

FREEDOM IN THE WORLD

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Sudan

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OVERVIEW:

Sudan experienced political, economic, and social upheaval in 2011, including the loss of one-third of its territory when South Sudan became independent in July. Faced with the threat of political spillover from popular uprisings in other Arab countries and an economic crisis triggered by the secession of the oil-rich South, the embattled regime launched a harsh crackdown on any sign of dissent. New conflicts erupted in the border states of Southern Kordofan and Blue Nile, prompting a heavy-handed response by government forces, which were accused of committing war crimes. Meanwhile, the conflict in Darfur continued despite the signing of a peace agreement with one of the rebel groups.

Sudan has been embroiled in nearly continuous civil wars since gaining independence from Britain and Egypt in 1956. Between 1956 and 1972, the Anyanya movement, representing mainly black Africans in southern Sudan, battled Arab Muslim-dominated government forces. In 1969, General Jafar Numeiri took power in a coup. The South gained extensive autonomy under a 1972 accord, but Numeiri reneged on the deal in 1983 and imposed Sharia (Islamic law), igniting a civil war with the main rebel group, the Sudan People's Liberation Army (SPLA). The fighting lasted until 2004, causing the deaths of an estimated two million people. Numeiri was ousted in a popular uprising in 1985, and a civilian government elected in 1986 was overthrown three years later by General Omar al-Bashir. Over the next decade, al-Bashir governed with the support of senior Muslim clerics including Hassan al-Turabi, who served as leader of the ruling National Islamic Front (NIF).

Al-Bashir fired al-Turabi in 1999 and oversaw flawed presidential and parliamentary elections a year later, which the National Congress Party (NCP) (formerly the NIF) won overwhelmingly. The government ended the civil war with the South in January 2005 by signing the Comprehensive Peace Agreement (CPA) with the SPLA and its political arm, the Sudan People's Liberation Movement (SPLM). The pact established a power-sharing government in Khartoum between the SPLM and the NCP, granted autonomy to a Government of Southern Sudan (GoSS) led by the SPLM, and allowed for a referendum on Southern independence to be held after a six-year transitional period.

While the CPA was being negotiated, a separate conflict erupted in Darfur. Rebels from Muslim but non-Arab ethnic groups attacked military positions in 2003, citing discrimination and marginalization by the government. In 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring the inhabitants, and raping women and girls. The military also bombed settlements from the air. More than two million civilians were displaced. The scale of the violence led to accusations of genocide by international human rights groups and the United States.

The government reached a peace agreement with one of Darfur's multiple rebel groups in 2006, but the others refused to sign the pact, and fighting continued despite the presence of international peacekeepers. In March 2009 the International Criminal Court (ICC) issued an arrest warrant for al-Bashir on charges of war crimes and crimes against humanity in Darfur. A charge of genocide was added in 2010.

National elections mandated by the CPA were held in 2010. The process was undermined by intimidation, vote-rigging, and restrictions on freedom of expression by the NCP in the North and the SPLM in the South. The SPLM and other parties ultimately boycotted the national presidential election, citing unfair campaign conditions. As a result, al-Bashir won convincingly, capturing 68 percent of the vote. The NCP won 323 of 450 seats in the National Assembly, the lower house of parliament, 91 percent of the state assembly seats in the North, and 32 seats in the 50-seat upper chamber, the Council of States, which is indirectly elected by the state legislatures. In the South, Salva Kiir of the SPLM was elected president of the GoSS with 93 percent of the vote.

After the elections, attention turned to the task of organizing the Southern referendum on independence, scheduled for January 2011. Preparations were far behind schedule, but international pressure and technical

2012 SCORES

STATUS

Not Free

FREEDOM RATING

7.0

CIVIL LIBERTIES

7

POLITICAL RIGHTS

7

assistance helped get the process back on track, ensuring that 3.9 million Southerners registered to vote. The referendum was held on time and was largely peaceful. The result, announced in February, showed a vote of almost 99 percent in favor of independence. In the North, where 116,000 Southerners had registered to vote, nearly 58 percent voted for independence. Turnout in the North, at 59 percent, was also significantly lower than in the South. The U.S.-based Carter Center, which monitored the referendum, declared the exercise to have been "successful and broadly consistent with international standards." Al-Bashir pledged to recognize the result.

