released in February and another two in September. While charges against all of them were dropped following early investigations, the detainees were nevertheless transferred to Shalla prison and detained without access to their families or a lawyer. North Darfur has been under a state of emergency since 2006, which gives extraordinary powers to the state governor and other officials to arrest and detain people without charge.
- On 1 December, a Doha civil society consultation was held at Zalingei University in West Darfur, in the presence of the Qatari mediator and the joint UN-AU chief mediator Djibril Bassolé. Outside the meeting, students calling for accountability for crimes in Darfur clashed with students supporting the NCP. Following the departure of the delegation, the NISS opened fire on the demonstrators. Two men, including one student, were killed and at least nine people were injured.

Armed conflict – south Sudan

The population of south Sudan and the three transitional areas continued to be affected by inter-communal fighting over cattle, land and natural resources, although the scale of the violence decreased over the year. The proliferation of small arms and human rights abuses by various groups, including soldiers of the Sudan People's Liberation Army (SPLA), continued to affect communities and humanitarian workers.

Nevertheless, tens of thousands of IDPs and refugees returned to south Sudan from the north and from neighbouring countries, mainly Uganda.

The Lord's Resistance Army (LRA) attacked villages in south Sudan. According to UNHCR, the UN refugee agency, by August, 25,000 people had fled their homes in Western Equatoria out of fear of LRA attacks. The escalation in LRA attacks limited the population's access to fields and crops and increased food insecurity.

Arbitrary detentions, torture and other ill-treatment

A new National Security Act passed in December 2009 came into force in February. The Act maintained the NISS's extensive powers of arrest and detention without judicial oversight for up to four and a half months.

The NISS continued to arrest and detain political activists and human rights defenders, hold them incommunicado, torture and ill-treat them, and prosecute them for the peaceful exercise of their rights to freedom of expression, assembly and association. NISS agents remained immune from prosecution and disciplinary measures for human rights violations.

As a result of these practices, human rights defenders continued to flee the country and to limit their activities when inside Sudan.

- Mohammed Moussa Abdallah Bahr El Din, a student at the University of Khartoum's Department of Education, was seized by NISS agents on 10 February. His body was found a day later in Khartoum with signs of torture, reportedly including cuts and burns on his hands and feet. A postmortem confirmed the signs of torture. No independent investigation was initiated into his death.
- Between 30 October and 3 November, 13 people were arrested by the NISS in Khartoum, including a lawyer, a journalist and a number of youth activists. In December, family members were allowed to visit some of them in prison but the detainees still had no access to lawyers. All were of Darfuri origin.

Freedom of expression – prisoners of conscience

Between May and August, the NISS resumed its pre-print censorship of the press in the north and closed down a number of newspapers. Some were not allowed to go to print for the entire duration of the censorship. Journalists were arrested because of their work.

In south Sudan, journalists also suffered harassment and arbitrary arrest, particularly because of their coverage of the elections. Security forces and SPLA soldiers arrested and used violence against journalists as well as election monitors and members of the opposition. Voters were also harassed and intimidated in voting polls in the south.

- *Rai Al Shaab*, a newspaper affiliated to the opposition Popular Congress Party, was closed down in May and five staff members were arrested. In July, Abuzar Al Amin, deputy editor-in-chief, was sentenced to five years in prison while Ashraf Abdelaziz, one of the newspaper's editors, and Al Tahir Abu Jawhara, head of the political news desk, were sentenced to two years. The journalists were reportedly tortured or otherwise ill-treated in detention.
- On 23 April, Bonifacio Taban Kuich, a presenter with the radio station Bentiu FM, was arrested by the security forces in Bentiu hospital. He was reporting on a protest against the results of the local elections in Unity State, during which police reportedly shot into the crowd, killing two people and injuring four. Bonifacio Taban Kuich was allegedly beaten and interrogated about his work. He was released without charge on 6 May.

Cruel, inhuman and degrading punishments

The public order police continued to arrest women, young girls and men in the north, on grounds of "indecent" or "immoral" dress or behaviour, and courts carried out numerous flogging sentences during the year. More restrictions on public behaviour were introduced and the public order police reportedly formed committees to determine criteria for arresting people on the basis of "indecent" public behaviour or dress.

Before the April elections, President Al Bashir reiterated his commitment to the public order regime, the set of laws and structures that allow for detentions and floggings in north Sudan. The public order police continued to blackmail women and sexually harass them during arrest and in detention and to target women from vulnerable backgrounds, including women living in poverty, IDPs and women from Eritrean and Ethiopian communities living in Khartoum.

- The appeal of Lubna Hussein, a journalist who defied the public order regime by taking her case to an ordinary court and who was convicted in September 2009 for wearing trousers, remained pending before the Constitutional Court.

- In August, 19 young men were arrested in Khartoum by the public order police for cross-dressing and wearing make-up. The men were denied access to a lawyer, and publicly given 30 lashes before a reported audience of some 200 people.
- On 14 December, dozens of protestors rallied in Khartoum calling for an investigation into the public flogging of a woman by two members of the public order police in the presence of a judge. The flogging had been filmed and received wide publicity. More than 60 men and women were arrested by the NISS and held until the evening. Many women were beaten during their arrest.

Death penalty

Courts in north and south Sudan continued to pass death sentences, including against juveniles. Although 50 men were released following the signing of the framework agreement for peace negotiations between the JEM and the government in February in Doha, 55 men remained in prison awaiting the results of the appeals against their death sentences. Eight of the 55 were believed to be children and although the government gave assurances that they would not be executed, their sentences had not been commuted by the end of the year.

- On 14 January, six men were executed for the murder of 13 policemen during clashes in the IDP camp of Soba Aradi, south of Khartoum. Violence erupted after the security forces attempted to forcibly evict the camp residents in May 2005. The six men were only allowed access to a lawyer five months after their arrest. All were reportedly tortured to "confess". The Constitutional Court upheld the death sentences despite the allegations of torture.
- On 21 October, a special court in Darfur sentenced 10 men to death. Four were reportedly under the age of 18: Idriss Adam Abbaker; Abdallah Abdallah Daoud; Ibrahim Shareef Youssif; and Abdelrazig Daoud Abdessed. They were convicted of involvement in an attack on a government escorted convoy in South Darfur. The trial did not meet international standards of fair trial. Only two of the alleged children were medically examined to determine their age. Idriss Adam Abbaker was confirmed as a child and had his sentence commuted. One medical examination confirmed that Abdallah Abdallah Daoud was a child, but a second examination found that he was over 18 and was taken into account by the court.

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