

Confidential Annexure C

Title	Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Sudan
Publisher	International Federation for Human Rights
Country	Sudan
Publication Date	18 June 2009
Cite as	International Federation for Human Rights, <i>Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Sudan</i> , 18 June 2009, available at: http://www.unhcr.org/refworld/docid/4a5f3010c.html [accessed 20 June 2012]
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Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Sudan

Political context

This year was marked by the attack on Khartoum launched on May 10, 2008 by members of the Darfurian Justice and Equality Movement (JEM). This was the first time a Darfur-based armed opposition group had reached the capital since the start of the conflict in 2003. The fighting that took place entailed violations of international human rights and humanitarian law reportedly committed by both sides. The Government's response in the weeks after the attack entailed serious violations of civil and political rights, including a broad wave of arrest of people perceived as belonging to political parties sympathetic to JEM, including some human rights defenders.¹

In Khartoum and other parts of northern Sudan, the National Intelligence and Security Services (NISS) systematically used arbitrary arrest and detention against political dissidents. According to allegations received by the United Nations, NISS detention can typically be accompanied by additional serious human rights violations such as incommunicado detention, ill-treatment, torture or detention in unofficial places of detention.² The UN also documented numerous cases in which the NISS arbitrarily arrested and detained political dissidents, among them human rights defenders. In all of these cases, essential procedural safeguards guaranteed by applicable international law, including detainees' rights to be promptly brought before a judge and to consult with legal counsel, were not met. NISS agents operating in plain clothes and using cars not marked as belonging to the security forces often carried out arrests without identifying themselves, or informing the target person about the reason for the arrest. Arrested persons were usually not allowed to contact their families or a lawyer. In some cases, NISS agents acted on their own. In others, the police first arrested the concerned individuals before handing them over to the NISS for interrogation.³

Although the International Criminal Court (ICC) issued in May 2007 arrest warrants against former Sudanese Interior Minister Ahmed Harun and militia leader Ali Kushayb for alleged "war crimes" and "crimes against humanity" in Darfur, as of the end of 2008 Khartoum was still refusing to hand them over to face trial.⁴ On July 14, 2008, the ICC Prosecutor announced the request of a warrant for the arrest of President Omar Al-Bashir on charges of "war crimes",

"crimes against humanity" and "genocide". The authorities then engaged in a diplomatic campaign aimed at convincing UN Security Council members to suspend the case. Furthermore, the Government made a number of public statements proclaiming its willingness to pursue justice in national courts and to achieve peace in Darfur, and claimed that the situation on the ground had improved. For instance, President Al-Bashir claimed in a TV interview on October 17 that the situation in Darfur was now "very normal".⁵ However, between July and October 2008, the Government's bombing and fighting in north Darfur led to the displacement of some 90,000 people. Even in November, following the Government's declaration of a "unilateral, unconditional ceasefire",⁶ the Sudanese army continued to bomb villages in north and west Darfur. Despite the Government's rhetoric on fighting impunity, it also continued to grant senior posts to individuals such as Mr. Musa Hilal, considered to be janjaweed Top Commander and who has been subjected to a UN travel ban and asset freezes since 2006.

Rebel groups and bandits were also responsible for abuses against civilians and attacks on humanitarian operations and peacekeepers, and in November 2008 the ICC Prosecutor sought three arrest warrants for rebel leaders accused of directing one such attack that killed 12 peacekeepers at Haskanita in September 2007.⁷ In addition, the UN/African Union Peacekeeping Force (UNAMID) was at less than 50% of its mandated strength and also repeatedly came under attack. The result was an insecure environment for Darfuris and humanitarian workers alike.

In this context, the Sudanese authorities initiated in 2008 a campaign to intimidate all prospective supporters of the ICC, notably human rights defenders involved in the fight against impunity. On February 20, the Manager of the NISS, Mr. Salah Gowsh, announced publicly, in all newspapers, that the Sudanese authorities would amputate anyone cooperating with the ICC. Mr. Mohamed Alsary Ibrahim, a Sudanese national, was the first person in Sudan to be targeted and prosecuted for allegedly cooperating with the ICC, though the latter denied any link with the Court. He was sentenced to 17 years of imprisonment on January 28, 2009. Additionally, Mr. Ali Mahmoud Hassanein, Vice-President of the Unionist Democratic Party (UDP), an opposition party, was arrested on December 29, 2008 after he expressed his support with the ICC and was released two days after without any charge.

