



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Africa](#) » [Sudan](#)

2010 Human Rights Report: Sudan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Sudan, a republic with an estimated population of 40 million, is governed according to a power-sharing arrangement established by the 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the North and South and established an interim Government of National Unity (GNU). The GNU is composed of the National Congress Party (NCP), dominated by Islamists from the North and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), led predominantly by Christians and practitioners of traditional indigenous religions from the South. From April 11 to 15, the country held its first nationwide, multiparty elections in 24 years. The elections, which several Northern opposition parties boycotted, did not meet international standards. Observers reported problems including the restriction of civil liberties; inadequate logistical preparations; intimidation and threats of violence, particularly in the South; that ongoing conflict in Darfur did not permit an environment conducive to elections; and that the tabulation process was not transparent and did not follow procedural safeguards, raising "questions about the accuracy of the election results." President Bashir was reelected, and his political party won 323 out of 450 seats in the National Assembly. The SPLM is the ruling party of the semiautonomous Government of Southern Sudan (GOSS), which ratified a separate constitution in 2005. A referendum to determine whether the South would become an independent entity was scheduled for January 2011. A CPA-mandated simultaneous referendum on the status of the Abyei area was indefinitely postponed. The country experienced several violent conflicts during the year, including continued conflict in Darfur and in the South. In the North and South, there were instances in which elements of the security forces acted independently of civilian control, especially in the Darfur region.

The following human rights abuses occurred: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of the delivery of humanitarian assistance and the expulsion of individuals working for humanitarian nongovernmental organizations (NGOs); restrictions on privacy; restrictions on freedom of speech; restrictions on the press, including direct censorship; restrictions on freedoms of

assembly, association, religion, and movement; harassment of internally displaced persons; harassment and closure of human rights organizations; violence and discrimination against women, including female genital mutilation; child abuse, including sexual violence and recruitment of child soldiers; prevention of international human rights observers from traveling to and within the country; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced and child labor.

Conflict and human rights abuses in Darfur continued. An estimated 1.9 million civilians have been internally displaced, and approximately 270,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. According to UN estimates, 268,000 persons were displaced between January and November in Darfur. The UN estimated in 2006 that 200,000 persons had died as a result of the conflict and that by 2008 an additional 100,000 may have died. Civilians in Darfur continued to suffer from the consequences of genocide.

The government continued to bomb and burn civilian areas. Government forces and government-aligned militia continued to kill civilians, rape women and girls, and use child soldiers. Darfur rebel factions, bandits, and unidentified assailants also killed and abducted civilians, humanitarian workers, and personnel of the UN-African Union (AU) Hybrid Mission in Darfur (UNAMID); beat and raped civilians; and used child soldiers. Interethnic violence was a severe problem and resulted in civilian deaths and displacement.

In Southern Sudan (the South) interethnic fighting and Lord's Resistance Army (LRA) attacks continued to kill and displace civilians. According to UN estimates, violence in the South resulted in an estimated 986 deaths and the displacement of 223,708 persons during the year. Attacks by local militias occurred after the April elections. Registration for the 2011 Southern Sudan self-determination referendum occurred from November 15 through December 8 in all 25 states. Lack of progress on preparations for a separate referendum on whether the border region of Abyei should be part of the North or the South led to sporadic violence and rising tensions in the area.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government and its agents committed arbitrary and unlawful killings.

Government forces, government-aligned militias, rebels, and interethnic fighting killed civilians in connection with the conflict in Darfur (see section 1.g.).

Violence involving the Sudan People's Liberation Army (SPLA), militias, interethnic fighting, and the LRA killed civilians in the South (see section 1.g.).

On January 14, authorities executed six men convicted of killing police officers during violence in the Soba Aradi area of Khartoum in 2005. The men reportedly stated they had not had sufficient access to counsel and that their confessions were obtained through the use of torture.

On February 14, the National Intelligence and Security Services (NISS) arrested University of Khartoum student Mohamed Moussa Abdallah Bahr el Din. He was found dead the next day, with his body showing signs of torture.

Security forces killed demonstrators. On May 2, police opened fire on persons protesting against a North Darfur-area Ponzi scam, killing 17 and injuring 200 others. The protesters had assembled to submit a letter of protest to the governor of North Darfur.

On May 26, at Dalanj University, police fired at student demonstrators; three students were killed and others injured during the altercation that reportedly occurred during a sit-in at the National Students' Support Fund. It was unclear why police fired on the demonstrators. Conflicting witness accounts included a report that NCP-affiliated students at the scene beat the protesters with lengths of rebar, in addition to the actions from the police.

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On December 1, at Zalingei University in West Darfur, security forces fired upon student demonstrators, killing two and injuring others. The demonstrators were protesting during a Doha forum civil society consultation and reportedly threw rocks at a departing convoy. Minister of Justice Mohamed Bushara Dosa reportedly ordered an investigation into the killings.

There were no reported developments regarding civilians killed by fighting between the government and rebels during the 2008 Justice and Equality Movement (JEM) attack on Omdurman or on persons killed by the NISS in Khartoum and Omdurman following the attack.

SPLA soldiers committed extrajudicial killings.

There were no known developments concerning the May 2009 killing of five civilians and injuring of three others in Pibor by SPLA soldiers.

