

Sudan: Government Repression Threatens Fair Elections

National and Southern Officials Should End Abusive Practices

(Johannesburg, March 21, 2010) – Political repression and other rights violations ahead of the April general elections in Sudan threaten prospects for a free, fair, and credible vote, Human Rights Watch said today.

Human Rights Watch research missions to Sudan from November 2009 to March 2010 found that both the Government of National Unity and the Government of South Sudan are violating rights and restricting freedoms critical to a fair poll, including freedoms of expression and of assembly.

“Conditions in Sudan are not yet conducive for a free, fair, and credible election,” said Georgette Gagnon, Africa director at Human Rights Watch. “Unless there’s a dramatic improvement in the situation it’s unlikely that the Sudanese people will be able to vote freely for leaders of their choice.”

Human Rights Watch found that Sudanese authorities throughout the country were failing to uphold standards agreed with the African Union in March, which are based on the African Union Declaration on the Principles Governing Democratic Elections in Africa and the African Charter on Democracy, Elections and Governance. Major areas of concern include restrictions on freedom of assembly and expression, freedom of the press, and equal access to the media. Human Rights Watch previously documented similar concerns during voter registration in November and December 2009.

In northern Sudan, the national government continues to arrest and detain activists and opposition party members, break up public gatherings, prevent public meetings, and to control the state-owned media – all significant obstacles to free, fair, and credible elections.

In one serious incident on March 14, two armed men in plainclothes abducted Abdallah Mahadi Badawi, an 18-year-old activist with the group Girfina (“We Are Fed Up”) in Khartoum, beat him severely, and interrogated him about Girfina’s activities. The group has been promoting participation in the elections and speaking out against the ruling National Congress Party, and its members have been arrested on several occasions. Badawi told Human Rights Watch that he believes the men were working for the national security service.

“They used sticks and pipes to beat me on my back and they put a pistol to my head and pretended to shoot it,” he told Human Rights Watch. His attackers forced him to sign a promise that he would not participate in political activities and that he would report to them on the group’s activities, before releasing him on the same day.

Human Rights Watch also found government repression against the media in Khartoum. While print press has enjoyed more freedom in recent months in Sudan, the Press Council, a government regulatory body, summoned two editors in March regarding articles critical of Sudanese President Omar al-Bashir.

In addition, Human Rights Watch found that political parties do not have equal access to media. Although state-owned media have allocated free airtime to all parties’ candidates under the rules of the National Elections Commission’s media committee, radio and TV outlets in Khartoum heavily focus their regular programming on the ruling party.

In the embattled western region of Darfur, where government and rebel forces have clashed in recent weeks around Jebel Mara, continued insecurity will be an obstacle to holding free and fair elections. Large areas of Darfur remain inaccessible to election officials and candidates, and insecurity caused by banditry and ongoing conflict has restricted candidates’ freedom of movement. In at least two cases in March, opposition party candidates were shot at and robbed.

Al-Bashir is running for reelection while failing to respond to the warrant for his arrest for war crimes and crimes against humanity committed in Darfur issued by the International Criminal Court in March 2009.

“President al-Bashir is a fugitive from justice,” Gagnon said. “He should be in The Hague answering to charges of heinous crimes committed in Darfur, not flouting Khartoum’s obligations to cooperate with the International Criminal Court.”

In Southern Sudan, although incidents of arbitrary arrest and detention decreased after the voter registration period in November and December, Human Rights Watch documented several incidents of intimidation, arbitrary arrests and detention, and physical assault and torture of members of political parties opposed to the ruling Sudan Peoples’ Liberation Movement (SPLM) by security forces during the nomination and campaigning period from January to March 2010.

In one incident, on February 18, security officials arrested three members of the opposition party, SPLM-DC – Denis Aywork Yor, Priyiwok Akol Ajawin, and Amjad Angelo Marino – at Juba airport, took them to a nearby military detention center, and questioned them separately for several hours about their political party activities.

The men spent the night at the detention center before military officials transferred them to a police station, where they were later released without charge.

Human Rights Watch also found that the media environment in South Sudan has deteriorated significantly in recent weeks. For example, 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 the two directors at the stations. The incident occurred after Liberty FM aired an interview with the campaign manager of an independent political candidate in Juba.

“They threatened to shut down our station, confiscate our equipment and bring me before the law if I aired a similar political program,” the director of Liberty FM told Human Rights Watch. Police also threatened the director of Bakhita FM and warned her not to air political programs but focus on religious programs instead.

“For a free, fair, and credible election, it is essential that all journalists and media organizations are allowed to operate freely,” Gagnon said. “They should be able to do their work without official interference.”

Human Rights Watch called on the national and southern Sudanese governments to take urgent steps to uphold and enforce key civil and political rights in the remaining period before the April 11 polls. Human Rights Watch also urged international election observers – currently in the process of deploying around Sudan – to monitor and report on the wider human rights context in which the elections will occur.

