

## **Sudan: No space for free expression**

### **Authorities must allow dialogue on the future of the country to pave the way for comprehensive peace**

#### **Summary**

The past 15 months have been marred by arbitrary arrests, detention and torture of dissenting voices in Sudan. The little space for dialogue on human rights and critical issues determining the future of the country has severely contracted. Representatives from political opposition parties, youth movements, civil society organisations, journalists, bloggers and other independent activists have been targeted by the authorities in a heightened clampdown on freedom of expression, association and assembly.

Popular protests which took place throughout the country in June-August 2012 were met by the Sudanese authorities with excessive use of force and mass arbitrary arrests. Testimonies from those released point to the systematic use of torture and ill-treatment to intimidate activists and deter the organisation of further protests.

This sharp deterioration in the space for free speech and assembly has taken place at a time when Sudan is drafting a new permanent constitution and preparing for its first national elections, scheduled for 2015, since the secession of South Sudan.

The African Centre for Justice and Peace Studies (ACJPS) urges the African Commission on Human and Peoples' Rights to remind Sudan of its obligations under the African Charter to respect the right of all Sudanese to freedom of expression, association and assembly, and express concern at the restricting space for civil society participation in decisions affecting the future of the country.

#### **Shutting down civil society**

In late December 2012, Sudanese authorities shut down three civil society organisations and one literary forum. The **Sudanese Studies Centre (SSC)**, working to promote dialogue on culture and democracy, **ARRY Organisation for Human Rights and Development**, monitoring and documenting human rights violations in South Kordofan, **Al-Khatim Adlan Centre for Enlightenment (KACE)**, a pro-democracy NGO that also works to promote multiculturalism in Sudan, and the **Cultural Forum for Literary Criticism**, a network of Sudanese writers, were all closed by the authorities between 24-31 December.

No official reasons for the forced closures or formal papers were served. Attempts by civil society to demonstrate against the closures were reportedly suppressed by the National Intelligence and Security Services (NISS).

This development was worryingly reminiscent of a crackdown on civil society in 2009, which resulted in the forced closure of three domestic non-governmental organisations and ten international non-governmental organisations, in response to the issuance by the International Criminal Court of an arrest warrant against President Omar al-Bashir. Earlier the same month, on 5 December, the NISS prevented the non-governmental organisation (NGO) **Sudan Monitor for Human Rights** from conducting a press conference launching the **Confederation of Civil Society Organisations**, a new coalition aimed at coordinating efforts by Sudanese civil society.

By targeting civil society organisations in this manner, the concern is that the Government of Sudan is seeking to close down the small space available in which Sudanese civil society is currently confined to operate.

In addition to the recent arbitrary Government actions against civil society organisations as described above, significant formal and informal restrictions on the registration of NGOs exist which obstruct the effective functioning of civil society in Sudan. Although not set out in law, in practice NGOs are required to obtain a permit to work in each state in which they operate, regardless of their registration status at the national level, and must obtain permission for any meeting or training from the Humanitarian Aid Commission (HAC), which governs the operation of NGOs in Sudan. Serious delays in registration procedures further obstruct the work of NGOs.

Alongside restricting registration, the NISS is commonly known to order for meetings and public events to be cancelled, or demand to see the list of attendees to any event, along with the papers or presentations delivered. The work of NGOs is further obstructed owing to serious delays in registration procedures.

### ***Locking up the political opposition***

Between 7 January and 14 February, seven political opposition leaders were arrested by Sudan's NISS on their return from a meeting in Kampala, Uganda attended by Sudanese political opposition parties and armed opposition groups. No reasons for the arrests were given. One man, Socialist Unionist Nasserist Party (SUNP) Chairperson **Dr. Jamal Idris**, was released without charge on 21 January following his arrest on 7 January. **Enstar Alagali**, a leading member of the SUNP (arrested on 7 January), **Professor Mohamed Zain Alabidein**, Political Affairs Assistant to the Chairperson of the Democratic Unionist Party (DUP), **Hisham Al Mufti**, a leader of the DUP, **Dr. Abdulrahim Abdalla**, Regulatory Affairs Assistant to the DUP Chairperson (all arrested on 8 January), **Abdul-Aziz Khalid**, Chairperson of the Central Council of the National Sudanese Alliance Party (arrested on 14 January), and **Dr. Yousef Al-Koda**, leader of Al-Wasat Al-Islami party (arrested on 14 February), were all released at around midnight on 1 April following the announcement of a presidential amnesty for all political detainees in Sudan. The entire group was released without charges and had been detained without access to lawyers or appropriate medical care.