A separate referendum in the contested border enclave of Abyei did not go ahead as planned. Residents were set to decide whether to remain in the North or join the South, but the NCP and SPLM could not agree on who should be eligible to vote. Amid rising tensions, a convoy of Northern troops came under attack, allegedly by the SPLA, in May. The North responded with overwhelming force, launching a full-scale occupation of Abyei that caused more than 100,000 residents to flee. Under a deal negotiated in June, both sides agreed to withdraw their forces to make way for UN peacekeepers, which began deploying in September.

The state of Southern Kordofan, close to the border with the South, became the next flashpoint. State elections scheduled for 2010 had been delayed over suspicions of census fraud in favor of the NCP. The election was eventually held in May 2011, resulting in a narrow victory for the NCP candidate, incumbent governor, Ahmed Haroun, who had been indicted by the ICC in 2007 for crimes against humanity and war crimes. The Carter Center said the result was credible despite some irregularities, but the SPLM candidate rejected the outcome. Clashes erupted in June when Khartoum brought forward a deadline for Southern-aligned forces in the state to disarm. In the following weeks, aerial bombardments and indiscriminate shelling by Northern forces caused more than 150,000 people to flee their homes. A leaked UN report accused Northern troops of carrying out "targeted killings and summary executions" and called for an independent investigation, with perpetrators to be referred to the ICC. A framework agreement to end the Southern Kordofan conflict was publicly disowned by al-Bashir, and the fighting continued. In November, the United Nations accused Sudan of launching an air raid on a camp in South Sudan housing refugees from Southern Kordofan; at least 12 people were killed.

Violence spread to neighboring Blue Nile State in September, displacing more than 100,000 people. Khartoum accused the SPLM-North (SPLM-N), an offshoot of the liberation movement in the South, of leading a rebellion. Al-Bashir declared a state of emergency, replaced the SPLM-N governor with a military appointee, and banned the SPLM-N as a political party, shutting its offices and detaining scores of its members throughout the country. For its part, the SPLM-N pledged to work for regime change in Khartoum.

The border conflicts in Abyei, Southern Kordofan, and Blue Nile soured relations with the South, which formally became the independent Republic of South Sudan on July 9. Khartoum accused the SPLM of interfering in the conflicts, and negotiations stalled on a host of bilateral issues, including border demarcation, management of the oil industry, and defining citizenship in the two new countries.

With many of its regions in full-scale revolt and its northern neighbors, Egypt and Libya, in the midst of revolution, the NCP focused on regime survival, launching a crackdown on any signs of unrest in Khartoum. Sporadic protests against the government's economic austerity measures in January and February were met with force and mass arrests. Tensions within the ruling party became increasingly evident. In February, al-Bashir announced that he would not contest the next presidential election, due in 2015. Sudanese analysts noted the increased prominence of the military faction in the regime; some argued that it had launched a "soft coup" in the weeks leading up to Southern independence, taking over the essential functions of the state.

Meanwhile, the conflict in Darfur continued. There was a sharp rise in fighting at the turn of 2011 after the only rebel group to sign the 2006 peace deal returned to the battlefield. In July, the NCP signed a peace agreement with another of the rebel groups, the Liberation and Justice Movement. But the more influential factions refused to join the process and rejected Khartoum's moves to impose a settlement, which included the appointment of a Darfuri vice president to the government in Khartoum in September. Khalil Ibrahim, leader of the Justice and Equality Movement (JEM), a major rebel group, was killed by Sudanese forces in December.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Sudan is not an electoral democracy. Although the first multiparty elections in 24 years were held in 2010, they were plagued by irregularities and failed to meet international standards, according to monitors from the United States, the European Union, and Sudan itself.

