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Annual Report 2013

The state of the world's human rights

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Sudan

Head of state and government Omar Hassan Ahmed al-Bashir

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Post-independence agreements on the sharing of oil, citizenship and border demarcation continued to be negotiated with South Sudan. Conflict continued in Darfur, Southern Kordofan and Blue Nile states. The National Security Service (NSS) and other government agents continued to commit human rights violations against perceived critics of the government for exercising their rights to freedom of expression, association and assembly.

Background

Tensions between South Sudan and Sudan mounted in relation to outstanding post-independence issues. The shutdown of oil production in South Sudan in February, due to disagreements with Sudan on oil transit fees, led to an escalation of conflict. Clashes between the two armies, including indiscriminate aerial bombardments by the Sudanese Armed Forces (SAF) on the border areas of Heglig/Panthou and Kiir Adem from late March to May and in November, led to the displacement of hundreds of people. In February, South Sudan and Sudan signed a "non-aggression" pact over their disputed border. The memorandum of understanding covered five principles, of which two clauses referred to "no cross-border operations" and "no support of proxies". Despite the pact, border tensions persisted. On 24 April, the AU Peace and Security Council adopted a roadmap to resolve outstanding issues between the two countries, which the UN Security Council endorsed through resolution 2046, calling for both countries to reach a settlement on disputes within three months.

On 27 September, South Sudan and Sudan signed several agreements on trade, oil, security and citizenship issues in Addis Ababa, Ethiopia. However, at the end of the year implementation of these agreements remained pending, as did further agreements on the status of the disputed area of Abyei and the precise border between South Sudan and Sudan.

The armed conflict between the SAF and the armed opposition group Sudan People's Liberation Movement-North (SPLM-N) persisted in Southern Kordofan and Blue Nile. In April and May, a state of emergency was declared in a number of localities in states bordering South Sudan, including areas of Southern Kordofan, White Nile and Sennar states. In August, the government of Sudan and the SPLM-N signed two separate Memorandums of Understanding with the Tripartite group (UN, AU and the League of Arab States) to allow humanitarian access to conflict-affected populations in Southern Kordofan and Blue Nile states. However, no progress had been made in delivering humanitarian assistance to the populations in SPLM-N-controlled areas by the end of the year.

The majority of displaced people from Abyei remained in South Sudan, despite the presence of the UN Interim Security Force for Abyei (UNISFA) since June 2011. Notwithstanding the deployment of a Joint Military Observer Committee for Abyei in July, talks between Sudan and South Sudan over other administrative arrangements and broader political issues related to Abyei remained stalled. In November, the UN Security Council renewed

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UNISFA's mandate for a further six months under resolution 2075. While the mandate has included human rights monitoring since its inception, no progress was made in carrying this out.

On 19 September, President al-Bashir issued an invitation to NGOs and political parties to attend a consultative meeting on the Constitution. The text had already been drafted by the National Congress Party and there was reportedly no consultation on the draft prior to its publication. All of the main opposition parties refused to join the consultations.

Waves of protests broke out in January and June when students demonstrated against government policies and austerity measures; security agents responded with excessive force. Hundreds of activists were arrested and many faced torture and other ill-treatment before being released.

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International justice

The government remained uncooperative with the International Criminal Court (ICC) regarding arrest warrants issued against President al-Bashir in 2009 and 2010, as well as against Ahmed Haroun, Governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman, a former Janjaweed militia leader, in 2007.

On 1 March, the ICC issued a warrant of arrest against Abdel Raheem Muhammad Hussein – the current Minister of National Defense – for 41 counts of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur.

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Refugees and migrants

Eritrean asylum-seekers and refugees were forcibly returned, despite Sudan's obligations under international law not to return people to a situation where they would face a real risk of human rights violations.

- Nine asylum-seekers and one refugee were convicted in July of unlawfully entering Sudan, and were subsequently forcibly deported to Eritrea.
- On 11 October, a 24-year-old Eritrean man was forcibly returned to Eritrea following a decision by a court in Kassala. He was arrested after going to a police station to claim asylum.

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Freedom of expression

The government severely curtailed freedom of expression, using new forms of censorship, such as confiscating entire newspaper print runs; preventing the publication of articles or opinion pieces; banning certain journalists from writing for newspapers; and harassing editors in order to influence their choice of news coverage.

In January and February, authorities suspended three newspapers using provisions contained in the 2010 National Security Act, which allow the NSS to ban any publication containing information considered a threat to national security. Print runs of the newspaper Al Midan were seized by the authorities five times in March alone. On 2 January, three newspapers – Alwan, Rai Al Shaab and Al Tayyar – were shut down.

Journalists faced arrests, torture and other ill-treatment by members of the NSS and other security agents in Sudan. Many faced criminal charges and had their equipment confiscated, preventing them from carrying out their media work. More than 15 journalists remained banned from writing.

- In April and May, Faisal Mohammed Saleh, a prominent columnist with several national newspapers, was repeatedly arrested and released, before being charged with "non-cooperation with a public agent". Faisal Mohammed Saleh was acquitted on 31 May, but continued to face criminal charges for his 2011 reporting on the alleged rape of an activist by NSS agents.
- Najla Sid Ahmed, a Sudanese video-blogger covering human rights violations in Sudan through interviews with activists and victims of human rights abuses broadcast on YouTube, was continuously harassed by the NSS and forced to go into exile.
- Jalila Khamis Koko, a teacher from the Nuba Mountains and a member of the SPLM-N, remained in detention following her arrest in March. She had provided humanitarian support to displaced people from Southern Kordofan, and appeared in a YouTube video denouncing the conditions in the Nuba Mountains. In December the NSS pressed charges against Jalila Khamis Koko on six criminal counts, five of which were under the category of crimes against the state, including two which carry the death penalty.