Although their release was welcomed, there are fears that many less high-profile political detainees remain in incommunicado detention, without access to lawyers or their families. Whilst information concerning political detainees held in NISS custody is difficult to obtain, ACJPS has confirmed reports of 32 women detained in El Obeid prison, North Kordofan state, who have been detained without charge and without access to lawyers or their families since November 2012. The women, who are from the Nuba ethnic group of South Kordofan, are thought to have been detained on account of their presumed political affiliation with the Sudan Peoples' Liberation Movement-North (SPLM-N), which has been fighting the Sudanese Government since June 2011.

### ***Excessive use of force, torture and ill-treatment to intimidate protestors***

The largest public protests witnessed since the signing of the Comprehensive Peace Agreement in 2005 were convened throughout Sudan between June and August 2012. Protesters called for regime change, peace and freedom. Despite their significance, and the severity of the Government of Sudan response, the protests garnered scant international attention. However, seemingly threatened by the upsurge in social activism, the Government of Sudan responded with excessive force and used its security forces to intimidate and harass suspected protest organisers.

ACJPS documented over 350 arbitrary arrests of social activists by the security services within a six week period between June and July 2012. Activists estimated that the actual number of arrests exceeded 1500.

In an attempt to obstruct further protests, security services targeted and subjected many of those suspected of leading the protests within the youth movements and opposition political parties to torture and ill-treatment. Human rights defenders and journalists monitoring and reporting on the protests and subsequent action by the police and NISS were also targeted.

Testimonies of the detainees provided evidence of the systematic use of torture and ill-treatment against activists. Those released provided testimony to the use of beatings with water pipes, sticks and fists, prolonged enforced standing, exposure to bright sunlight and heat, sleep deprivation, psychological torture including blindfolding, death threats against detainees and their families, threats of sexual violence and exposure to the torture and beatings of fellow detainees, as well as verbal insults. Detainees reported that they had been held in inadequate facilities with no electricity, bedding or sufficient ventilation. Some detainees reported being forced to provide their email, Facebook and Skype passwords.

Sherif (not his real name), who was arrested by police officers during a protest in Al Gadarif, explained:

“I was beaten with water pipes and then thrown into a police lorry. The beatings continued in the lorry. The policemen searched me and took 40 [Sudanese] pounds from my pocket. They took me in that lorry with 13 other protesters, mostly students, to the security office. I was detained there from 23 June to 9 July. As soon as we arrived at the security offices they ordered us to sit down and face the wall and they beat us on our heads. That continued for about 2 hours. The security guy was threatening us, saying ‘I will keep beating you on your heads’. After that, I was interrogated and accused of leading the protests. They slapped me during the interrogation.”

After interrogation, Sherif was transferred to an individual cell, about 2 x 3 meters in size, which had no power source and was full of mosquitoes. He was beaten in the night with water pipes and held there for 4 days before being transferred to a cell with six other detainees which had a power source and three mattresses. The beatings stopped then but the verbal abuse continued. He was released on bail on 9 July, charged with rioting.

Sherif’s story is not an isolated one. There has been no investigation into the widespread allegations of torture perpetrated in the context of the 2012 protests.

Security service responses to activists from Darfur during the June-August protests were particularly harsh, pointing to a continued racial discrimination element to the official response to popular unrest. In one incident in Darfur, twelve people, ten of whom under the age of eighteen, died from gun shot wounds and wounds caused by sharp weapons after security forces in Nyala, South Darfur, violently broke up protests on 31 July 2012, firing live ammunition and tear gas into the crowd, and beating protesters.

Following the conclusion of the country-wide anti-regime demonstrations in August 2012, subsequent student demonstrations organised out of Sudan’s universities have been met with police and NISS violence. Between September and December 2012, ACJPS documented the excessive use of force by Sudanese authorities to violently disperse three student protests at Port Sudan University (Red Sea state), *Bakht al Rida* University (White Nile state) and *Al Jazeera* University (Wad Madani town, Al Jazeera state).

- On 30 September police violently dispersed a peaceful demonstration at the **University of Port Sudan** in Red Sea state using tear gas and water pipes, injuring three students. The demonstration was held by students in response to a decision by the University of Port Sudan to re-run the Student Union elections. The elections had previously been called off when water had been spilled on ballots as votes were being counted, destroying them. Members of a student group called the Student Unity Group rejected the University’s decision, alleging that pro-National Congress Party (NCP) students had intentionally spilled water on the ballots when they realised they were going to lose.

