

# Submission by Society for Threatened Peoples

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## Sudan

The announcement of the first national elections since 20 years, which finally began on April 11, 2010, was welcomed by the international community as a first step to ensure a broader political participation of Sudanese citizens.

### **Elections were marred by human rights violations**

Nobody expected elections guaranteeing all fundamental democratic standards, but the elections were marred by massive human rights violations and an increasing political repression. Sudanese and international election observers documented hundreds of incidents of intimidation, fraud, incorrect voter lists, faulty ballots, late supply of ballot papers and insufficient registration of voters. In the weeks ahead of the elections international election observers were threatened with expulsion and national observers were intimidated. Electoral fraud in Eastern Sudan, which was documented by internet video footage, has led to the cancellation of these voting results.

In Southern Sudan, some 200 incidents of harassment, intimidation or violence at the polling stations were reported by the observers. Journalists and independent candidates were the main target in this campaign of intimidation which was orchestrated by Northern and Southern Sudanese officials. On May 27, 2010, nine journalists Southern Sudanese journalists working for the state-run media were detained for more than a week after they refused to participate in the inauguration of South Sudan's President Salva Kiir.

Due to new fighting and a lack of security many people in Darfur were not able to participate in the elections. Therefore representatives of the civil society in Darfur have claimed that these elections were lacking credibility in Western Sudan. On the national level major opposition voices have rejected the election results.

### **National Security Act provides immunity for security agents**

Since the elections the human rights situation has deteriorated steadily. Political opponents, journalists, doctors, students and businessmen have been arrested. Press freedom and citizen rights further were restricted. The National Intelligence and Security Services (NISS) have cracked down on human rights defenders, opponents and journalists. We are greatly concerned about the National Security Act, which came into force in 2010. The Act provides wide ranging powers of seizure, arrest and detention to the NISS. According to the Act NISS agents can detain people arbitrarily and hold them incommunicado or for a period of up to four and a half months without judicial control. NISS agents may act under immunity.

Especially human rights defenders, political opponents and journalists have been suffering from torture and cruel or inhuman treatment by NISS agents in recent time. In April 2009 seven Darfurian students who were members of the United Popular Front were arrested by NISS staff.

Without any recognisable criminal offence they remained in custody in Kober prison for months. On October 19, 2009, NISS agents arrested the chairperson of the Darfur Students' Society, Osman Mohamed Ibrahim Alnojaimi, for organizing a demonstration of students from western Sudan. After being tortured he was released the next day, but rearrested on October 25, once again tortured and later freed. On October 21, 2009, NISS arrested in Blue Nile State Albukhari Sediq Eltaib, a 24 year old student, accusing him having distributed flyers of the Communist Party. According to testimonies he was tortured. On January 16, 2010, human rights defender Abdel Amajeed Salih was released after being imprisoned for more than six months without any trial. Upon his release he was asked to present himself every week at the office of NISS. On February 2010 NISS arrested the Darfuri student Assad Ali Abdel Aziz after participating in a political discussion at the University of Nyala (Darfur). On February 22, 2010, the human rights defender Taj Albanan Taj Alasfya was arrested by NISS in Nyala. His papers and documents were confiscated, after two days in jail he was released. On May 10, 2010, three students from Darfur were arrested in Khartoum. After being beaten and interrogated by NISS agents they were freed. On September 4, 2010, NISS arrested two members of the Communist Party in Eastern Sudan. They were released the following day. On September 19, 2010, a NISS agent and police officers arrested the businessman Esam Mohamed Shabo in Khartoum. They have tortured and beaten him for more than an hour before releasing the heavily injured person. On September 21, 2010, the Darfur woman's rights activist Awatif Ishag Ahmed was detained by NISS in North Darfur. During eight hours she was interrogated about her contacts to the International Criminal Court (ICC) and she was asked to report about any contacts to international human rights organisations.

### **Unfair trials**

We are extremely concerned about unfair trials and the death penalty. More than one hundred men were sentenced by special counter-terrorism courts between July 2008 and January 2010. Most of the convicted were imprisoned for their alleged participation in the JEM attack on Khartoum in 2008. Testimonies reported that most of the "confessions" were extracted under torture. Many prisoners were hindered to take contact with their lawyers. Following an agreement between JEM and the Sudanese Government, 50 of those prisoners sentenced to death unconditionally were released in February 2010.

### **Press freedom under threat**

The Government of Sudan arbitrarily arrested high-profile journalists after the elections in April 2010. A new press law, passed in June 2009, maintained restrictions on journalists. Therefore media and journalists can be fined for alleged press offences. We are welcoming that President Al Bashir has lifted pre-print censorship in September 2009, which has been imposed 18 months earlier.

