



SUDAN

Democracy on Hold

Rights Violations in the April 2010 Sudan Elections

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Map of Sudan



Map No. 3707 Rev. 10 UNITED NATIONS
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Glossary of Acronyms

AU	African Union
CPA	Comprehensive Peace Agreement
DUP	Democratic Unionist Party
EU	European Union
GNU	Government of National Unity
GoSS	Government of Southern Sudan
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
NCP	National Congress Party
NEC	National Elections Commission
PCP	Popular Congress Party
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SuDEMOP	Sudan Domestic Election Monitoring and Observation Programme
SuGDE	Sudanese Group for Democracy and Elections
SuNDE	Sudanese Network for Democratic Elections
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNMIS	United Nations Mission in Sudan

Summary

Between April 11 and 15, 2010, Sudan held its first multi-party national elections in almost 25 years—a milestone set forth in the 2005 Comprehensive Peace Agreement (CPA) that ended a 22-year civil war between the country’s northern Arab-dominated government and southern non-Arab populations. However, a range of human rights violations marred the historic vote, and now threaten to jeopardize the referendum on self-determination that Southern Sudan is scheduled to hold in January 2011.

Human Rights Watch documented numerous human rights abuses perpetrated by the two main partners in the Government of National Unity (GNU): the ruling National Congress Party (NCP) and the former southern rebel movement, the Sudan People’s Liberation Movement (SPLM). These include arbitrary arrests and intimidating opponents, voters, and election observers before and during the election period, when international and domestic election observers reported numerous electoral irregularities. These reports led the National Elections Commission (NEC) to hold new elections in many constituencies.

Since the election, the situation has worsened. In northern states, the NCP, which dominates the GNU, has cracked down on opponents, activists, and journalists; in southern states, the SPLM and its security forces have fought forces allied to independent candidates; in Darfur, the Sudanese government continues to fight rebel forces and the civilians with whom they are aligned, deploying aerial bombs and ground forces to do so.

Political intolerance, repression, and violence have eroded the legitimacy of the elections across Sudan, and violated the right of the Sudanese people to elect their government in genuinely free and fair elections. They have contributed to a worsening human rights situation throughout the country by emboldening the NCP and SPLM—neither of which have not been forced to account for their actions—in their clampdown against opponents. They have raised the specter of growing instability in states such as Central Equatoria, Jonglei, Unity, and Western Bahr el Ghazal, and they have set a worrying precedent for Southern Sudan’s forthcoming referendum on self-determination.

International observers and diplomatic missions have failed to explicitly and resolutely criticize these documented human rights and electoral abuses, or to call for accountability and reform. The US and EU have been relatively muted in their criticism, expressing concern about voting “irregularities,” circumscribed political freedoms, and elections that fall short of international standards. But they have not condemned the widespread abuses, nor have

they pressed for accountability and reforms. Meanwhile, the Arab League (also known as the League of Arab States), African Union (AU), and Intergovernmental Authority on Development (IGAD)—a seven-country regional organization based in East Africa—have issued statements that failed to mention election-related abuses at all.

The international community, and specifically Sudan’s foreign partners and sponsors to the CPA, including the United States, the United Kingdom, and Norway, must urge Sudanese authorities to end abuses and cease granting impunity to those who commit them. In order to bolster chances for a peaceful referendum in January 2011, and to ensure the democratic transformation that the CPA envisages, they must also intensify pressure on Sudan to improve its human rights record, and condemn human rights violations, intimidation, and violence.

The Government of National Unity and the semi-autonomous southern Government of Southern Sudan (GoSS) should both act immediately to restore public confidence in the country’s political process by ending repression of civil and political rights, and other human rights violations. Arbitrary arrests must stop, and opposition members and political and student activists who have been arbitrarily detained must be released. Allegations of abuse including those related to elections must be investigated and prosecuted. Human Rights Watch also urges Sudanese authorities to undertake legal and institutional reforms of the national security, media, and electoral bodies to ensure free and fair elections in the future.

In addition, although Omar al-Bashir has been re-elected as Sudan’s president, he is still wanted by the International Criminal Court (ICC) on charges of war crimes and crimes against humanity committed in Darfur. The Sudanese government must cooperate with the court, as required by United Nations Security Council Resolution 1593, to bring to justice al-Bashir and two other Sudanese suspects subject to warrants issued by the ICC.¹ These are Ahmed Haroun, former state minister for humanitarian affairs and current governor of Southern Kordofan, and the Janjaweed militia leader known as Ali Kosheib (a pseudonym for Ali Mohammed Ali), both of whom also face charges of war crimes and crimes against humanity committed in Darfur.

¹ United Nations Security Council, Resolution 1593 (2005), S/RES/1593 (2005), http://www.un.org/Docs/sc/unsc_resolution05.htm (accessed June 20, 2010), para. 2 (“*Decides* that the Government of Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution”). In addition, Resolution 1593 “urges” other states (including states that are not parties to the court) and relevant regional and international organizations to “cooperate fully” with the ICC. *Ibid.* Moreover, the ICC’s Rome Statute obligates states that are parties to the court to cooperate under its article 86. Rome Statute of the International Criminal Court, A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 86.

Recommendations

To the Government of National Unity and the Government of South Sudan

- Respect the rights to freedom of expression, association, and assembly enshrined in the African Charter on Human and Peoples' Rights, the African Union Declaration on the Principles Governing Democratic Elections in Africa, and the International Covenant on Civil and Political Rights.
- The Government of National Unity (GNU) should urgently reform the repressive national security apparatus as envisioned in the Comprehensive Peace Agreement and bring flawed criminal and media laws in line with the Interim National Constitution. Undertake appropriate reforms to ensure a transparent and impartial elections commission and process in the future.
- Immediately end the practice of arbitrary arrests and detentions, torture, and mistreatment of political party members, civil society activists, journalists, and students. Release those who remain in detention without a legal basis, and charge those detainees against whom there is a legal case.
- Investigate allegations of abuse, including beatings and torture by GNU and GoSS security forces. Conduct investigations in a competent, independent, and impartial manner. Discipline or prosecute officials found to be implicated in torture or physical abuse, regardless of their rank.
- Ensure all GNU and GoSS security forces are held accountable for deviating from international and domestic human rights standards, in which they should be trained. Such training should address torture and mistreatment, unlawful and arbitrary detentions, and proper professional conduct. Clearly explain to security officials what constitutes torture.
- Hold soldiers accountable for all crimes against civilians, including human rights violations committed in the course of duty. In particular, the Sudan People's Liberation Army (SPLA) should immediately issue clear instructions to commanders that soldiers will be prosecuted for any crimes they commit against civilians, including illegal (or arbitrary) arrest and detention. The SPLA should promulgate an enforceable code of conduct that incorporates human rights and humanitarian obligations, and ensure it is disseminated to all soldiers ahead of the 2011 referendum on southern self-determination.

- Both the GNU and the GoSS should respect press freedom, including the media’s right to publish on all matters of concern—even if they are politically sensitive—such as the conflict in Darfur, the ICC, the elections, and the referendum on southern self-determination.
- The GNU should fulfill its obligations to cooperate with the ICC, including surrendering to the court those subject to ICC arrest warrants.