Background

Sudan is scheduled to hold general elections, its first in 25 years to be held in both north and south, from April 11 to 18. The elections are a milestone in the implementation of the 2005 Comprehensive Peace Agreement that brought an end to Sudan’s long civil war.

Voters will 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. (Southern Kordofan state, on the north-south border, will hold only national-level elections.) In the north, voters will cast eight separate ballots, and in the south, voters will cast 12 separate ballots. To date, a total of 26 political parties, including the two ruling parties – the National Congress Party (NCP) and the Sudan Peoples’ Liberation Movement (SPLM) – have adopted the Sudan Electoral Code of Conduct prepared by the African Union High Level Panel on Sudan. The code commits the parties to common principles for free and fair elections.

Under the code, parties undertake to abide by electoral laws, promote a fair electoral contest, and to refrain from all forms of violence and obstruction of other contestants. The code says parties in government must also ensure that they do not use their access to official resources, including the state media, to obtain unfair electoral advantage for themselves or any other parties or to obstruct other parties. The code is designed to complement Sudan's national electoral laws and the work of the Sudanese government National Election Commission (NEC).

Harassment, Arrests, and Detention of Political Activists in Northern Sudan

The national government continues to target political activists, creating a climate of fear for those who challenge the NCP. In addition to the arrests of activists from Girfina, Human Rights Watch remains concerned about the continued harassment and detention of Darfuri student activists.

Four students from the United Popular Front, a student group affiliated with the Abdel Wahid faction of the Sudan Liberation Army that has publicly supported the International Criminal Court (ICC) arrest warrant for Al-Bashir, have been held in detention without charge since April 2009. Other members of their group, released in February 2010, told Human Rights Watch that national security officials abducted them in Khartoum, blindfolded them, and beat them severely with plastic pipes and sticks in detention. The students bore physical marks that were consistent with their mistreatment. They reported that security officials told them, "If you are from Darfur you will never get out," and later threatened to kill them if they did not sign papers stating they would no longer engage in any political activities upon their release.

While incidents of harassment, arrest, and detention of opposition party members appear to have decreased since the voter registration period, members of the Popular Congress Party, led by Hassan al-Turabi, told Human Rights Watch that national security officials prevented them from holding meetings and rallies on at least 10 occasions in recent months in Darfur, and detained one of their members in South Darfur for seven days for failing to obtain permission to hold meetings in February. In March, authorities detained members in Khartoum for several hours for campaigning without permission in a residential area where soldiers live.

Ongoing Restrictions on Freedom of Expression and Assembly in Northern Sudan

Restrictions infringing on the rights to freedom of expression persist in Northern Sudan. In December, authorities removed an article on Darfur from *Sudani* newspaper written by columnist Haj Warrag, formerly president of the board of opposition paper *Ajras al-Hurriya*. In March, the government press council summoned and interrogated editors of two opposition papers, *Rai el-Shaab* and *Ajras al-Hurriya*, regarding articles critical of al-Bashir, including one editorial published on March 7 entitled "The candidate al-Bashir... candidate as a martyr, do

you accept?” criticizing a public statement by the president that he is “a martyr” because he is wanted by the International Criminal Court.

The acting editor of *Ajras*, Faiz al-Sheik al-Silaik, told Human Rights Watch that council members challenged him about the assertion that al-Bashir had admitted to 10,000 deaths in Darfur and criticized him for publishing another article about the fact that he was summoned by the council.

Human Rights Watch researchers also found restrictions violating the right to freedom of peaceful assembly. The NEC rules on campaigning, published in February 2010, require 72-hour notification by political parties to “relevant authorities” for meetings in their own offices and require parties to obtain 72-hour advance permission for holding meetings in public places. The authorities have applied the rules inconsistently. In some locations opposition parties have held public events without waiting for permission, while in others government authorities have required permission. On March 15, police in Sinnar prevented a candidate with an opposition party from speaking publicly on grounds that he did not have required permission.

The government continues to break up peaceful gatherings that, while not directly related to the elections, effectively stifle public expression on matters of national importance. On March 12, for example, pro-NCP hospital staff and security personnel broke up a demonstration of more than 1,000 doctors gathered at a doctors’ residence in south Khartoum to protest low pay and poor conditions. Eyewitnesses told Human Rights Watch that about 30 pro-government demonstrators arrived at the residence chanting slogans and threatening the doctors’ lives, while police and national security stood by.

Government authorities have also restricted the activities of Sudanese civil society groups conducting election-related activities. In February in South Darfur, security officials refused permission for a local organization to hold a peace-building seminar and arrested the coordinator of an international organization and detained him for three days after finding books on Sudanese identity they said were illegal. On December 16, security authorities prevented two civil society organizations from holding an event on voter education in Kost, White Nile. They searched the premises, confiscated educational materials and equipment, and arrested a member of the group, Sudanese Human Rights Monitor.