There were no reported developments in the 2008 case of civilians killed and displaced in connection with an SPLA disarmament operation in Iloili and Logurony villages in Eastern Equatoria. According to the UN, the SPLA stated that members of its Brigade Nine were arrested in connection with the case; no additional information was available.

During the year land mines in the South killed 13 civilians and injured another 25. The government continued to cooperate with the UN Mine Action Group to remove land mines in the South.

On June 10, the four individuals convicted and sentenced to death in 2009 for the 2008 killings of diplomat John Granville and driver Abdelrahman Abbas Rahama escaped from Kober Prison. Authorities caught one of the killers, Muhanned Abuzaid Mohamed Salih, within a week, but the other three remained at large.

b. Disappearance

The government was responsible for politically and ethnically motivated disappearances.

There were no further developments in the cases of up to 2,500 Darfuris detained by the NISS following the 2008 JEM attack. Most had been released by the end of 2008. According to information in a July Amnesty International report, there may be approximately 200 persons whose whereabouts remained unknown.

There were developments in the case of Abdelillahi Widaa, cofounder of the NGO Darfur Forum for Reconciliation and Peaceful Coexistence, who turned himself in to the NISS for questioning in 2008 and was then detained and tortured at an undisclosed location. Widaa fled the country after authorities released him in late 2009.

An estimated 15,000 Dinka women and children were abducted from villages in Southern Sudan, mainly from 1983 to 1999; thousands of these persons remained unaccounted for. The government's Committee to Eradicate the Abduction of Women and Children did not receive government funding and did not return any previously abducted persons.

Gunmen in Darfur abducted humanitarian workers and UNAMID personnel; this included criminal kidnapping for ransom (see section 1.g).

Intertribal abductions of women and children in the South continued. For example, the Murle tribe regularly abducted children during raids.

The LRA abducted persons, including children, in Southern Sudan (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse (see section 1.g.). SPLA forces sometimes abused persons in the South.

In accordance with Sharia (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. In practice such physical punishment other than flogging was not frequently used. Under the Interim National Constitution, the government exempts the 10 southern states from Sharia, although it was applied there on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.

Government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charge.

For example, on October 9, in Khartoum, NISS officials arrested Simon Noye Agot and 11 others at an event organized by the Student Campaign to Support South Sudan Separation. Security forces tortured Agot. He was beaten and threatened with being arrested again, and his genitals were squeezed with metal objects. Authorities released him the following day but took his shoes, cell phone, and money. A court sentenced Agot to 15 days' imprisonment for disturbance of public peace.

On several occasions during the year, authorities arrested, held incommunicado, and beat members of the activist group Girifna. Authorities forced some of those arrested to sign confessions. In all cases authorities charged the individuals but then released them within days of their arrests without taking them to trial. Those arrested reported that security forces attempted to compel them to act as NISS informers from within Girifna as a condition for their release.

For example, on March 15, authorities reportedly detained and tortured Girifna member Abdallah Mahdi Badawi. An individual claiming to be a new Girifna member had arranged to meet with him; however, he was instead taken to an office where 13 men interrogated and abused him.

On July 5, in Khartoum, police reportedly arrested Girifna members Hassan Ishag, Azzi Eldine Al-Anssari, and Hassan Mohamed while they were distributing the group's magazine. They were released the following day after being taken to national security offices, where they were questioned, reportedly tortured, and asked to become informants.

Under public order laws, indecent dress is punishable by a maximum of 40 lashes, a fine, or both. Authorities in the North applied this law more frequently against women than men. It was applied against both Muslims and non-Muslims.

On December 14, security forces arrested more than 44 persons, most of whom were women, demonstrating in reaction to a video that showed two police officers lashing a woman. Authorities later released the demonstrators on bail but charged them with public nuisance and disturbing the peace.

Police and NISS officers forcibly dispersed protesters, which resulted in serious deaths and injuries (see sections 1.a. and 2.b.).

Security forces in the North raped women, including in connection with the conflict in Darfur.

Security forces in the South abused civilians, including political party members.

On April 14, in Yambio in Central Equatoria State, during the elections, an SPLA soldier and an intelligence officer reportedly beat two persons affiliated with an independent candidate.

There were cases in which Southern Sudan Police Services (SPSS) officers and SPLA officers reportedly raped women, including with impunity. For example, there were allegations of rape and forced prostitution of female cadets, beatings, and sale of food that should have gone to cadets at the John Garang Unified Police Academy at Rajaf.

Prison and Detention Center Conditions

Prison conditions throughout the country remained harsh and overcrowded. Health care was often below standard; prisoners sometimes relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners.

The government routinely mistreated persons in custody. Security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions. For example, in Darfur, prison overcrowding contributed to the spread of meningitis and the deaths of at least three prisoners during the year. A South Darfur prison with a capacity of 250 persons held 750 individuals as of September 7.

Men and women were not held together in the North. In Khartoum, juveniles did not occupy adult prisons or jails but sometimes were held with adults elsewhere in the North. Political prisoners were held in special sections of prisons. The main prison in Khartoum, Kober Prison, contained separate sections for political prisoners, those convicted of financial crimes, and an unknown number of JEM detainees.