To the United Nations, the African Union, the European Union, Concerned Governments, and International Donors

- Insist upon, and provide technical assistance for, urgent reform of the GNU’s national security, criminal, and media laws in conformity with the Interim National Constitution, and for reforms to ensure a transparent and impartial national elections commission in the future.
- Consistently and publicly condemn further abuses by the national and Southern Sudanese authorities, such as arbitrary arrests and detentions of political opponents, activists, journalists; repression of assembly and speech; and any other acts of political repression.
- Call on the GNU to cooperate with the ICC, and for al-Bashir and other Sudanese ICC suspects to appear in The Hague to respond to charges of war crimes and crimes against humanity committed in Darfur, as required by United Nations Security Council Resolution 1593. Ensure that all interaction with the Sudanese government is consistent with Sudan’s obligation to cooperate with the ICC by avoiding meeting with ICC suspects unless absolutely essential.
- The United Nations Mission in Sudan (UNMIS) and African Union-United Nations Hybrid Operation in Darfur (UNAMID) should increase human rights monitoring and promotion and protection activities in the lead-up to the referendum. The missions’ human rights units and the UN Office of the High Commissioner for Human Rights (OHCHR) should increase the frequency of public reporting on human rights concerns in Sudan and, when necessary, issue statements pressing Sudanese authorities to end specific abuses.

Methodology

This report is based on Human Rights Watch research missions to Southern Sudan in November and December 2009, and March and April 2010; and to Khartoum in March and April 2010.

During these visits, Human Rights Watch researchers conducted more than 100 interviews with a wide range of sources, including government officials, international and Sudanese organizations, journalists, civilians, and victims of human rights abuses.

Interviews were conducted in Central Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, and Unity states in the South, and Khartoum in the North. Interviews were primarily conducted in English and Arabic in private locations. In many cases, the names of interviewees are withheld out of concern for their security.

Researchers also conducted research by telephone and email correspondence, and reviewed relevant materials published by the UN, international and Sudanese organizations, and commissions and other bodies within the Government of Southern Sudan and the Government of National Unity.

No incentives were offered or provided to persons interviewed, and verbal consent was received from all interview subjects. All participants were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be collected and used. No witnesses who declined to participate in interviews were under any pressure to do so.

I. Background

After several postponements, the Sudanese government finally held national elections between April 11 and 15, 2010. They were the first to be held in both the North and South in 24 years and, as such, were a milestone in the implementation of the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's 22-year long civil war.² The elections were also intended to be a step in the country's transition toward democracy and Southern Sudan's referendum on self-determination, slated for early 2011.

The elections process was politically contentious at every step, from the conduct of the fifth national census in 2008, the demarcation of voter constituencies, voter registration, campaigning, polling, to vote counting. The formation and operations of the National Elections Commission (NEC) were also fraught, drawing the opprobrium of opposition parties and civil society groups that increasingly questioned its impartiality and independence from the ruling party in the months leading up to elections.³

In November and December 2009, the NEC and the state-level commissions carried out voter registration throughout the country over a five-week period, ending December 7. The process included intimidation and arrests, and violent suppression of political rallies.⁴

In late December, following tense negotiations between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM)—the two signatories to the CPA and partners in the Government of National Unity—parliament passed a new national security law. The legislation allows broad powers of search, seizure, arrest, and detention for up to four-and-a-half months without judicial review, in violation of international due process standards, and gives broad immunity to security officers who commit crimes.⁵ It also

² The Comprehensive Peace Agreement calls for national elections, along with a series of democratic reforms designed to "make unity attractive" before 2011, when southerners will vote in a referendum on self-determination. The Comprehensive Peace Agreement Between the Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (CPA), signed January 9, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf> (accessed June 9, 2010).

³ "Sudan: Flawed Elections Underscore Need for Justice," Human Rights Watch news release, April 26, 2010, <http://www.hrw.org/node/89975>; and Human Rights Watch interviews with members of opposition parties and civil society activists, Khartoum and Juba, March and April 2010. See also African Centre for Justice and Peace Studies comprehensive report on the elections, "Sifting through Shattered Hopes: Assessing the Electoral Process in Sudan," May 2010, http://www.acjps.org/Publications/Reports/2010/Assessing_Elections_in_Sudan.pdf (accessed June 20, 2010).

⁴ "Sudan: Abuses Undermine Impending Elections," Human Rights Watch news release, January 24, 2010, <http://www.hrw.org/node/87938>.

⁵ National Security Act 2009, on file with Human Rights Watch.

falls short of the CPA, which envisions an information-gathering intelligence service with no powers of arrest and detention.⁶

In January 2010, the NCP nominated Omar al-Bashir, who is being sought by the International Criminal Court (ICC) for war crimes and crimes against humanity committed in Darfur, as its presidential candidate to run for another term.⁷

In the first week of April 2010, the SPLM and the Juba Alliance, an umbrella group of opposition parties, announced that they would boycott the elections in the North, citing ongoing violence in Darfur, an unresolved census dispute, failure to reform the security laws, the uneven political playing field, and bias in the elections commission.⁸ Two major opposition parties—the Democratic Unionist Party (DUP) and the Popular Congress Party (PCP)—re-entered the race following intense negotiations and visits by the United States special envoy and other international actors to promote the elections.⁹ Although 72 political parties nominated candidates for the elections, the absence of Sudan’s leading opposition parties in the North significantly weakened the competition.

The elections were the most complex in Sudan’s history. From April 11 to 15, voters cast ballots for the president of Sudan, the National Assembly, president of the Government of Southern Sudan, Southern Sudan Legislative Assembly, and governors and assemblies for the 25 states of Sudan. With the exception of Southern Kordofan and Gezira state, which both held only national-level elections, voters in northern Sudan cast eight separate ballots, and in the South cast 12 separate ballots.¹⁰

Technical and logistical problems, including lack of voting materials, faulty ballots, incorrect voter lists, late supply of voting materials, ballot papers being taken to the wrong locations, and inconsistent identification requirements at polling stations, led to voting being suspended or polling places closed. The difficulties also prompted the NEC to extend the

⁶ Comprehensive Peace Agreement, ch. II, art. 2.7.

⁷ “Sudan President Bashir starts re-election bid,” *BBC News*, January 12, 2010, <http://news.bbc.co.uk/2/hi/africa/8454349.stm> (accessed May 21, 2010).

⁸ “SPLM to boycott elections in most of north Sudan,” *BBC News*, April 7, 2010, <http://news.bbc.co.uk/2/hi/africa/8606326.stm> (accessed May 21, 2010). See also “Main Sudan opposition withdraw from presidential polls,” Reuters, April 1, 2010, <http://www.reuters.com/article/idUSTRE6300VN20100401> (accessed May 21, 2010).

⁹ Isma’il Kushkush, “Sudan Elections, a multiday drama,” *Washington Times*, April 14, 2010, <http://www.washingtontimes.com/news/2010/apr/14/sudan-elections-a-multiday-drama> (accessed May 21, 2010).

¹⁰ UNMIS, National Elections Commission, “Factsheet: National Elections Act of 2008,” undated, http://unmis.unmissions.org/Portals/UNMIS/Documents/General/NEC%20FACTSHEET_01_National%20Elections%20Act_En g.pdf (accessed May 22, 2010).

voting by two days and to announce that it would re-run the elections in 33 constituencies in the weeks following the elections.¹¹

Sudanese civil society groups deployed thousands of domestic election observers during the voting, and issued statements throughout the week. The international community also deployed observers, including the Carter Center, a US nongovernmental organization; the African Union (AU); the European Union (EU); the League of Arab States; and the Intergovernmental Authority on Development (IGAD), comprising seven eastern African countries.