- On 1 October Sudanese police acting together with student militias affiliated to the ruling NCP violently broke up a strike coordinated by the Darfur Students' Association (DSA) at **Bakht al Rida University** in White Nile state. When police, armed with rubber batons and tear gas, entered the university campus through a side gate, many students attempted to run out of the main gate, where they found further police forces waiting, also armed with rubber batons and firing tear gas into the crowd. Some police reportedly also had metal bars. Other students ran to a student hostel located by the western gate of the campus where they were pursued by police who reportedly entered the hostel, beating students in the hallways and firing tear gas. 21 students were injured by the police at the University's main gate and the student hostel, with many sustaining head injuries.
- On 5 December joint forces of the Central Reserve Police and the NISS violently dispersed a student meeting at **Al Jazeera University**, Wad Madani town, leading to the deaths of four students. The deceased had attended a public meeting at the university, convened by Darfuri students who were aggrieved by a university decision not to apply a fee waiver for students from Darfur, which had been established by Presidential Decree in 2006 following the Abuja Agreement. The meeting was stormed by student militia affiliated to the NCP and known as the "*Abu Qatada*". They were reportedly armed with metal bars. The student militia then fled as joint forces of the NISS and Central Reserve Police entered into the campus, firing teargas and beating the students with sticks. The joint forces chased the students from their meeting place towards an irrigation channel (*tura*) on the university campus. On arrival at the irrigation channel, the students found police and NISS, armed with sticks, guns and tear gas, waiting for them on the other side of the channel. The student militia also returned, armed with metal bars. The students were surrounded from all sides at the irrigation channel, heavily beaten, and sprayed with strong tear gas.

56 students were reportedly arrested and charged under Articles 69 and 77 of the 1991 Sudanese Penal Code (Disturbance of Public Peace and Public Nuisance) and released on police bail the following day. The released students discovered the bodies of the four deceased students in the irrigation channels on campus when they returned to find personal items they had lost in the chaos.

Sudanese authorities made concerted efforts to obstruct the organisation of any protests concerning the student deaths. On 8 December, four members of political opposition parties were arrested in Wad Madani, seemingly to stop them from organizing a public response to the deaths in the town. Also on 8 December, police in Khartoum arrested nine activists engaged in a peaceful protest concerning the incident at *Al Jazeera University*. The nine activists were charged under Articles 69 and 77 of the 1991 Sudanese Penal Code (Disturbance of Public Peace and Public Nuisance) and released on bail the following day.

### ***Restrictions on independent media and publishers***

Pre- and post-print censorship has been widely used by the NISS to block the dissemination of information deemed contrary to the interests of the NCP. Post-print censorship, in the form of confiscation of printed materials, is increasingly being used to undermine the economic viability of independent publishers. Online access to popular electronic newspapers and websites administered outside Sudan, including Sudanese Online, *Hurriyat* and *Al Raqouba*, is often difficult from inside Sudan, leading to concern that the authorities are blocking certain websites.

Recent documentation undertaken by ACJPS underscores that this trend shows no signs of abating. Throughout the past few months, ACJPS has documented a litany of abuses of the right to freedom of expression by Sudanese security agents, targeting independent publishers:

- On 7 October the NISS confiscated two thousand books written by Abdal Aziz Baraka Sakin from the 8th International Book Fair held in Khartoum. The International Book Fair was held from 6 - 18 October 2012. Mr. Baraka is an

emerging young Sudanese writer whose work focuses on diversity in Sudanese life and culture, particularly illuminating the daily lives of marginalised and hidden groups in Sudan. His novel *Algango Masamir Alardh* discusses Sudan's gay community. Other work addresses the plight of street children. On the morning of 7 October, a large security presence was noticed at the Book Fair. The following books by Mr. Baraka were confiscated later in the day:

- 400 copies of *Algango Masamir Alardh* (“Nails on the Ground”)
- 300 copies of *Maseeh Darfur* (“Jesus of Darfur”)
- 450 copies of *Memory of the Alkhandaris*
- 250 copies of *Women from Kampo Khadis*
- 200 copies of *On the Sidelines of the Pavement*
- 150 copies of *What Remains Every Night of the Night*
- 250 copies of *Music of the Bone*
- On 26 November the NISS prevented *Alwifag*, *Akhir Laza*, and *Almshhad Alaan* newspapers from distributing printed copies of their newspapers without any reason.
- On 27 December 2012 the NISS in Khartoum prevented *Algrar* newspaper from distributing printed copies of the newspaper.
- On 22 January 2013, the NISS confiscated 14,000 printed copies of *Al Sudani* from its printing house.

ACJPS and Journalists for Human Rights (JHR-Sudan) appeal to the African Commission on Human and Peoples' Rights to urgently respond to the increased restrictions on the operation of civil society and the political opposition in Sudan, including the violent suppression of peaceful demonstrations, and call on the Government of Sudan to respect the right of Sudanese people to peacefully and fully exercise their right to freedom of expression, association and assembly, as set out in the African Charter on Human and Peoples' Rights. These rights also form an integral part of Sudan's Bill of Rights, enshrined in the Interim National Constitution (2005).

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