The country is governed according to the 2005 interim constitution, but this document is being redrafted following the independence of South Sudan. Members of the opposition and civil society have so far been excluded from consultations over the constitution-writing process and claim that proposed revisions would lead to a more repressive system of governance. The president is currently elected to serve five-year terms. Members of the lower house of the bicameral legislature, the 450-seat National Assembly, were elected in 2010 using a mixed majoritarian and party-list system. State legislatures chose the 50 members of the upper house, the Council of States. All lawmakers are to serve six five-year terms. As a result of South Sudan's secession, the two chambers were reduced to 354 and 30 seats, respectively.

Ahead of the 2010 elections, the NCP manipulated the census used to compile the electoral roll, overstating the population in areas of core support and undercounting opposition strongholds. Although 72 political parties nominated candidates for the elections, many of them were not allowed to campaign freely and rarely received official permission to hold public events. The leading opposition parties boycotted the presidential election in the

North, and several also withdrew from the legislative polls. The voting period was plagued by irregularities, with reports of inaccurate voter rolls, ballot stuffing, and cash handouts to NCP voters.

By contrast, during the referendum on Southern independence held in January 2011, there were few reports of intimidation of Southern voters in the North, and although turnout was lower than in the South, monitors said this may have been because large numbers of Southerners decided to move to the South before polling day.

The NCP's dominance of the political system in the North was reinforced by the independence of South Sudan, which signaled the end of the Government of National Unity and the withdrawal of the South's representatives from the parliament. The Khartoum government also launched a crackdown on other political parties. The SPLM-N was banned from operating in September following the outbreak of fighting in Blue Nile State, and the leader of the Popular Congress Party, former NCP chief Hassan al-Turabi, was arrested in January and held without charge before being released in May. Members of other opposition parties were also detained for criticizing the government and making reference to the Arab Spring protests.

Sudan is considered one of the world's most corrupt countries. Power and resources are concentrated in and around Khartoum, while outlying states are neglected and impoverished. Members of the NCP, particularly those from favored ethnic groups, tightly control the national economy and use the wealth they have amassed in banking and business to buy political support. The International Crisis Group estimates that the party's top leadership owns more than 164 companies, which get the pick of the government's contracts.

The 2005 interim constitution recognizes freedom of the press, but the media face significant obstacles in practice. The 2009 Press and Publication Act allows a government-appointed Press Council to prevent publication or broadcast of material it deems unsuitable, temporarily shut down newspapers, and impose heavy fines for violations of media regulations. These powers were widely used in 2011. In addition, the National Intelligence and Security Services (NISS) forced the closure of six, mainly Southern newspapers following the independence of South Sudan and curtailed the distribution of three others. The government justified the move by saying it could not allow foreign-owned papers to operate in Sudan.

Journalists risk prosecution for doing their jobs. Ten reporters were charged with defamation in May 2011 for reporting on the alleged gang rape of a female student by agents from the NISS. At least three of the reporters were found guilty, and two spent a month in prison rather than pay a fine. A presidential decree was issued in August to release all journalists held in custody. Soon afterward, the editor of the newspaper *Al-Sahafa*, who had been detained since November 2010, was set free. Seven members of the Darfur radio channel Radio Dabanga who had been behind bars since October 2010 were released without charge in December 2011. However, four journalists remained in custody at year's end, according to the Committee to Protect Journalists.

International media are available in Sudan, but they are becoming more difficult to access. The government suspended the license of the British Broadcasting Corporation's Arabic service in 2010 and refused to renew the license of Radio France Internationale's Arabic service.

Religious freedom, though guaranteed by the 2005 interim constitution, is not upheld in practice. Sudan's population is predominantly Sunni Muslim, but there is a Christian minority. President Omar al-Bashir has signaled that the new constitution will establish Sharia as the main source of law and Islam as the national religion. The government uses religious laws as a means to persecute political opponents. In July 2011, 150 people from Darfur were rounded up by police in Khartoum. Of those arrested, 129 were charged with apostasy, which carries a maximum sentence of death. They were released in September after agreeing to follow the government's interpretation of Islam. The United States has designated Sudan a "country of particular concern" for its violations of religious freedom.