The counting and tabulation period that began on April 16 was also marked by irregularities.

On April 26, the NEC announced that Omar al-Bashir had been re-elected as president with 68.24 percent of the vote. President of the Government of Southern Sudan Salva Kiir was re-elected with 92.99 percent of the vote.¹²

In a statement released on May 10, the Carter Center reported that its direct observations revealed that Sudan's vote tabulation process was highly chaotic, non-transparent, and vulnerable to electoral manipulation. The Carter Center also expressed concern about the accuracy of preliminary figures released by the NEC.¹³

Following the elections, opposition political parties in the North announced they would not recognize election results they considered tainted by irregularities and NCP fraud.¹⁴ A network of civil society groups branded the elections a "severe moral and professional failure" and called for a re-run of the whole elections process, formation of an interim government, and extensive legal reforms.¹⁵ In Southern Sudan, a group of southern parties

¹¹ "NEC decides to re-run elections in 33 constituencies," *Miraya FM*, April 16, 2010, http://www.mirayafm.org/index.php?option=com_content&view=article&id=2590:nec-decides-to-rerun-elections-in-33-national-and-state-constituencies-&catid=85:85&Itemid=278 (accessed May 21, 2010).

¹² "Basheer and Kiir emerge winners," National Elections Commission, April 26, 2010, <http://www.nec.org.sd/new/english/details.php?rsnType=1&id=58> (accessed May 21, 2010).

¹³ "Carter Center Reports Widespread Irregularities in Sudan's Vote Tabulation and Strongly Urges Steps to Increase Transparency," Carter Center press release, May 10, 2010, <http://www.cartercenter.org/news/pr/sudan-051010.html> (accessed May 18, 2010).

¹⁴ "Sudan official says rivals plotting chaos after vote," Reuters, April 15, 2010, <http://www.alertnet.org/thenews/newsdesk/HEA558159.htm> (accessed May 21, 2010). See also UN Security Council, Report of the Secretary-General on the United Nations Mission in the Sudan (Addendum), S/2010/168/Add.1, April 27, 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/168/Add.1 (accessed May 26, 2010).

¹⁵ See, for example, "The Position of the Independent Civil Society Network on the Electoral Process," joint statement, April 19, 2010, <http://blogfardarfur.org/archives/3797>, (accessed May 22, 2010).

said unprecedented violations had occurred during polling in the region, which the NEC had failed to remedy.¹⁶

Many parties have brought legal challenges to the courts in Khartoum. On April 27, nine Southern Sudanese opposition parties, citing evidence of fraud, said they would challenge the elections of South Sudan's president and state governors in Sudan's Supreme Court.¹⁷

¹⁶ UN Security Council, Report of the Secretary-General on the United Nations Mission in the Sudan (Addendum), April 27, 2010.

¹⁷ "South Sudan opposition to challenge polls in court," Reuters, April 27, 2010, <http://www.reuters.com/article/idUSLDE63Q218> (accessed May 21, 2010).

II. Pre-Election Violations

In November and December 2009, the period before and during voter registration, both national and Southern Sudanese government authorities and security services violated basic rights guaranteed in the Sudanese constitution and international law such as freedom of expression and assembly, and freedom from arbitrary arrest, detention, and ill-treatment.

The nomination and campaign periods in the months preceding the elections were similarly tarnished by the NCP and SPLM's failure to uphold standards—known as the Sudan Electoral Code of Conduct—which the African Union High-Level Implementation Panel on Sudan (AUHIP) prepared in Juba in March, 2010.¹⁸ Twenty-six mostly southern political parties, including the NCP and SPLM, adopted the code, which was based on the AU Declaration on the Principles Governing Democratic Elections in Africa, and the African Charter on Democracy, Elections and Governance. Under the code, designed to complement Sudan's national electoral laws and the work of the NEC, parties committed to abide by electoral laws, promote a fair electoral contest, and refrain from all forms of violence and obstruction of other contestants. The code also guaranteed the right to freedom of assembly and expression, freedom of the press, and equal access to media for all political parties.

Northern Sudan and Darfur

Government authorities committed pre-election violations in both Northern Sudan and Darfur, where emergency laws remain in place. Security forces broke up public gatherings, often with excessive force; prevented public meetings; controlled state-owned media; and arrested and detained activists, as well as opposition party members and election observers—all obstacles to free, fair, and credible elections.

Arrests of Observers and Activists

In South Darfur, in November, authorities arrested and detained a Communist Party observer, Tayfour Elamin Abdullah, for 25 days when he told people at a voter registration center that they should not give their registration cards to the ruling party. Abdullah told Human Rights Watch that security officials beat him in custody and told him to leave the Communist Party.¹⁹

¹⁸ Electoral Code of Conduct for Sudan, March 2010.

¹⁹ Human Rights Watch telephone interview with Tayfour Elamin Abdullah, December 28, 2009.

In another example, on March 14, national security agents in Khartoum arrested, interrogated, beat, and threatened to kill an 18-year-old activist working for *Girifna* (“We Are Fed Up”), a group that urged citizens to vote against the ruling NCP. The activist told Human Rights Watch that his captors hit him with pipes and sticks as they questioned him about *Girifna’s* activities.²⁰

Suppression of Free Assembly

The Khartoum government also used excessive force to suppress peaceful assemblies, and prevented free association and expression.

On December 7 and 14, security forces in Khartoum and other northern cities violently suppressed peaceful demonstrations that the SPLM and other political parties had organized to protest the NCP’s failure to enact democratic reforms ahead of the elections.²¹ Witnesses told Human Rights Watch that on the morning of December 7, riot police and security forces arrested more than 160 people, including political leaders and journalists, and injured more than 40 people while dispersing crowds in Khartoum using tear gas, rubber bullets, batons, and other weapons.²²

At a follow-up demonstration on December 14, riot police and security forces again used excessive force to disperse crowds, and made scores of arrests. Hafiz Ibrahim Abdulgadir, a former minister of local government in Al Gezira state and SPLM official, told Sudan Radio Services that national security officials forced him from his car, beat him severely, and dropped him off in Omdurman, a suburb of the capital.²³

On both days, national security forces and police also assaulted and arrested journalists on the streets and, on December 14, arrested journalists from inside the office of the newspaper *Sout al Umma* in Khartoum.

In many locations across North Sudan in November and December 2009, and into 2010, authorities also interrupted or refused permission for public events. This included training that civil society organizations conducted about the elections process, such as a December

²⁰ Human Rights Watch interview with the activist (name withheld), Khartoum, March 15, 2010.

²¹ Human Rights Watch telephone interviews with witnesses and victims of abuse during both demonstrations (names withheld), December 2009.

²² *Ibid.*

²³ “SPLM Official Attacked After Opposition Protest in Khartoum,” *Sudan Radio Service*, December 24, 2009, <http://www.sudanradio.org/splm-official-attacked-after-opposition-protest-khartoum> (accessed May 24, 2010).