Campaign of harassment and intimidation of human rights defenders fighting against impunity

In November 2008, with the arrest of three human rights defenders by the NISS for interrogation on the ICC, the human rights community was warned that dealing with international justice issues would be severely repressed. On November 24, Messrs. Osman Hummaida, a Sudanese and British human rights researcher residing in the United Kingdom, Abdel Monim Aljak, a human rights defender residing abroad, and Amir Mohamed Suliman, Chairperson of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), were arrested by the NISS offices in Khartoum north for interrogation purposes related to their human rights activities in Sudan and particularly Mr. Hummaida's relationship with the ICC. The three human rights defenders were interrogated several times in the absence of any legal counsel, threatened and two of them were subjected to acts of torture and ill-treatment, including water-boarding and severe beatings, until they accepted to hand over their belongings, i.e. computers and documents. While the two others were arrested and released several times, Mr. Hummaida, was held continuously until November 28, 2008 when he was released in the middle of the night. Due to his bad health and the acts of torture and ill-treatment suffered during interrogation, he was hospitalised twice. None of the three human rights defenders had been charged as of the end of 2008.

Attacks on humanitarian staff

The Sudanese Government continued in 2008 to obstruct the delivery of assistance through bureaucratic constraints, harassment of humanitarian staff and lack of compliance with the

Joint Communiqué on the Facilitation of Humanitarian Activities in Darfur it signed with the UN on March 28, 2007. Attacks against humanitarian agencies also continued this year. Incidents of violence against aid workers in the first eight months of 2008 had already outnumbered the records in 2007.⁸ Thus, between January and March 2008, 170 aid workers were abducted and 11 killed.⁹ On November 17, 2008, the moratorium facilitating humanitarian aid included in the Joint Communiqué due to expire in January 2009 was extended until January 2010 but its implementation remains to be tested. In August 2008, Doctors Without Borders (*Médecins sans frontières* – MSF) suspended their activities in north Darfur as a result of repeated attacks against their personnel and assets.¹⁰ As a result, 65,000 civilians were temporarily left without medical assistance.¹¹ Likewise, the suspension of activities in north Darfur by the German Agro Action, a key World Food Programme partner, after several banditry attacks on its staff, meant that 450,000 civilians were left without food assistance.¹²

Restrictions to freedom of expression

Media organisations, NGOs and human rights defenders all reported increasing harassment and censorship by the Government and especially NISS, in particular in relation to any reporting on the rebel attack on Khartoum in May and related arrests of alleged suspects, the situation in Darfur, and the ICC.¹³ On May 14, 2008 for instance, NISS officers searched the premises of the Arabic-language newspaper Alwan, confiscated property and indefinitely suspended the publication of the paper. Reportedly, the reason for the raid and the suspension were allegations that Alwan had disclosed sensitive military information by publishing a story about a Sudanese military aircraft that was allegedly shot down by JEM during their attack on Khartoum. From May 2008, several journalists were also summoned or detained, and hundreds of articles, of which more than 50 related to the conflict in Darfur, were removed or partly removed by NISS media censors. On November 17, 2008, over 60 journalists were arrested at a peaceful demonstration in Khartoum against censorship by the Government. All were released later on the same day.¹⁴ On November 18, 10 newspapers suspended publication for one day to protest Government censorship and the detention of journalists.¹⁵