Prisoners were allowed to take part in religious observance, including attending church, as well as Muslim prayers in the North. Authorities permitted prisoners, but not detainees, to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions in prisons and documented the results of such investigations. However, these rights were not always granted to pretrial detainees, political prisoners, and those in the custody of police or security forces.

The government allowed some restricted visits to prisons by human rights observers in the North, although unfettered access continued to be denied. The International Committee of the Red Cross (ICRC) had limited access to government prisons during the year; however, released prisoners reported that officials hid high-profile detainees during visits. The Ministry of Justice occasionally granted UN Mission in Sudan (UNMIS) and UNAMID access to visit government prisons during the year.

In Darfur, prison officials participated in UN-sponsored capacity-building trainings.

Prisons in the South were overcrowded. The UN independent expert on the situation of human rights in the Sudan noted that the Juba prison held 957 persons, although it was built to hold 500. Prisons in Southern Sudan typically provided inmates with two meals a day. According to law, in times of "food shortage" prisons are only required to provide one meal a day. The Prisons Directorate of Southern Sudan (SSPD) provided separate quarters for male and female prisoners and usually held juveniles in separate cells. In many prison facilities, including Bor, Rumbek, and Wau, there was a clear

separation of adult and juvenile prisoners. In other prisons, such as Juba where a partition wall had collapsed, there was no meaningful separation of adult and juvenile prisoners because of poor infrastructure. There was a special prison section to hold children separately from adults.

Pretrial detainees were generally, but not always, held in jails separate from convicted prisoners in the South. Detention centers in the South were under the control of local tribal or state authorities and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate.

The SSPD permitted monitoring of prison conditions by the ICRC and other observers.

The Minni Minawi faction of the Sudan Liberation Army (SLA/MM) continued to operate detention centers in North Darfur, including in Dar al Salaam, Zam Zam, Um Baru, and Shangil Tobaya. UNAMID reported that detainees were held in poor detention conditions. The SLA and other rebel groups allowed the ICRC access to some detainees. UNAMID visited the SLA/MM detention center in Zam Zam for internally displaced persons (IDPs) camp during the year. On August 2 and August 17, respectively, UNAMID was denied access to the SLA detention centers in Zam Zam and Um Baru. According to the Human Rights and Advocacy Network for Democracy (HAND), the SLA/MM summarily executed six civilian prisoners in Dar el Salam, Tabit, and Um Gunga.

d. Arbitrary Arrest or Detention

The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arbitrarily arrest and detain persons, often under the National Security Act. Throughout the country, arbitrary arrests and detention were common. While not legally invested with arrest powers, the SPLA arrested and detained persons.

Role of the Police and Security Apparatus

Several government entities have responsibility for internal security, including the police, the NISS, the Ministry of Interior, and the Ministry of Defense; all had active security forces. The NISS maintains security officers in major towns and cities throughout the North, including Darfur, and has a presence in the South. The NISS also controlled the Central Reserve Police (CRP). The Ministry of Defense's Border Intelligence Force (border guards), a loosely organized force composed largely of former janjaweed fighters, also operated in Darfur.

Security force impunity was a serious problem. The 2010 National Security Act provides NISS officials with impunity for acts involving their official duties. Abuses by security forces were not generally investigated. Security force corruption was a problem, and security force members sometimes supplemented their incomes by extorting bribes.

The SPSS has responsibility for law enforcement in the South under the interim Southern Sudan constitution. The SPSS lacked resources and capacity. Police reports were often incomplete; files, if used, were frequently misplaced; and suspects were frequently detained based on accusations rather than official investigations. Many SPSS members are illiterate and lack formal education. Police corruption, impunity, and lack of effectiveness were problems. There were reports of retaliation against persons who complained about police abuses.

The SPLA does not have law enforcement authority under the Interim Southern Sudan Constitution, except when requested by civil authorities; however, the SPLA detained persons, including in SPLA-run detention facilities, most notably in Lakes State. The SPLA conduct of internal security and civilian disarmament caused tensions with communities which claimed that the SPLA was not politically neutral and not well disciplined.

The UNMIS police component trained SSPS personnel on a wide range of security-related subjects during the year, but limited GOSS resources hampered the effectiveness of the training programs.

Arrest Procedures and Treatment While in Detention

Warrants are not required for an arrest in the North. The criminal code permits authorities to detain individuals for three days without charge, which can be extended for 30 days by order of the director of security and another 15 days with the approval of the prosecuting attorney. Individuals accused of violating national security were frequently detained indefinitely without charge, although the National Security Act specifies that such individuals may be detained without charge for three months, which the director of security may extend for another three months. The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system in the North.

Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members.

Authorities in the North arbitrarily arrested and detained individuals. The NISS conducted numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer. In Darfur, UNAMID documented more than 140 cases during the year in which the NISS, military intelligence, Sudanese Armed Forces (SAF), or SLA/MM arbitrarily arrested and detained persons.

On March 4, in Khartoum, security forces broke up a peaceful election event held by Girifna, charging members Taj Alsir Jafar Taj Alsir, Abdallah Mahadi Badawi, and Hisham Mohamed Alhaj Omer with creating a public nuisance.