16 event on voter education in Kosti, White Nile.²⁴ Security forces searched the premises, confiscated educational materials and equipment, and arrested a member of the Sudanese Human Rights Monitor group, one of the two organizations sponsoring the event.²⁵

Meanwhile in February, national security officials refused permission for a local organization to hold a peace-building seminar in South Darfur. They arrested the coordinator of an organization that was assisting with the seminar and detained him without charge for three days in a crowded national security facility after finding books on Sudanese identity they said were illegal.²⁶

Freedom of the Press Violations

Human Rights Watch also documented government violations of media freedoms in Khartoum, despite the September 2009 announcement by al-Bashir of the end of pre-print censorship.

For example, in December, authorities removed an article on Darfur before publication from the newspaper *Sudani*, which had been written by columnist Alhaj Warrag, a former president of the board of the opposition paper *Ajras al-Hurriya*.²⁷

In March, the government press council summoned and interrogated the editor of *Ajras al-Hurriya*, as well as the editor of a second opposition paper, *Rai el-Shaab*, in connection with articles that had criticized al-Bashir. One editorial—published on March 7 and entitled “The Candidate al-Bashir...Candidate as a Martyr, Do You Agree?”—criticized the president for deeming himself a “martyr” because he is wanted by the ICC.²⁸

Control of State-Owned Media

In addition, Human Rights Watch found that political parties did not have equal access to state media. Although NEC rules required state-owned media to allocate free airtime to the presidential candidates of all political parties, Khartoum-based radio and TV outlets heavily

²⁴ “Sudan: Abuses Undermine Impending Elections,” Human Rights Watch news release, January 24, 2010.

²⁵ Human Rights Watch interview with witness (name withheld), Khartoum, March 15, 2010.

²⁶ Human Rights Watch interview with the coordinator (name withheld), Khartoum, April 15, 2010.

²⁷ Human Rights Watch interview with Alhaj Warrag, Khartoum, March 9, 2010.

²⁸ Human Rights Watch interview with acting editors of both newspapers, Khartoum, March 14, 2010.

focused their regular programming on the ruling party.²⁹ The NEC's failure to ensure that all parties had fair and equitable access to media, and its decision in March to censor a speech by Umma party presidential candidate Sadiq al Mahdi, prompted opposition party members to withdraw from the NEC's media committee.³⁰

Lack of Security

In the embattled western region of Darfur, where government and rebel forces clashed around Jebel Mara in January and February 2010, continued insecurity presented an obstacle to holding free and fair elections. Large areas of Darfur remained inaccessible to election officials and candidates, and insecurity due to banditry and ongoing conflict restricted candidates' freedom of movement. In at least two cases in March, unidentified gunmen shot or robbed opposition party candidates traveling in Darfur.³¹

Southern Sudan

On October 22, in Aweil, Northern Bahr el Ghazal, authorities arrested Tong Lual Ayat, head of the United Democratic Party. The authorities alleged that his party was not properly registered, detained him in a safe house for two weeks, and then transferred him to a military prison at Wunyiit where he said soldiers tied him to a tree for another 16 days.³²

Ayat's mistreatment was part of a larger pattern of arbitrary arrests, detentions, and mistreatment of members of political parties opposed to the SPLM that Human Rights Watch researchers found when they visited Southern Sudan in November and December 2009.

Arrests, Detentions, and Mistreatment: September-December 2009

In December, security officials in Juba, the capital of Southern Sudan, arrested and detained a member of the Communist Party, Ismail Suliman for three days without charge.³³ Suliman told Human Rights Watch that security officials approached him while he was hanging a party banner in Juba at 9 p.m. on December 5. They then took him to a military detention center and interrogated him about his ethnicity and political party activities.

²⁹ See for example, Sudan Media and Elections Consortium, "Monitoring the Coverage of Sudan 2010 Elections: Interim Report No. 2, Period 13 February – 7 March 2010, March 16, 2010, <http://www.i-m-s.dk/files/publications/2%20Final%20MM%20report%2017-3-10ENGLISH.pdf> (accessed May 24, 2010).

³⁰ Human Rights Watch interview with Umma Party media focal person, Khartoum, March 19, 2010.

³¹ Human Rights Watch interviews with opposition party members, Khartoum, March 2010.

³² Human Rights Watch interview with Ayat, Aweil, November 24, 2009.

³³ Human Rights Watch interview with Ismail Suliman, Juba, December 13, 2009.

Lam Akol, a candidate for president of Southern Sudan and a former Sudanese foreign minister, has reported political persecution of his SPLM-DC party by the ruling SPLM throughout the elections process, including arresting and detaining dozens of party members. For example, on September 22, 2009, soldiers arrested 14 SPLM-DC members in Western Bahr el Ghazal, then took them to a military barracks where they interrogated and beat them. Authorities released 10 detainees in subsequent weeks, but as of June 2010, party officials claimed that four remained in detention without charge.³⁴

Akol, meanwhile, is widely accused by southern officials of receiving support from the NCP, and of fueling inter-ethnic tensions in Upper Nile state; no criminal charges have been brought against him.³⁵

In early November, the Government of Southern Sudan issued a letter ordering state governors to cooperate with all political parties except the SPLM-DC.³⁶ Akol later challenged the order in Sudan's Khartoum-based Constitutional Court, which in January issued a decision annulling the letter.³⁷

Arrests, Detentions, and Mistreatment: January-April 2010

While the number of incidents of arrest and detention decreased after the voter registration period in November and December, Human Rights Watch documented several cases where security forces intimidated, arbitrarily arrested, detained, physically assaulted, and tortured political party members opposed to the SPLM during the nomination, campaign, and election period from January to April.

In January, security forces in Raja, Northern Bahr el Ghazal, arrested three candidates from the Southern Sudan Democratic Forum (SSDF). The party's head, Dr. Martin Elia, told Human Rights Watch that security forces beat, arrested, and held them in a detention center for a number of weeks before they were released without charge. By this time, they were unable to submit their applications for nominations since the window for doing so had expired on January 22.³⁸

³⁴ Human Rights Watch interviews with SPLM-DC officials, December 2009; and Human Rights Watch email correspondence with Lam Akol, January and May 2010.

³⁵ Human Rights Watch interviews with southern government authorities in Malakal and Juba, November and December 2009.

³⁶ Memorandum issued by the Ministry of Presidential Affairs, on file with Human Rights Watch.

³⁷ Constitutional Court, Decision No. CC/CD/172/2009, January 17, 2010, on file with Human Rights Watch.

³⁸ Human Rights Watch interview with Dr. Martin Elia, Southern Sudan Democratic Forum, March 4, 2010.

On February 28, security officials arrested two SPLM-DC members as they drove from Khartoum to Northern Bahr el Ghazal with campaign materials for the party. An SPLM-DC official told Human Rights Watch that they were detained without charge at a military detention center in Aweil, Northern Bahr el Ghazal.³⁹ And in Juba on March 2, military police harassed and detained the driver and campaign agent of Alfred Gore, an independent candidate running for governor of Central Equatoria state, as they drove supporters back from a political event. The two were released the following day without charge.⁴⁰

Clampdown on Media

In late February 2010, soldiers from the Sudan Peoples' Liberation Army (SPLA) picked up and detained Lonya Banak, a station manager for Internews radio station in Leer County, Unity state, which had just hosted a debate in which a caller criticized the Government of South Sudan's delivery of public services. The soldiers repeatedly beat and kicked Banak at the station before they took him to Leer prison, where he was subjected to further beatings and detained for five days without charge. He was hospitalized for two days after his release.⁴¹

Human Rights Watch documented a significant chilling of the media environment in Southern Sudan during the campaign period, including police and security officials threatening and arresting at least four journalists who attempted to report on sensitive political issues, such as corruption among government officials. Meanwhile, the Agency for Independent Media in South Sudan, a nongovernmental organization, reported that several other journalists were harassed, arrested, and detained in Eastern Equatorial state for writing articles critical of the government.⁴²

In another example of restrictions on media, on March 3, armed security officials stormed the offices of Bakhita FM, a community-based radio station run by the Catholic Church, and Liberty FM, a private radio station, and arrested their directors. The incidents occurred after Liberty FM aired an interview with the campaign manager of an independent political

³⁹ Human Rights Watch interview with SPLM-DC official (name withheld), Juba, March 6, 2010.