### **Impunity prevails**

Since the year 2004 the Government of Sudan has promised the international community to disarm the Janjaweed militias and to ensure that those, responsible for massive human rights violations will be brought to justice. None of these promises have been fulfilled. Janjaweed militias have been integrated into the officially recognized "Popular Defense Forces" (PDF) or into the "border guards" and still are threatening IDP from Darfur. These PDF and border guards are accused to increase violence in Darfur. The Sudanese authorities are failing to protect the civilian population against attacks and murders perpetrated by both armed forces.

The Sudanese special prosecutor for Darfur crimes Nimr Ibrahim Mohamed was even more than two years after his nomination unable to ensure that at least one of the persecutors of massive human rights violations in Darfur was brought to justice. Due to increasing international criticism of impunity he was removed from his position in October 2010. But his failure reflects the lack of commitment of the Government of Sudan to end impunity. Furthermore the Government of Sudan is refusing any cooperation with the International Criminal Court. Despite an arrest warrant Ahmed Haroun has been continuing to act as minister of the federal government. An arrest warrant of ICC against the Janjaweed militia leader Musa Hilal has been ignored by the Sudanese authorities.

There is still no sufficient protection for women from rapes and sexual violence inside and outside IDP camps. Rapes around IDP camps and control points of armed groups are common place. On October 23, 2010, two women were beaten and raped by an armed group around Kassab camp. Justice is elusive for rape victims. Even then the aggressors are arrested and a case will be brought to justice, perpetrators of sexual violence mostly are acquitted due to a lack of evidence. Sudan's criminal law requires that four male witnesses are confirming that the alleged rape was not a consensual sex. Victims are complaining that it is impossible to find four male witnesses who are willing to testify in a rape case. Furthermore the rape victim risks of being convicted for adultery if the court refuses to maintain a conviction for rape. Victims of sexual violence are suffering from discrimination and a lack of medical and psychological treatment. Most of the injuries only can be assessed in hospitals in bigger cities. This makes it harder for victims in rural areas to obtain justice.

### **Increasing inter-tribal violence**

The Sudanese authorities are failing to protect the civilian population in Darfur against the increasing inter-tribal violence between the Arab nomads of Rizeigat and Missiriya. More than 800 Arab nomads died in armed conflicts since January 2010. despite a peace agreement signed in September 2010. Both groups steadily are armed by the Sudanese army.

In Southern Sudan increasing inter-tribal violence is threatening stability. The SPLA fails to provide sufficient protection for the civilian population. Since January 2009 more than 3.000 Southern Sudanese died in inter-tribal violence.

### **Humanitarian access denied in Darfur**

The Sudanese authorities deliberately have been denying access of humanitarian relief organizations to the civilian population and to IDP camps in Darfur. Hundreds of thousands of civilians have been suffering from the denial of humanitarian relief. The expulsion of 13 international aid agencies from Darfur further has increased the suffering of civilians in Western Sudan.

There are no credible Sudanese initiatives to ensure the safe return of 3 Millions refugees, living in camps in Darfur or Eastern Chad since the start of the conflict in 2003. The impending closure of IDP camps or relocation of displaced people to smaller camps in Darfur despite ongoing tensions and insecurity will not enhance the livelihood and the protection of IDP. There is no alternative for a voluntary and peaceful resettlement of the IDP to their former villages which were destroyed during the genocide which started in February 2003. But before any resettlement or relocation, the security has to improve and a sufficient protection of the civilian population has to be guaranteed.

UNAMID forces regularly have been restricted in the movement of their troops despite protests of UN Secretary-General Ban Ki-Moon. UNAMID protested against the blocking of access to Tabarat village by Sudanese Armed Forces. The UN/AU peacekeepers wanted to investigate a massacre in the village which has caused the death of at least 57 civilians on September 2, 2010.

Furthermore the Sudanese army is responsible for the deliberate bombing of villages and civilians in Western Sudan. Since the publication of a new Darfur Peace Strategy of the Sudanese Government in September 2010 at least 18 villages in South-Darfur have been bombed by the Sudanese Armed Forces. More than 100 civilians lost their lives in these attacks.

### **Dam projects in Northern Sudan are causing displacement and protests**

The Merowe dam project on the Nile River in Northern Sudan has affected up to 70.000 peasants living in the fertile Nile Valley. Forcefully they were resettled to arid desert locations offering not the standards of living promised by the authorities. People from ethnic Amri and Manasir communities, who refused to resettle, were harassed and intimidated, some representatives of the local population were arrested. The Sudanese authorities are ignoring international standards of participation of the affected ethnic groups. The communities are complaining about the displacements and the flooding of their villages which deliberately destroys ancient cultural monuments and religious sites of the Nubians. We are deeply concerned about the planned construction of five new dams around the Merowe dam which will affect up to 170.000 inhabitants of the Nile Valley.