On September 21, in El Fashir, the NISS reportedly arrested Awatif Ishag Ahmed, an activist and editor of *Alrahil* magazine. She was detained for several hours and questioned regarding the International Criminal Court (ICC).

There were reports that some businessmen were held in detention without due process for failure to repay large loans from Sudanese financial institutions. Two financial prisoners died in January while serving long detentions for failing to pay debts.

Several Darfuri university students who were arrested in April 2009 remained detained without charge or legal representation at Kober Prison. The students were members of the United People's Front party. According to representatives from HAND, one of the students may have been released for health reasons.

Security forces in the North continued to target Southern women in IDP camps because they produced and sold traditional home-brewed alcohol beverages; some of these women were arrested and imprisoned for up to six months under Sharia law. During the year there were documented cases of female Southerners in the North, including in IDP camps, whom security forces arrested, flogged, or imprisoned for alcohol possession. Lawyers who worked with IDPs indicated that there were fewer instances of this than in previous years.

The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery (see section 6).

Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court.

The government routinely imposed house arrest without due process.

In the South, under the GOSS 2008 criminal procedures code, warrants should be issued by a duly authorized official; however, arbitrary arrests occurred. Persons arrested must be brought before a public prosecution attorney, magistrate, or court within 24 hours. Police may detain individuals for 24 hours without charge in the South; this may be extended up to one week with authorization from the public prosecution attorney and by up to two weeks with authorization from a magistrate. Detainees in the South were generally informed of charges against them. There is a functioning bail system in Southern Sudan. Those arrested have the right to access to an attorney and contact with their family. Persons in the South were occasionally not informed regarding their right to access to a lawyer and were not provided prompt access to lawyers. There was an insufficient number of lawyers to provide adequate defense counsel. In Southern Sudan trial delays also resulted in unreasonably lengthy pretrial detentions.

On February 18, at the Juba airport, security forces arrested SPLM-Democratic Change (SPLM-DC) members Denis Aywork Yor, Priykwok Akol, Ajawin, and Amjad Angelo Marino. They were detained, questioned about their political activity, and released from custody the following day.

On February 28, security officials reportedly arrested SPLM-DC members who were transporting campaign materials from Khartoum to Northern Bahr al-Ghazal and detained them in a military detention center in Aweil.

e. Denial of Fair Public Trial

Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence; however, political interference with the courts was commonplace, and some high-ranking members of the judiciary also held positions in the Ministry of Interior or other ministries in the executive branch.

Special courts existed in Darfur under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur state capital.

The judiciary was inefficient and subject to corruption. On June 3, a group of lawyers complained to the chief of the judiciary in Khartoum that judges in el-Geneina, West Darfur, were continually absent from work, resulting in a backlog of court cases. A number of replacement judges were eventually sent from Khartoum.

Courts in the South were generally very rudimentary, understaffed (with judges handling many of the court's administrative tasks), and suffering from undertrained personnel. The courts are formally independent, but in practice they are dependent upon the GOSS for funding and at times subject to pressure from the SPLA on sensitive matters. Because the courts are chronically underfunded, there was ample room for corruption in the court system, and there were numerous reports of bribery involving judges and other court officials. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force.

Trial Procedures

The Interim National Constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this often was not respected. Trials are open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally has the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. Defendants and their attorneys generally have the right to present evidence and

witnesses, be present in court, confront accusers, and have access to government-held evidence relevant to their cases. However, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes did not allow defense witnesses to testify. Defendants have a right to appeal, except in military trials, where there is no appeal.

Persons in Darfur did not generally have access to legal counsel. The independent expert on human rights in the Sudan noted that, during his February visit, he found 13 of the 54 persons on death row at a North Darfur prison did not have legal counsel during their trial.

In January antiterrorism courts tried and convicted two additional persons in connection with the 2008 JEM attack on Omdurman, bringing the total number of death sentences in the trials to 106. In trials involving these cases, authorities did not permit defendants access to lawyers before trial, held them incommunicado for up to four months, and reportedly tortured defendants. On February 24, following the signing of the framework agreement with the JEM, the government released 50 of the prisoners sentenced to death in these trials. Reportedly, some persons acquitted by these trials were not released, and authorities rearrested other persons who had been released.

In January 2009 Mohamed Alsary Ibrahim, a former police force member, whom authorities convicted of planning to provide information to the ICC, was sentenced to 17 years' imprisonment. UNMIS had expressed concern that he was not provided full access to counsel, that his counsel did not have access to evidence against him, and that his confession was allegedly coerced.

Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession whom it considered to be political opponents.

Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, the defendant's attorney could advise the defendant but could not address the court.

The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the penal code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Defendants in these courts had limited opportunities to meet with counsel and were not always allowed to present witnesses during trial.

Under the interim national constitution, Sharia is applied in the North but not in the South.

In domestic cases pertaining to Coptic Christians, courts often allowed a Coptic priest to make the final ruling, a practice most commonly employed for divorces and other family suits involving Copts.

In some instances tribal courts that were not considered part of the official legal system decided cases. Such courts did not provide the same protections as regular courts.

In the South, under the interim Southern Sudan constitution, defendants enjoy a presumption of innocence; public trials; the right to be present in a criminal trial without undue delay, with the law regulating trial in absentia; and legal aid if they are unable to defend themselves in serious offense.