⁴⁰ Human Rights Watch interview with Alfred Gore, Juba, March 4, 2010.

⁴¹ Human Rights Watch telephone interview with David De Dau, executive director of the Agency for Independent Media in Southern Sudan, March 17, 2010.

⁴² Human Rights Watch telephone interview with David De Dau, March 17, 2010.

candidate in Juba.⁴³ Police also threatened the director of Bakhita FM, warning her not to broadcast political programs and to focus instead on religious programs.

The Ministry of Information played a significant role in trying to force broadcast media to self-censor the political content of their programs. For example, the directors of Liberty FM and Bakhita FM told Human Rights Watch that after the raid on the offices of Bakhita FM, they were individually summoned to the Ministry of Information and given oral directives that all radio stations in South Sudan would be required to pre-record all political debates and interviews with political figures. They would also be required to remove any segments viewed as inflammatory or insulting to the government.⁴⁴

⁴³ Human Rights Watch interviews with Sr Cecilia, director of Bakhita FM radio station, Juba, March 6, 2010; and Mr Albino, director of Liberty FM radio, Juba, March 8, 2010.

⁴⁴ Human Rights Watch interviews with Sr Cecilia, Juba, March 6, 2010; and Mr Albino, Juba, March 8, 2010.

III. Violations during the Election Period

Nationwide political repression and human rights abuses marred the elections, which began on April 11. International and domestic election observers reported widespread logistical and administrative problems; faulty ballots; fraud, including multiple voting and ballot-stuffing; incorrect voter lists; late supply of voting materials; ballot papers being taken to the wrong locations; and inconsistent identification requirements at polling stations.⁴⁵

In some cases, these problems led to polling places being suspended or closed. They also prompted the elections commission to extend voting by two days, and to later announce its intention to repeat voting in more than 33 constituencies.

Sudanese civil society organizations deployed about 8,000 observers across Sudan.⁴⁶ These included 2,000 observers from the Sudanese Group for Democracy and Elections (SuNDE) (in the South) and Sudanese Network for Democratic Elections (SuGDE) (in the North), and 772 observers from the group Sudan Domestic Election Monitoring and Observation Programme (SuDEMOP) in the South.⁴⁷ Several other networks of civil society groups deployed throughout northern states and Darfur. Many observers told Human Rights Watch that security forces had intimidated them on several occasions, including ordering them out of polling places and, in some cases, confiscating their accreditation cards.⁴⁸

In their final report on the elections, SuNDE and SuGDE noted “serious shortcomings in the administration of the elections at the polling stations observed.” They recorded 194 incidents of intimidation, harassment, or violence in southern states during the seven-day period in the polling stations observed. SuNDE received reports of incidents of intimidation in all 10 southern states.⁴⁹

⁴⁵ The Sudanese Group for Democracy and Elections (SuGDE) and the Sudanese Network for Democratic Elections (SuNDE), Elections Statement, April 24, 2010; and Carter Center Election Observation Mission in Sudan Presidential, Gubernatorial, and Legislative Elections, Preliminary Statement, April 17, 2010, <http://cartercenter.org/news/pr/sudan-041710.html> (accessed May 26, 2010).

⁴⁶ Carter Center Election Observation Mission, Preliminary Statement, April 17, 2010.

⁴⁷ Human Rights Watch interviews with domestic observers from SuNDE, Juba, April 2010.

⁴⁸ Human Rights Watch interviews with domestic observers, Juba and Khartoum, April 2010.

⁴⁹ SuGDE and SuNDE, Elections Statement, April 24, 2010.

Northern Sudan

During polling, Human Rights Watch documented fewer cases of political rights being restricted than in preceding months. However, the NCP-dominated government continued to harass, intimidate, and arrest activists, opposition members, and election observers. Repressive laws also remained in place, contrary to CPA requirements.

On March 31, 2010, for example, plainclothes police officers in the Haj Youssef area of Khartoum arrested another 18-year-old activist from the *Girifna* group after she handed them a flier.⁵⁰ She told Human Rights Watch that police and security agents subjected her to hours of questioning, and threatened to conduct a medical examination to check her virginity if she did not tell the truth.

In several cases documented by Human Rights Watch, authorities targeted people who supported the opposition party boycott of elections in the North. For example, on April 8, security officials in Nyala, South Darfur, arrested and detained the head of the Communist Party, as well as a member of the Umma Reform and Renewal Party, for publishing fliers urging voters to boycott the elections. The two were released after several hours, once they had signed a promise not to “work against Sudan” and to report daily to the national security offices.⁵¹

In the weeks ahead of the elections, President al-Bashir made highly inflammatory remarks in public speeches in Sennar and Jazirah states, threatening to cut off the necks, tongues, and fingers of international observers who proposed a delay in elections.⁵² These threats followed demands by opposition parties in March to delay elections until November, and a March 18 report by the Carter Center suggesting that a delay might be needed to address administrative challenges facing the elections commission.⁵³

Also in March, government authorities ordered an international staff member of the Carter Center to leave the country, reportedly because of anti-government remarks he made during a training course.⁵⁴ On March 28, two security officers detained and questioned

⁵⁰ Human Rights Watch interview with activist (name withheld), Khartoum, April 11, 2010.

⁵¹ Human Rights Watch telephone interview, April 10, 2010.

⁵² “Carter Center threatens to withdraw from Sudan unless Bashir apologizes publicly: TV,” *Sudan Tribune*, April 7, 2010, <http://sudantribune.com/spip.php?article34670> (accessed May 24, 2010).

⁵³ “Carter Center Welcomes Sudan’s Elections Campaign, Urges Steps to Ensure Open and Inclusive Process,” Carter Center press release, March 18, 2010, <http://www.cartercenter.org/news/pr/sudan-031810.html> (accessed June 7, 2010).

⁵⁴ Human Rights Watch interview with Carter Center staff, Khartoum, March 27, 2010.

Abdelmajeed Salih, a staff member of the Carter Center and a known human rights activist, accusing him of mobilizing Darfur students and working with foreigners.⁵⁵

During voting week from April 11 to 15, police and security officials intimidated observers with threats, assaults, and arrests.