Furthermore, the NISS undertook throughout 2008 a defamation campaign against journalists who were at the forefront of the defence of freedom of expression. For instance, some were accused of receiving "foreign money" and portrayed as journalists taking orders from outside of the country. Those allegations were circulated on October 13, 2008 by some newspapers linked to security services like Akhir Lahza. No legal action was brought against any of these journalists. The 16 prominent journalists who were specifically targeted for their articles condemning human rights violations in Sudan included Mr. Faisal Elbagir, a member of KCHRED as well as a correspondent of Reporters Without Borders (*Reporters sans frontières* – RSF) and Al-midan newspaper in Sudan, Mr. Alhaj Warraj, a journalist for the daily Agras Al-hurria, Mr. Faisal Salih, column writer of the daily Al Akhbar, Ms. Lubna Ahmed Husain, Officer of UNMIS Public Information Unit, Ms. Madiha Abdallah, a journalist working for the newspaper Alayam, and Ms. Hanadi Osman, a journalist of the daily Alray Alaam.¹⁶

Urgent Interventions issued by The Observatory in 2008¹⁷

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Hassan Eltaib Yassin	Acts of harassment and intimidation	Urgent Appeal SDN 001/0508/OBS 084	May 16, 2008
Mr. Amir Mohamed Suliman, Mr. Osman Hummaida and Mr. Abdelmonim Aljak	Arbitrary arrests / Release / Arbitrary detention	Urgent Appeal SDN 002/1108/OBS 199	November 25, 2008
		Urgent Appeal SDN 002/1108/OBS 199.1	November 26, 2008

	Ill-treatment and torture / Arbitrary detention	Press Release	November 27, 2008
	Release	Press Release	November 28, 2008

1 See Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, UN Document A/HRC/9/13, September 2, 2008. In the Khartoum area, 481 people were detained and then released again in the immediate aftermath of the attack. Other sources reported that several hundred civilians were arbitrarily arrested and detained without charge in the aftermath of the attacks, in addition to combatants and some 90 alleged child combatants. At the end of July, two and a half months after the attacks, some 500 were feared to be still in NISS detention, their whereabouts unknown, and the authorities had provided no specific information on those in detention to relatives or human rights workers. See Khartoum Centre for Human Rights and Environmental Development (KCHRED).

2 See Office of the High Commissioner for Human Rights, Tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, Arbitrary arrest and detention committed by national security, military and police, November 28, 2008.

3 Idem.

4 Instead, Mr. Harun was allowed to continue as Minister of State for Humanitarian Affairs and in September 2007 was appointed to a committee responsible for investigating human rights abuses in Darfur. In the same month, Mr. Ali Kushayb was reportedly released from custody in Sudan because of a lack of evidence against him.

5 See Human Rights First, Save Darfur Coalition and Human Rights Watch Report, Rhetoric vs. Reality: The Situation in Darfur, December 2, 2008.

6 See Declaration by the EU Presidency, November 18, 2008.

7 See Human Rights First, Save Darfur Coalition and Human Rights Watch above-mentioned report.

8 See UN Security Council, Secretary-General Report on African Union – United Nations Operation in Darfur, UN Document S/2008/659, October 17, 2008.

9 See Human Rights First, Save Darfur Coalition and Human Rights Watch above-mentioned report.

10 See MSF Press Release, August 1, 2008.

11 See Office of UN Deputy Special Representative of the UN Secretary-General for Sudan UN Resident and Humanitarian Co-ordinator, Darfur Humanitarian Profile No. 33, October 1, 2008.

12 See World Food Programme Sudan, Monthly Situation Report Issue 2008/8, August 2008.

13 See Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, UN Document A/HRC/9/13, September 2, 2008.

14 See Reporters Without Borders (RSF) Press Release, November 25, 2008. The security agencies began their repressive work on February 10, removed an article from Al-Sahafa. In the days that followed, they prevented Al-Rai al-Shaab from publishing, they interrogated the editors of Al- Ahdaht and Al-Watan at length, they interrogated the editors of Al-Wifaq, Al-Midan, Al-Sudani and Al-Rai al-Aam, and they made nightly visits to Al-Midan's printing press to have articles removed. The list of incidents has not let up since then.

15 See Committee to Protect Journalists (CPJ) Press Release, November 19, 2008.

16 See KCHRED.

17 See the Compilation of cases in the CD-Rom attached to this report.