Observers continued to report concerns that persons sentenced to death in the South often did not receive fair trials due to lack of capacity of the legal system and a lack of adequate legal representation.

Some judges in the South reportedly continued to follow Sharia legal procedures.

In parts of the South and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order.

The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the South, including domestic matters and criminal cases. Persons tried in traditional courts do not enjoy the same legal protections as those in the formal system. For example, they did not have access to counsel or the right of appeal, and women were discriminated against.

Political Prisoners and Detainees

The government held an undetermined number of political prisoners and detainees. Security forces detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons often were prolonged.

The government continued to target members and leadership of the Popular Congress Party (PCP) and other opposition parties for arrest.

On May 16, the NISS arrested opposition leader Hassan al-Turabi, founder of the PCP. He was held in isolation without charge for 45 days. That same day authorities arrested journalists with the PCP-affiliated newspaper *Rai al-Shaab* (see section 2.a.).

On May 20, Farouq Abu Eissa, an opposition alliance leader, was arrested and briefly detained.

The government detained persons who participated in political protests.

The government did not permit international humanitarian organizations to have access to political detainees.

Civil Judicial Procedures and Remedies

There was access to a court for lawsuits seeking damages for human rights violations; however, the judiciary was not independent. There were problems enforcing domestic court orders.

The South's legal system also provides for an independent and impartial judiciary in civil matters. The courts provide access for those seeking to bring lawsuits to address human rights violations and damages. There is also a developed system of traditional courts down to the local level through the South, and these courts are often presided over by village chiefs and elders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The interim national constitution and law prohibit such actions, but the government routinely violated these rights in practice.

Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes.

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison.

The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

Under Sharia, a Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim unless he converts to Islam; this prohibition was not observed or enforced universally in the South or among the Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The interim constitution of Southern Sudan prohibits interference with private life, family, home, or correspondence, except in accordance with the law. The GOSS generally did not interfere with privacy, home, or correspondence in the South; however, there were reports that rural detention centers held family members of accused persons who had fled before they could be arrested in the South.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Darfur

In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued to kill, injure, and displace civilians. Violence in Darfur killed 2,321 persons during the year, an increase compared with the 875 persons killed the previous year. Approximately 45 percent of the violence-related deaths during the year were caused by armed conflict, 38 percent by tribal clashes, and 17 percent due to crime or accidents. Fighting between government forces and rebel groups particularly impacted the areas of Jebel Marra and Jebel Moon, beginning early in the year, and near Khor Abeche beginning in mid-December. Intercommunal violence increased during the year. Tensions in IDP camps also resulted in deaths. Rape as well as recruitment of child soldiers continued to occur.

While estimates varied, approximately 1.9 million persons have been internally displaced in Darfur, and approximately 270,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. According to UN estimates, 268,000 persons were displaced between January and November in Darfur. IDPs in Darfur continued to face significant humanitarian needs and experience abuse (see section 2.d. for more-detailed coverage of IDPs).

Government forces provided support, weapons, and ammunition to government-aligned militias, and the government seldom took action against soldiers or militia members who attacked civilians.

Fighting, insecurity, bureaucratic obstacles, and government and rebel restrictions reduced the ability of peacekeepers and humanitarians to access impacted areas. Armed persons attacked, killed, injured, and kidnapped peacekeepers and humanitarians. Humanitarian organizations were often not able to access and deliver humanitarian assistance in conflict areas, particularly in Jebel Marra and Jebel Moon. The government's expulsion of 13 international humanitarian NGOs and three local NGOs in 2009 continued to degrade the delivery of humanitarian services. The lack of access as well as fear of government retribution resulted in reduced reporting on human rights and humanitarian information during the year.

Developments regarding ICC cases pertaining to President Bashir, Ahmad Muhammad Haroun, and Ali Muhammad Abd al-Rahman included the following:

- On July 12, pretrial chamber I issued a second warrant of arrest against President Bashir for three counts of genocide. This warrant was in addition to the March 2009 ICC arrest warrant issued for Bashir for five counts of crimes against humanity and two counts of war crimes. Both arrest warrants remained outstanding at year's end.
- Ahmad Muhammad Haroun, for whom the ICC issued a warrant of arrest in 2007 when he was then state minister for humanitarian affairs, remained the appointed governor of South Kordofan.
- Ali Muhammad Abd al-Rahman, also known as "Ali Kushayb," a janjaweed militia commander, for whom the ICC issued a warrant of arrest in 2007, remained at large.

In his semi-annual report in December, the prosecutor reported to the UN Security Council that crimes continue in Darfur, and that the Government of Sudan remained uncooperative with UN Security Council Resolution 1593 and with execution of the arrest warrants against Haroun and Kushayb.

Developments with respect to the ICC prosecutor's 2008 request for an arrest warrant for three rebel commanders, Bahr Idress Abu Garda, Abdallah Banda Abakaer Nourain, and Saleh Jerbo Jamus, for war crimes pertaining to the 2007 attack on African Union (AU) peacekeepers at Haskanita included the following:

- On June 17, Abdallah Banda Abakaer Nourain and Saleh Jerbo Jamus voluntarily appeared before the ICC pretrial chamber I in response to summonses to appear. In November they waived their rights to be present at the confirmation of charges hearing, which took place on December 8. The pretrial chamber I's decision is due in 2011.
- On February 8, ICC pretrial chamber I declined to confirm the war crimes charges against Abu Garda, finding that the prosecution's allegations that Abu Garda participated in the alleged common plan to attack Haskanita were not supported by sufficient evidence.