For example, on April 11, police in Khartoum expelled observers in one voting center because they objected to election staff helping voters fill out ballots.⁵⁶ In Omdurman, a security official who is a member of the ruling NCP assaulted an observer from a civil society organization after the observer had documented him assaulting a DUP party member.⁵⁷ The same day, in a village near Hassahissa, Jazirah state, police also briefly arrested two female candidates because polling authorities did not recognize their right to also work as Popular Congress Party (PCP) observers.⁵⁸

Observers also reported fraud through multiple voting; voting by unregistered people; mishandling ballots and ballot boxes; and paying and busing voters into centers where they were not registered—including busing people to Khartoum’s Kober prison.⁵⁹ Widely-circulated internet video footage that allegedly showed elections commission staff filling ballot boxes at night in Eastern Sudan led the NEC to cancel results there.⁶⁰

Darfur

Voting in Darfur was limited by the large numbers of displaced persons who boycotted the elections, as well as lack of security, which on April 7 caused the European Union to withdraw election observers from Darfur.⁶¹

Violence and threats of violence by security officials, rebel groups, or other armed persons either prevented or interrupted election activities in the areas of Jebel Moon and Jebel

⁵⁵ Human Rights Watch interview with Abdelmajeed Salih, Khartoum, April 8, 2010.

⁵⁶ Human Rights Watch interview with observers (name withheld), Khartoum, April 11, 2010.

⁵⁷ Human Rights Watch interview with observer (name withheld), Khartoum, April 15, 2010.

⁵⁸ Ibid.

⁵⁹ Human Rights Watch interview with observer (name withheld), Khartoum, April 20, 2010.

⁶⁰ See, for example, http://www.youtube.com/watch?v=W6Oq9DoQn_o&feature=player_embedded (accessed June 9, 2010).

⁶¹ “EU withdraws Darfur poll monitors,” *BBC News*, April 7, 2010, <http://news.bbc.co.uk/2/hi/africa/8608019.stm> (accessed May 24, 2010).

Mara.⁶² In eastern Jebel Mara, inter-factional rebel fighting in January and government clashes with rebel soldiers and government attacks on civilians in February killed scores of civilians and destroyed villages, causing mass displacement.⁶³ The scale of killing and destruction remains unknown; UN agencies have failed to reach the location to investigate.

In and around Kass, South Darfur, armed clashes between ethnic groups in March and April limited access to polling places and forced them to close early. Human Rights Watch also received reports of numerous incidents of security forces, military, and unidentified armed elements intimidating observers in Nyala.⁶⁴

In West Darfur, Justice and Equality Movement rebels, who opposed elections, threatened civilians in Sirba and ordered them not to vote.⁶⁵ Most polling sites in the area closed on the first day of polling.⁶⁶ In one polling station in Kerenik, West Darfur, police on April 12 expelled a political party observer from the Democratic Unionist Party after he objected to staff allowing non-registered people to cast ballots.⁶⁷

Southern Sudan

In Southern Sudan, Human Rights Watch found that the ruling SPLM and aligned security forces repeatedly committed rights and electoral abuses, and created an atmosphere of oppression as people cast their votes.

Widespread vote-rigging, intimidation, and, in some cases, violence permeated the electoral process. Although violence was minimal during the voting period, Human Rights Watch documented numerous incidents of security forces carrying out arbitrary arrests and intimidating voters, opposition members, political party election observers, and domestic election observers in several southern states, including Central Equatoria, Western Equatoria, Western Bahr el Ghazal, Unity, and Jonglei. Many arrests that Human Rights Watch documented had no lawful basis, but instead seemed aimed at preventing party representatives from observing elections. Most were held for a short time and then released.

⁶² UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2010/213, April 28, 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/213 (accessed May 26, 2010).

⁶³ Human Rights Watch interview with residents of Jebel Mara (names withheld), Nyala, April 16-19, 2010.

⁶⁴ Human Rights Watch interviews with witnesses (names withheld), Nyala, April 16-19, 2010.

⁶⁵ Human Rights Watch interviews with witnesses (names withheld), Al Geneina and Sirba, West Darfur, April 12-15, 2010.

⁶⁶ UN Security Council, Report of the Secretary-General, April 28, 2010.

⁶⁷ Ibid.

Central Equatoria

In Terekeka county, Central Equatoria, security forces arrested several opposition party observers from the NCP, the Southern Sudan Democratic Forum (SSDF), and the United Democratic Front (UDF) during the voting period.⁶⁸

Human Rights Watch received similar reports of arrests and intimidation in Terekeka county from the NCP, independent candidates, and domestic election observers. For example, on April 12, security officers arrested five election observers for Alfred Gore, the independent candidate for governor in Central Equatoria. They were freed the next day without charge.⁶⁹

On April 13, security forces arrested nine opposition party election observers at a polling place in Juba. Five of the agents worked for Gore, and the other four included agents from the Sudan People's Liberation Movement-Democratic Change (SPLM-DC) and the NCP.⁷⁰ An SPLM-DC agent arrested on the same day told Human Rights Watch that the security officers entered polling places and demanded to see observers' accreditation. The security forces then arrested all those who worked for an opposition party or an independent candidate.⁷¹

On April 14, security officers forcibly removed 14 SuNDE observers from three polling places in Kator South Constituency in Juba, Central Equatoria. The security officers briefly questioned and detained the observers at a nearby police station.⁷²

And on April 17, observers reported that county commissioners and security officers entered a polling place—as they did in other states—threatened voters and elections commission officials, and took over the counting process.⁷³ In another county, in the same state, security forces detained a domestic observer when he questioned the presence of security forces and other government officials in the polling place during counting.⁷⁴

⁶⁸ Human Rights Watch interview with SSDF candidate for Women's List, Juba, April 15, 2010.

⁶⁹ Human Rights Watch interview with political agent (name withheld) for independent candidate Alfred Gore, Juba, April 19, 2010.

⁷⁰ Human Rights Watch interviews with SPLM-DC official (name withheld), Juba, April 15, 2010; and NCP official, Juba, April 20, 2010.

⁷¹ Human Rights Watch interview with SPLM-DC official (name withheld), Juba, April 15, 2010.

⁷² Human Rights Watch interview with Edmund Yakini, coordinator for SuNDE, Juba, April 14, 2010.

⁷³ Human Rights Watch interview with Edmund Yakini, Juba, April 19, 2010.

⁷⁴ Human Rights Watch interviews with SuNDE and SuDEMOP observers (names withheld), April 16 and 19, 2010.

Western Equatoria

In Yambio, Western Equatoria, soldiers from the southern military, the Sudan People's Liberation Army (SPLA), beat, intimidated, and harassed opposition party members and their election observers on numerous occasions.⁷⁵ For example, on April 14, several soldiers beat an observer for an independent candidate for governor, Joseph Bakosoro. Two days earlier, soldiers beat and detained two other observers for the same candidate.⁷⁶

On April 11, SPLA soldiers beat and detained an SPLM-DC observer, Dr. Dominic Funda, and two others in Tore, Western Equatoria. The men were detained for two days in a military barrack called Rasolo.⁷⁷

Human Rights Watch also documented a number of cases of arrests and intimidation of domestic observer groups by security forces in Central Equatoria and Western Equatoria.

In Western Equatoria, observers reported that the southern governing party and security officers took control of six polling places and expelled all domestic and other political party observers from the station.⁷⁸ For example, in Maridi County, Western Equatoria, SPLA soldiers prevented political party observers from entering polling places and controlled the entire voting process. Observers reported that the commissioner of the county entered the polling places and told people how to vote. Observers also reported cases of opposition party observers intimidating and telling people how to vote in a number of states.⁷⁹

Western Bahr el Ghazal, Northern Bahr el Ghazal, and Unity

Observer groups also reported arrests of their members in Western Bahr el Ghazal, Northern Bahr el Ghazal, and Unity states.