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Freedom of association and assembly

Authorities continued to severely restrict freedom of assembly.

The government repressed a wave of demonstrations which began on 16 June in response to price increases and developed into a wider protest movement seeking broader political change. Demonstrations occurred in the

capital, Khartoum, and other cities as well as in provincial towns. From June to August, security forces used batons, tear gas, rubber bullets and live ammunition against largely peaceful demonstrators, causing deaths and injuries. Some women were reportedly subjected to repeated "virginity tests", amounting to torture or other ill-treatment. Plain-clothed security officers, deployed in or near hospitals, arrested suspected demonstrators seeking treatment.

The NSS carried out a wave of arrests across civil society in reaction to the demonstrations, detaining hundreds of individuals, including protesters, but also lawyers, NGO staff, doctors, and members of youth organizations and political parties – regardless of their involvement in the protests. Many were detained without charge, or were tried summarily for rioting or disrupting public order and sentenced to fines or lashes. Others were held for up to two months and indicted on more serious charges – mostly terrorism – but not sentenced.

The NSS tortured or otherwise ill-treated many of those detained following the June demonstrations. NSS agents slapped, punched and kicked prisoners, and beat them with rubber hoses. Detainees were made to stand outside for hours in scorching heat, and to adopt stress positions. Many were denied food or water and access to basic hygiene facilities.

- On 31 July, at least 10 people, predominantly high-school students, were killed when security services and paramilitary police opened fire during a demonstration against fuel prices and the cost of living in Nyala, Darfur.
- On 6 and 7 December, four Darfuri students from Al Jazeera University in Wad Madani were found dead in a canal near the university. The four had been arrested by NSS officers following protests at the university. The bodies reportedly bore signs of beatings, suggesting torture or ill-treatment.

The Government of Sudan continued its harassment of members of opposition groups. In October and November, over 100 people suspected of being affiliated with the SPLM-N were arrested in or around Kadugli and Dilling in Southern Kordofan.

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Death penalty

Death sentences continued to be handed down. At least two women were sentenced to death by stoning. In both cases, the women were deprived of legal representation, a clear violation of the right to a fair trial.

Death sentences were often passed after trials that blatantly violated the rights of the defence. The authorities continued to use delaying tactics to undermine the rights of defendants to appeal.

- In May and July, two women, 23-year-old Layla Ibrahim Issa Jumul and 20-year-old Intisar Sharif Abdallah, were sentenced to death by stoning for adultery. In both cases, they were convicted solely on the basis of their confession, which was obtained under duress. Both women were released on appeal.
- Al-Tom Hamed Tutu, a JEM leader, remained on death row facing imminent threat of execution. He had been sentenced to death in 2011 after a flawed trial.

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Armed conflict – Darfur

Grave human rights abuses continued throughout Darfur amid continued fighting between the government and armed opposition groups, and a breakdown of government control over government-affiliated militias. Attacks on civilians by pro-government militias, aerial bombings, and looting and destruction of property were widespread. The SAF continued to conduct aerial bombings in contravention of the UN ban on military flights in Darfur. Between July and November, the joint UN/AU Mission in Darfur (UNAMID) estimated that approximately 29,020 people were displaced by fighting. UNAMID reported that it continued to face hurdles in conducting its work due to restrictions by the government on the movement of, and delays in approval for, humanitarian assistance.

- The village of Hashaba North and its surroundings were attacked by armed men between 26 September and 2 October. Over 250 casualties were reported.
- On 2 October, four UNAMID peacekeepers were killed and eight wounded in an ambush in West Darfur near their base in El-Geneina.
- On 17 October, an armed militia group attacked a UNAMID convoy on its way to Hashaba North to investigate reports of human rights atrocities being committed in the region. One UNAMID peacekeeper was killed and three others were wounded.
- On the night of 31 December, aerial bombardments were reported in eastern Jebel Marra, killing five civilians and wounding two others in the village of Angero Rouka.

Rape and sexual violence by government-affiliated militia and government forces continued. There were numerous reports of armed men entering camps for internally displaced people at night to loot property and rape women and girls.

- On 10 July pro-government militias entered the Hamidia camp in Zalingei town, central Darfur. They reportedly raped four women, injured four people, and kidnapped 20 others. One person who later escaped claimed that the group had been subjected to torture and other ill-treatment.

Armed conflict – Southern Kordofan and Blue Nile

Conflict between the SAF and the SPLM-N in Southern Kordofan and Blue Nile states, which erupted in June and September 2011, remained ongoing. From October, fighting intensified with indiscriminate attacks, including aerial bombardments, by the SAF, and mortar shelling by both parties in the Kadugli locality of Southern Kordofan, resulted in civilian deaths and injuries. Indiscriminate aerial bombardments by the SAF further led to the destruction of property and disrupted agriculture. Coupled with the denial of humanitarian access to SPLM-N-controlled areas, this resulted in over 200,000 people seeking refuge in South Sudan and Ethiopia.

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