There were no developments regarding the recommendations of the AU High-Level Panel on Darfur's 2009 report, including its recommendation to create a hybrid court of Sudanese and international judges to prosecute the most serious crimes committed in Darfur and a truth and reconciliation commission. Discussions with the government on implementing the panel's suggestions remained stalled due to the government's objections to perceived interference in the country's sovereignty.

Killings

Government forces and government-aligned militias engaged in the killing of civilians, including continued aerial bombardment of civilian areas. The aerial bombardment of villages was often followed by ground attacks. Attacks resulted in civilian displacement (also see section 2.d.).

Violence in Jebel Marra--a mountainous area that reaches into each of the Darfur states --killed and displaced numerous civilians, particularly between January and March. In east Jebel Marra, government forces and Arab militias launched offensives against Sudan Liberation Army/Abdul Wahid (SLA/AW) factions based in the mountains. In western Jebel Marra, fighting occurred between SLA/AW factions.

Fighting between the SAF and SLA/AW in eastern Jebel Marra particularly impacted Leiba, Kidingeer, Gugoli, Feina, and Deribat villages in South Darfur and Fanga Suk and Gosdor villages in North Darfur. Fighting, including aerial bombardment, continued during the year. In September-October, the SAF recaptured the villages of Suni and Jawa in an aerial and ground offensive that caused deaths and large-scale civilian displacement. Humanitarian organizations lacked access to Jebel Marra, with the government permitting only brief day-trips to certain areas, making it difficult to gather precise information on the fighting's impact on civilians. UNAMID documented cases of gender-based violence in connection with the fighting in Jebel Marra. According to UNAMID, police arrested perpetrators in two of the cases.

Among numerous other reports of aerial bombardment:

- On February 17 and 19, respectively, the government reportedly attacked Feina and bombed and attacked the town of Deribat.
- New IDPs reported that on February 24, east of Golo in Jebel Marra, aerial bombardment and ground attacks occurred on their village.
- On September 1, the SAF carried out ground attacks in Katur village, close to Deribat, South Darfur. In the days leading up to the attacks, the SAF reportedly carried out aerial bombardment campaigns.

In West Darfur's Jebel Moon area, government forces carried out aerial bombardment and ground attacks against the JEM. Fighting occurred between January and March and then resumed in May. The JEM withdrew from Jebel Moon by May 13; they were pursued by the SAF, and clashes continued. The violence displaced civilians. The government and rebels denied UNAMID access to Jebel Moon. The UN Children's Fund (UNICEF) received information that the SAF and other unidentified men committed gender-based violence during the fighting.

On April 29, in Girgigirgi Village near Jebel Moon, government aerial bombardment reportedly killed nine civilians.

In December in South Darfur, fighting between government and SLA/MM forces displaced almost 20,000 persons from Khor Abeche and Shaeria. Negeha and Jaghara villages, which were near Khor Abeche, were burned. Humanitarians lacked access to Khor Abeche. In North Darfur, fighting between government and rebel groups in Dar al-Salaam and Shangil Tobaya displaced 25,000 persons between December 19 and December 31. There were reports of civilian deaths, looting, and destruction of civilian property during the fighting in both North and South Darfur.

Fighting that resulted in killing civilians, also occurred in other areas of Darfur.

For example, on January 16, near Katum, North Darfur, fighting between the SAF and SLA/AW reportedly killed 15 civilians and injured 20.

Chadian rebels also reportedly committed abuses near the area of Al Saiyah in North Darfur, including looting of villages and rape. On January 10, two civilians were reportedly killed when the local population clashed with Chadian rebels who had looted in Um Kary Village.

Tensions in IDP camps regarding disputes over political representation in the Doha peace processes resulted in deaths and additional displacements during the year.

In late July violence erupted in Kalma IDP camp between IDPs who supported and those who opposed peace talks in Doha. At least 35 persons died, and approximately 30,000 IDPs fled the camp. The government sought six individuals for alleged responsibility for the violence. They remained under UNAMID protection at year's end. After UNAMID began round-the-clock police patrols in the camp, security improved; however, sporadic gunfire erupted occasionally at night, and houses were set on fire.

In August similar politically motivated violence in Hamidiya and Hassahissa IDP camps in West Darfur between pro- and anti-Doha factions resulted in the shooting death of a student.

On September 3-4, violence again erupted in Hamidiya IDP Camp between pro- and anti-Doha factions, leading to the deaths of seven IDPs in the camp and injuries to approximately 30. At least three of those killed were SLA/AW supporters. Prior to this, on July 27, SLA/AW supporters killed three pro-Doha supporters in the camp.

Inter- and intratribal conflict increased during the year. It was fueled by increased competition for resources due to desertification and population growth, the weakening of traditional mediation mechanisms, and the proliferation of arms. Between March and May, intertribal violence killed more than 500 persons. Ethnic conflict caused 38 percent of violence-related deaths in Darfur.