On April 16, security officers arrested and detained a SuNDE observer in Wau, Western Bahr el Ghazal. The security officers beat the observer and warned him not to report on what he had observed in Wau, before releasing him the following day.⁸⁰ SuNDE observers reported

⁷⁵ Human Rights Watch interview with local freelance journalist (name withheld), Juba, April 19, 2010; and Human Rights Watch telephone interview with Colonel Joseph Bakosoro, independent candidate, Juba, April 20, 2010.

⁷⁶ Human Rights Watch telephone interview with Colonel Joseph Bakosoro, April 20, 2010.

⁷⁷ Human Rights Watch interview with Dr. Dominic Funda, SPLM-DC, Juba, April 16, 2010.

⁷⁸ Ibid.

⁷⁹ Human Rights Watch interviews with SuNDE and SuDEMOP observers (names withheld), April 16 and 19, 2010.

⁸⁰ Human Rights Watch interview with Edmund Yakini, Juba, April 19, 2010.

similar cases of harassment, intimidation, and arbitrary arrests in Maridi County, Western Equatoria, Terekeka, and Juba counties in Central Equatoria, and Leer county in Unity state.⁸¹

Observers in Western Bahr el Ghazal told Human Rights Watch that SPLA soldiers engaged in widespread intimidation of voters and polling officials, including forcing voters to opt for the “star”—the symbol of the ruling southern party.⁸² In other states, soldiers forced their way into polling places and ordered domestic and party observers to leave.

⁸¹ Ibid.

⁸² Human Rights Watch interviews with SuNDE and SuDEMOP observers (names withheld), April 16 and 19, 2010.

IV. Post-Election Violations

Since the election, the Sudanese government has clamped down even further on political freedoms and opponents in the North.

For example, on the night of May 15, officers from the National Intelligence and Security Services (NISS) arrested Hassan al-Turabi, leader of the opposition People's Congress Party (PCP), at his home in Khartoum and detained him at Kober prison, where he remains without charge.⁸³ Al-Turabi is a vocal critic of the ruling party and has accused it of rigging the elections.

The same night, national security officers arrested and detained four journalists in a raid on the PCP-affiliated newspaper, *Rai al-Shaab*, which they shut down. One of the journalists, Abuzar al-Amin, told his family that national security officers subjected him to electrical shocks. Photographs received by Human Rights Watch show marks of abuse on his body. The journalists remain in detention facing charges of terrorism and espionage.

On May 20, security authorities arrested Farouk Abu Eissa, a prominent lawyer and head of a coalition of opposition parties, at his home and questioned him for three hours about the opposition's support for al-Turabi and the ICC. On May 29, authorities prevented three prominent human rights activists, including a former member of the national parliament, from traveling to Kampala to attend an ICC review conference.⁸⁴

Authorities also stepped up pre-print censorship of newspapers, a practice al-Bashir publicly declared had ended in September 2009. On May 19, security officials censored *Ajras al-Huriya*, banning articles that reported the arrests of al-Turabi and the journalists, and the escalating violence in Darfur. In the weeks that followed, authorities continued to censor *Ajras* and ordered articles removed from several other newspapers.⁸⁵ Banned articles included coverage in May of a doctors' strike over poor working conditions, including the

⁸³ "Sudan security arrest opposition leader Turabi," Reuters, May 16, 2010, <http://www.reuters.com/article/idUSLDE64F03M> (accessed May 21, 2010).

⁸⁴ "Activists Prevented from Travelling to Rome Statute Review Conference," African Centre for Justice and Peace Studies press release, May 31, 2010, <http://www.acjps.org/Publications/Press%2oreleases/2010/5-31-10ActivistsPreventedfromTravelling.html> (accessed June 20, 2010).

⁸⁵ Human Rights Watch confidential communication with Sudanese journalists (names withheld), June 8, 2010.

arrest, detention, and mistreatment of at least three members of the doctors' strike committee.⁸⁶ As of late June, six doctors were still being detained without charge.

Separately, national security forces continue to target members of the United Popular Front (UPF), a student group that the government alleges is linked to the Darfur rebel group led by Abdel Wahid al-Nur. On May 11, security officials in Khartoum arrested three members, one of whom was released and reported to family and friends that officers took them to an unknown location, tortured them, and interrogated them about the group's activities. According to group members, the other two are detained in unknown locations.⁸⁷

In Southern Sudan, tensions led to violence over the results of the elections, particularly where SPLM candidates ran against independents.

For example, at least five soldiers were reportedly killed in Jonglei state on May 14, when SPLA soldiers clashed with forces loyal to General George Athor who lost the election for governor in Jonglei. It was the fourth time in two weeks that Athor's forces had clashed with SPLA soldiers.⁸⁸

In Bentiu, Unity state, when the results for governor were announced on April 23, security forces clashed with protestors who supported the incumbent's challenger, leading to at least two deaths and numerous injuries.⁸⁹

Human Rights Watch also received reports of increased tensions over results in Central Equatoria, when independent candidate Lado Gore disappeared in late April amid rumors of abduction and an increased presence of armed forces at his residence.⁹⁰

The post-election period also saw intimidation and arrests during the counting and tabulation in Unity, Western Equatoria, and Northern Bahr el Ghazal states.

⁸⁶ Human Rights Watch email correspondence with UNMIS staff and journalists in Khartoum (names withheld), June 8, 2010. See also "Sudanese Security Arrests Leaders of the Doctors' Strike and Intimidates their Supporters," African Centre for Justice and Peace Studies press release, June 4, 2010, <http://www.acjps.org/Publications/Press%20releases/2010/06-04-10SudaneseSecurityArrestsLeadersoftheDoctorsStrike.html> (accessed June 20, 2010).

⁸⁷ "Arbitrary Arrest and Harassment of United Popular Front (UPF) Students in Khartoum," Human Rights and Advocacy Network for Democracy (HAND), May 12, 2010, on file with Human Rights Watch.

⁸⁸ "Five dead in clash with S.Sudan rebel general-army," Reuters, May 14, 2010, <http://www.reuters.com/article/idUSHEA467873> (accessed May 21, 2010).

⁸⁹ "Calm resumes in Bentiu," UNMIS, April 24, 2010, <http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=8706>, (accessed May 22, 2010).

⁹⁰ Human Rights Watch email correspondence with journalists and UN staff, Juba, April 2010.

On May 10 the Carter Center expressed concern about “incidents of unwarranted detention and mistreatment of High Election Committee Staff by security forces in Northern Bahr el Ghazal and Western Equatoria.”⁹¹ For example, on April 24 in Yambio, Western Equatoria state, authorities reportedly took over the State High Committee premises where votes were being counted. SPLA soldiers arrested two staff members.⁹² Carter Center observers also reported high levels of intimidation and violence in Unity in particular, including in Leer and Pariang counties.⁹³

⁹¹ “Carter Center Reports Widespread Irregularities in Sudan’s Vote Tabulation and Strongly Urges Steps to Increase Transparency,” Carter Center press release, May 10, 2010, <http://www.cartercenter.org/news/pr/sudan-051010.html> (accessed May 18, 2010).

⁹² Ibid.

⁹³ Ibid.