Unequal Access to the Media in Northern Sudan

Political parties do not appear to have equal access to the state-owned broadcast media. During campaigning season, the state-owned media allocates two spots of 20 minutes per day to presidential candidates. The NEC’s media committee, which oversees the use of media by political parties for their campaigns, regulates this air time but does not regulate the stations’ normal programming or ensure that it does

not cover campaigning activities. In Khartoum, the majority of the normal programming focuses on activities of officials from the ruling NCP that could be considered campaigning.

Opposition party members have suspended their participation in the media committee on grounds that it is dominated by the NCP and does not ensure them equal access to air time. The SPLM presidential candidate, Yasser Arman, declined to use the state-owned media on grounds that it is dominated by the NCP and allocates far more time to al-Bashir and other NCP candidates.

The NEC has also censored the content of opposition campaign speeches on the radio. For example, in early March, a state-owned radio station, Radio Omdurman, refused to air a 20-minute pre-recorded radio speech by Umma presidential candidate Sadiq al Mahdi. The speech, part of his allotted airtime under NEC rules, touched on politically sensitive topics including Darfur, the International Criminal Court, and the 2011 referendum. The NEC's media committee called it "incitement" and criticized it for referencing three executions carried out in 1991.

Political Repression and Lack of Political Tolerance in Southern Sudan

Incidents of harassment and arbitrary arrests and detentions significantly increased during the voter registration period in November 2009. While these abuses have since decreased, Human Rights Watch found that an atmosphere of political repression persists and that security officials continue to subject opposition members to harassment and arbitrary arrests and detention.

In one incident on March 2, in Juba, 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.

On February 28, security officials arrested two SPLM-DC members as they drove from Khartoum to Northern Bahr al-Ghazal with campaign materials for the party. An official from SPLM-DC told Human Rights Watch that they were detained without charge at a military detention center in Aweil, Northern Bahr el Ghazal. The two remain in detention.

The SPLM-DC told Human Rights Watch that its members carrying the party's campaign materials faced frequent harassment from the police and other security officials, and that security officials often confiscated their campaign materials.

In January, security forces in Raja, Northern Bahr el Ghazal arrested three candidates from the Southern Sudan Democratic Forum. The party's head, Dr. Martin Elia, told Human Rights Watch that security forces beat and arrested the three and kept them

in a detention center for several weeks. The three were released without charge and were unable to submit their application papers for nominations because the nomination dates for candidates had expired.

Suppression of the Media in Southern Sudan

Human Rights Watch documented a significant chilling of the media environment in Southern Sudan. Police and security officials have threatened and arrested several journalists who attempt to report on sensitive political issues.

During the last week of February, soldiers from the Sudanese Peoples' Liberation Army reportedly picked up and detained Lonya Banak, a station manager working for Internews radio station in Leer County, Unity State, after his station hosted a radio 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. He was hospitalized for two days after his release.

In January, security agents reportedly arrested Cyrocco Mayom, a journalist for the *Juba Post*, and beat him for three days. Mayom was accused of helping a journalist from Northern Sudan, whom the security agents accused of being a spy.

According to the Agency for Independent Media in South Sudan, several other journalists have been harassed, arrested, and detained in Eastern Equatorial state for reporting on sensitive issues. For example, in mid-January, security officials arrested and detained a journalist for one week in Torit, because of an article on corruption he had written for the *Juba Post* several months before.

Although NEC's media committee is not yet fully operational in the South, the Ministry of Information has played a significant role in trying to force the broadcast media to self-censor the political content of their programs. The directors of Liberty FM and Bakhita FM told Human Rights Watch that they had been 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 and edit them to remove any segments viewed to be inflammatory or insulting to the government.

The International Criminal Court's Arrest Warrant for Omar al-Bashir

Pursuant to the ICC's arrest warrant for atrocities committed in Darfur, al-Bashir should be answering to the charges against him at the ICC in The Hague. Notably, there is precedent of candidates running for election while cooperating with international courts on charges of serious crimes: Ramush Haradinaj was on trial for war crimes at the International Criminal Tribunal for the former Yugoslavia while running in elections in Kosovo.

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 People's Rights, the African Union Declaration on the Principles Governing Democratic Elections in Africa, and the International Covenant on Civil and Political Rights;
- End arbitrary arrest and detention, torture, and ill-treatment of political party members, civil society activists, journalists, and students;
- Fully enforce the Sudan Electoral Code of Conduct and ensure all allegations of violence and intimidation are investigated and accused persons are promptly tried in accordance with international fair trial standards;
- Respect freedom of the press, including the right of the media to publish on all matters of concern, including issues deemed politically sensitive such as the conflict in Darfur, the ICC, the elections, and the referendum on South Sudan;
- Ensure equal access to public media for all political parties; state-owned media should limit coverage of ruling party activities that can be interpreted as campaigning during ordinary broadcast hours;
- Allow all electoral observers to move freely throughout the country and monitor all stages of the process.

To International Election Monitors:

- Monitor and publicly report on the political and human rights context in which the elections are taking place before and after the vote, and extensively consult with local civil society and all political parties.