In March in the area between Zalingei in West Darfur and Kass in South Darfur, fighting erupted between the Misseriya and the Nawaiba-Rizeigat tribes. During the year the violence killed hundreds and caused displacements. The tribes were fighting over land along the two states' border. The fighting limited UNAMID's ability to access some areas around Kass.

On April 20, in Al Ban Jadid, South Darfur, clashes between the Rizeigat and al-Saada tribes killed more than 50 persons.

On September 2, armed men who eyewitnesses identified as Arab tribesmen attacked Tabarat Village in North Darfur, killing at least 37, injuring at least 35, and reportedly displacing 3,000. Presidential Advisor Ghazi Sallahudin commenced an official investigation, appointed a special prosecutor for Darfur to focus on issues of justice and impunity, and promised compensation to victims.

Physical Abuse, Punishment, and Torture

All parties to the conflict perpetrated acts of torture and abuse. The government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports that government security forces, Arab militia, and other armed persons raped women and children.

Sexual and gender-based violence continued during the year throughout Darfur. IDPs reported that perpetrators of such violence were often government forces, members of Arab militia, or unidentified men. Assailants assaulted, raped, threatened, shot, beat, and robbed women.

The government's expulsion of 13 international NGOs and closure of three national NGOs in 2009 ended most gender-based violence programs, as well as reduced reporting on gender-based violence.

There were multiple cases reported of IDPs being harassed, arrested, and tortured by the NISS (also see section 2.d., IDPs). When political tension escalated into violence in Hamidiya and Hassahissa camps, the NISS arrested and detained IDPs who were suspected of being affiliated with SLA/AW or suspected of providing information to sources in the international community. Other reports circulated of SLA/AW supporters who went missing.

Authorities often obstructed access to justice for rape victims.

UNAMID documented cases of abuse, arbitrary arrest, and torture by security forces in Darfur, including the CRP.

Child Soldiers

Recruitment of child soldiers remained a serious problem in Darfur. The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators.

A UN report covering 2009 found that more than 14 Sudanese and foreign armed forces and groups in Darfur recruited and used children. The majority of such cases occurred in West Darfur. These groups included the SAF, police including the CRP and Border Intelligence Force, government-aligned militias, Chadian rebels, JEM, JEM (Peace Wing), Movement of Popular Force for Rights and Democracy, SLA/AW, SLA/Abu Gasim/Mother Wing, SLA/Free Will, SLA/MM, SLA/Peace Wing, and SLA/Unity. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad in 2009.

Although UNICEF signed an action plan in 2007 with SLA/MM that committed the rebel group to identifying locations of child soldiers, SLA/MM continued to use child soldiers.

On July 21, JEM signed an action plan with UNICEF to end the use of child soldiers. From February through April, 574 children were released by JEM-Peace Wing, SLA-Peace Wing, and the Movement for Popular Forces for Rights and Democracy.

There were no new developments in the 2008 case of children detained in connection with the JEM attack on Omdurman. As of December 2009, 119 children received pardons and were released, but some children were sentenced to death and remained detained at year's end.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Other Conflict-related Abuses

All parties to the conflict obstructed the work of humanitarian organizations and UNAMID, caused the displacement of civilians, and abused IDPs.

Restrictions, violence, and insecurity reduced the ability of humanitarian organizations to provide needed services. For example, UNAMID reported that the World Food Program was not able to provide food to more than 250,000 intended beneficiaries in Darfur.

On February 18, the NISS arrested a UNAMID national staff member, confiscated his laptop and cell phone, and subjected him to several hours of questioning.

Following the July violence in Kalma Camp, authorities blocked humanitarian assistance to Kalma Camp and Bileil Camp from late July until mid-August. As of September 6, NGOs resumed health, nutrition, water, sanitation, and hygiene activities. However, most basic services were provided at reduced levels. IDPs and others stated that the government's blockage of humanitarian assistance was intended to force IDPs to relocate, and the government discussed plans to relocate Kalma Camp during the year.

The 2009 expulsions of 13 international NGOs reduced the access of persons to humanitarian services. While some programs were able to continue by utilizing local staff and government assistance, the expulsions dramatically decreased nonemergency humanitarian services. UN organizations and remaining organizations attempted to cover lost humanitarian capacity.

Following the expulsions armed SAF and NISS officers arrived at the offices of several NGOs and confiscated office equipment and personal possessions of NGO staff. NGOs reported that not all seized assets had been returned.

In July the government expelled two International Organization for Migration staff members from the country.

On August 17, the NISS arrested a UNAMID national staff member for allegedly making comments related to national security. UNAMID personnel were denied access to the detainee.

Despite the 2007 Joint Communique between the government and the UN, government forces frequently harassed NGOs that received international assistance, restricted or denied humanitarian assessments, did not approve technical agreements, changed procedures, copied NGO files, confiscated NGO property, questioned humanitarian workers at length, monitored humanitarians' personal correspondence, delayed the issuance of visas and travel permits, restricted travel, and publicly accused humanitarian workers of being "spies," "Western agents," and "workers for Israel."

Policy discrepancies between Darfur state-level and Khartoum-based officials in the government's Humanitarian Aid Commission (HAC) adversely affected humanitarian operations.