V. International Response

Donor governments and intergovernmental organizations provided Sudan's elections with considerable financial, technical, and logistical assistance.

This included delegations of election observers sent by several foreign governments, intergovernmental organizations, and other international groups, including the African Union (AU), the European Union (EU), the Intergovernmental Authority on Development (IGAD), the Arab League (AL), the US-based nongovernmental organization the Carter Center, and diplomatic missions from a number of individual countries and donors to Sudan, including the United States, Japan, and China.

The United Nations Mission in Sudan (UNMIS) and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) lent the government technical and logistical support but did not have a mandate to carry out elections observation, and did not publicly comment on the process. Nor did the missions comment publicly on the human rights violations that occurred during elections, despite the fact that both have human rights units staffed with international human rights officers who are mandated to investigate and report on human rights violations.

International observer groups produced preliminary statements on their observations of the elections.

The most critical reports came from the Carter Center and EU on April 17, which separately described flaws, including widespread procedural irregularities, restrictions on civil liberties, fraud, and harassment by military and security forces.⁹⁴ In later statements, both observer missions expressed concern over the lack of transparency during the vote counting and tabulation processes.⁹⁵

⁹⁴ Carter Center Election Observation Mission, Preliminary Statement, April 17, 2010; and European Union Election Observation Mission, the Republic of the Sudan, Executive and Legislative Elections – 2010, “Preliminary statement: Sudanese elections show significant deficiencies against international standards but pave the way for future democratic progress,” April 17, 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SNAA-84N6YP-full_report.pdf/\\$file/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SNAA-84N6YP-full_report.pdf/$file/full_report.pdf) (accessed June 20, 2010).

⁹⁵ “The EU Election Observation Mission Urges the NEC to Retain the Transparency of the Electoral Process,” European Union Election Observation Mission press release, April 25, 2010, http://www.eueom.eu/files/pressreleases/english/eueom-press-release-20100425_en.pdf (accessed June 20, 2010); and “Carter Center Reports Widespread Irregularities in Sudan's Vote Tabulation and Strongly Urges Steps to Increase Transparency,” Carter Center press release, May 10, 2010, <http://www.cartercenter.org/news/pr/sudan-051010.html> (accessed May 18, 2010).

In contrast, the preliminary statements issued by the AU and IGAD were weak. While they acknowledged some irregularities, both missions rushed to welcome the elections, and did not mention the abuses that had marred them. IGAD's interim report concluded that the elections process was credible despite some "technical problems."⁹⁶ The AU's report deemed the elections "an important milestone in the country's democratization process." The report added that while the elections were "imperfect," they were also "historic," and a "building-block for the future elections" given the country's "history, its current and immense challenges on many fronts...."⁹⁷

A joint statement by the Sudan Troika (the United States, the United Kingdom, and Norway) noted that the elections failed to meet international standards, but did not refer in any detail to the country-wide abuses that took place during the elections.⁹⁸ Testifying before the US Senate Foreign Relations Committee on May 12, Major General Scott Gration, US special envoy to Sudan, also voiced concern about irregularities and violations of civil liberties that took place in Sudan. He stated that the elections fell short of international standards, but failed to condemn the abuses that had occurred.⁹⁹

Neither the international observer missions, nor Sudan's donor partners such as the US, referenced the fact that the re-elected president, Omar al-Bashir, is wanted by the ICC for war crimes and crimes against humanity committed in Darfur, and should answer those charges in The Hague.

⁹⁶ IGAD, Election Observer Mission to the Sudan Interim Statement, April 19, 2010, http://igad.int/index.php?option=com_content&view=article&id=199:election-observer-mission-to-the-sudan-interim-statement&catid=59:sudan-elections&Itemid=157 (accessed May 18, 2010).

⁹⁷ African Union, "Preliminary Statement of the African Union Observer Mission to the Sudan Elections 11-15 April 2010," April 18, 2010, [http://www.african-union.org/root/ar/index/AU%20EOM%20Sudan%202010%20Preliminary%20statement%20\(Final\).doc](http://www.african-union.org/root/ar/index/AU%20EOM%20Sudan%202010%20Preliminary%20statement%20(Final).doc) (accessed May 18, 2010).

⁹⁸ Sudan Joint Troika Statement on the Sudanese Elections, April 19, 2010, <http://www.state.gov/r/pa/prs/ps/2010/04/140408.htm> (accessed June 20, 2010).

⁹⁹ Scott Gration, Testimony before the US Senate Foreign Relations Committee, Washington, DC, May 12, 2010, <http://www.state.gov/s/sudan/rem/2010/141779.htm> (accessed, May 17, 2010).

VI. Conclusion

Sudan's election process was characterized by nationwide abuses.

Key actors such as the AU and IGAD, as well as the wider international community, have generally supported the elections and failed to condemn the abuses that took place, reflecting their determination to ensure the full implementation of the CPA and see Sudan peacefully into the 2011 referendum at all costs. However, Sudan's foreign partners and sponsors to the CPA have a critical role to play in urging the Sudanese authorities to end impunity for abuses.

The international community has a responsibility to remind both the Sudanese government and the semi-autonomous government in the South that failure to do so will not only significantly jeopardize the prospects for future elections and a peaceful and meaningful referendum, it will invalidate Sudan's attempts to realize the democratic transformation envisioned by the CPA. As a result, they must increase pressure on Sudan to improve its human rights record; implement much-needed human rights legal and institutional reforms; cooperate with the ICC; and condemn human rights violations, intimidation, and violence.

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Democracy on Hold

Rights Violations in the April 2010 Sudan Elections

Between April 11 and 15, 2010, Sudan held its first multi-party national elections in 24 years, a key milestone set forth in the 2005 Comprehensive Peace Agreement (CPA) that ended the 22-year civil war between the North and the South. However, a range of human rights and electoral violations— including widespread intimidation, arrests, violence, multiple voting, and ballot-stuffing— marred the historic vote and eroded its legitimacy. These abuses also now jeopardize the referendum on self-determination that South Sudan is scheduled to hold in January 2011, a vote that has enormous implications for the stability of the country and for the region as a whole.

Based on research that Human Rights Watch carried out between November 2009 and April 2010 in Khartoum and Southern Sudan, this report documents numerous human rights abuses perpetrated before, during, and after April's elections by the two main partners in the Government of National Unity (GNU): the ruling National Congress Party (NCP), and the former southern rebel movement, the Sudan's People's Liberation Movement (SPLM).

Since the election, the situation in Sudan has worsened. In northern states, the NCP, which dominates the GNU, has cracked down on opponents, activists, and journalists; in southern states, the SPLM and its security forces have fought forces allied to independent candidates; in Darfur, the Sudanese government continues to fight rebel forces and the civilians with whom they are aligned, deploying aerial bombs and ground forces to do so.

The pending referendum and deteriorating human rights situation across Sudan means it is imperative that international actors immediately intensify pressure on Sudan to improve its human rights record and condemn human rights violations, intimidation, and violence.

The Government of National Unity and the Government of South Sudan (GoSS) should act now to restore public confidence in the country's political process by ending repression of civil and political rights and other human rights violations, investigating abuses that took place during the elections, and bringing those responsible to justice.

Women cast their ballots at Abu Shouk's internally displaced persons (IDP) camp in Al Fasher, Northern Darfur, April 11, 2010.

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