Respect for academic freedom is limited. The government administers public universities, monitors appointments, and sets the curriculum. Authorities do not directly control private universities, but self-censorship among instructors is common. Student associations are closely monitored for signs of antigovernment activities. In one incident, 36 students from Shendi University, north of Khartoum, were arrested in April 2011 after they organized a strike. Some were tortured in custody, and several were charged with rioting. Protests by students at Kassala University were violently broken up by the authorities in October, leaving at least five people injured and one dead.

Freedom of assembly is restricted. In January and February 2011, a series of demonstrations broke out in Khartoum and other cities against the government's economic austerity measures, some of them inspired by the revolutions in North Africa. The government responded harshly, beating protesters and arresting more than 100 people. At least one person was killed. Police used tear gas to break up a similar demonstration in Khartoum in September.

The operating environment for nongovernmental organizations (NGOs) is difficult. In Darfur, government-backed forces and the main rebel groups place restrictions on the movements of aid workers and peacekeepers. Eight members of the joint United Nations–African Union peacekeeping force in Darfur were killed in 2011 by unknown assailants, bringing to 33 the number of deaths since the mission was established in 2007. In August, four members of the UN Interim Security Force for Abyei died from injuries sustained in a landmine explosion. The UN accused the authorities of delaying permission for a medical evacuation to take place. Independent NGOs were denied access to Southern Kordofan and Blue Nile following the outbreak of fighting in those states.

Trade union rights are minimal, and there are no independent unions. The Sudan Workers' Trade Unions Federation has been co-opted by the government.

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. Sudanese criminal law is based on Sharia and allows punishments such as flogging.

The National Security Act, which took effect in 2010, gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives. Human rights groups accuse the NISS of systematically detaining and torturing opponents of the government, including Darfuri activists, journalists, and students. Protesters arrested following demonstrations in January and February 2011 told Human Rights Watch that they were tortured and that female detainees were raped or sexually humiliated. In July, state media reported that 66 political detainees had been released from NISS custody. The NISS said this figure represented all the detainees being held, but others are thought to remain in custody.

It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have documented the widespread use of rape, the organized burning of villages, and the forced displacement of entire communities. The government also waged war against its own citizens in Abyei, Southern Kordofan, and Blue Nile in 2011, using indiscriminate force against civilians, including aerial bombardments. Ethnic groups considered unfriendly to the government were targeted for attack, notably the Nuba people, who largely sided with the SPLM during the civil war. Humanitarian access was denied to populations caught up in the fighting in Southern Kordofan and Blue Nile, causing severe food shortages and raising the prospect of famine. The government refused to renew the mandate of the UN Mission in Sudan (UNMIS) after it expired in July, adding to the difficulties of monitoring the situation along the North-South border.

The approximately one million Southerners who remained in the North following South Sudan's independence face serious discrimination. Under proposed changes to the Sudan Nationality Act, effective from 2012, Southerners will be stripped of their citizenship and reclassified as foreigners, irrespective of how long they have lived in the North.

The ongoing dispute over the new international boundary between Sudan and South Sudan has led to the border being sealed. This has curtailed freedom of movement and trade, and caused serious hardship to nomadic groups whose migratory routes have been severed.

Female politicians and activists play a role in public life in Sudan, and women are guaranteed a quarter of the seats in the National Assembly. In daily life, however, women face extensive discrimination. Islamic law denies women equitable rights in marriage, inheritance, and divorce. Police use provisions of Sudan's Criminal Act outlawing "indecent and immoral acts" to prohibit women from wearing clothing of which they disapprove. Female genital mutilation is widely practiced. Rape has been used as a weapon of war in Darfur and other conflict zones in Sudan.

The U.S. State Department considers Sudan to be a source, transit, and destination country for persons trafficked for forced labor and sexual exploitation. The Sudanese military and Darfur rebel groups continue to use child soldiers.

TREND ARROW:

Sudan received a downward trend arrow due to a surge in arrests of opposition political activists and leaders, the banning of a leading political party, the violent response to public demonstrations in Khartoum and other cities, and a crackdown on the activities of journalists.

EXPLANATORY NOTE:

The numerical ratings and status listed above do not reflect conditions in South Sudan, which became an independent country in 2011 and is examined in a separate report.

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