The HAC continued to request that NGOs refrain from interviewing or selecting staff unless they used a five-person government selection panel and had HAC officials present, significantly delaying the hiring of new staff in Darfur. The HAC also continued to impose additional requirements on humanitarian organizations during the year on an ad hoc basis, often at the state level.

Rebel forces and bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid, assets, and vehicles. Kidnappings increased during the year. Attacks against humanitarian convoys continued during the year. Instability forced many international aid organizations to reduce their operations in Darfur.

On January 16, in Ain Sairo Village, North Darfur, unidentified persons abducted two national staff of Welthungerhilfe, releasing them on January 18.

On May 18, near Nyala, South Darfur, unidentified persons kidnapped a Samaritan's Purse foreign aid worker, as well as two national Samaritan's Purse staff members. The kidnappers released the two national staff members on May 25 and the foreign staff member on August 30.

On June 22, in Nyala, South Darfur, unidentified persons kidnapped two German humanitarians who worked for Technisches Hilfswerk. They were released on July 27.

On March 18, abductors released ICRC staff member Gauthier Lefevre, who was abducted in October 2009 near Al Geneina, West Darfur. Four days prior, on March 14, two other NGO workers, Olivier Denis and Olivier Frappe, were released; they had been abducted in the Central African Republic in 2009.

Unidentified assailants also attacked, killed, and abducted UN personnel:

- On May 7, near Katila Village in South Darfur, armed persons attacked a UNAMID convoy, killing two and seriously injuring three.
- On June 21, near Nertiti in Jebel Marra, West Darfur, unidentified attackers killed three UNAMID peacekeepers and injured one. On December 15, a court acquitted three persons who had been accused of being involved in the attack.
- On November 5, in Nyala, South Darfur, three Latvian World Food Program (WFP) pilots were kidnapped, resulting in a negative impact on WFP programs in the area.

The government restricted UNAMID's movement, including its access to conflict areas and IDP camps; the measures included restricting UNAMID helicopter and rotary-wing aircraft flights. JEM, SLA factions, and Chadian rebels also restricted UNAMID access. Government forces and rebels at times threatened to use force against and fired shots toward, UNAMID forces. The government was uncooperative with the UN Panel of Experts.

On January 9, in Nama Village in Jebel Marra, SLA/AW members surrounded a UNAMID patrol, fired shots in the air, confiscated their equipment, and warned them not to return to the area.

On January 17, JEM stopped a UN patrol east of Kulbus, West Darfur, and prevented the patrol from proceeding.

There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs. Insecurity was a problem both inside and outside of IDP camps (see section 2.d., IDPs).

In the cases of IDP leaders arrested and detained without access to counsel following the 2009 killing of IDP camp leader Omer Adam Ishaq and his wife, 14 of the 18 persons detained were released, while four remained in jail at year's end.

Southern Sudan

Interethnic fighting, postelection militia attacks on the SPLA, cattle rustling, and LRA attacks resulted in deaths and displacement in the South during the year. As of November incidents of reported violence included 122 intertribal conflicts, 23 intratribal conflicts, 22 LRA attacks, 21 SPLA and civilian clashes, and two security force clashes. LRA attacks, intertribal conflict, and other forms of insecurity killed at least 986 persons and displaced approximately 223,708 during the year.

The CPA calls for two referenda to be held simultaneously in January 2011: a referendum for southerners to vote either for unity with the country or secession and a referendum to determine whether Abyei will remain in the North or join the

South. Preparations for the referendum on the status of the South occurred during the year, although at a slow pace. The parties did not make progress on key decisions necessary to proceed with the referendum on Abyei, including the composition of the Abyei Area Referendum Commission and voter eligibility. The North stated that the Misseriya, who migrate through Abyei from the North, should be eligible to participate, while the South did not favor their inclusion.

The security situation along the border remained tense. The UN noted the presence of 600 SPLA troops in Abyei in November and stated that this was a violation of the CPA. A few days later the SPLA began withdrawing these troops. On November 12, 24, and 25, the SAF bombed locations along the Northern Bahr El Ghazal border with Southern Darfur, while reportedly targeting JEM forces. On December 6, 8, and 9, the SAF bombed within Western Bahr El Ghazal; there were no casualties, and the bombings did not target the SPLA.

According to the UN, approximately two million IDPs and 350,000 refugees had returned to the South since 2005. These persons had been displaced as a result of conflict, famine, and fighting during the North-South conflict. In late October the GOSS began an accelerated return program. Returns significantly increased toward the end of the year, with an estimated 143,000 persons returning between October and December.

Killings and Abductions

Fighting between security forces and civilians, including clashes with Misseriya, resulted in deaths and displacement.

- On February 4, in Abiemnom County in Unity State, a clash between SPLA and Misseriya killed eight persons.
- On February 22, fighting between Ngok Dinka and the SPLA killed 17 civilians and seven SPLA members in Cueibet County, northwest of Rumbek.
- Clashes between Palal locality community members and the SPLA on February 28 and March 2 killed 15 civilians and injured four, displaced 8,000 persons, and damaged or destroyed 1,440 houses and four schools.

SPLA civilian disarmament activities resulted in deaths and displacement. For example, in July SPLA civilian disarmament activities in Fashoda County resulted in four deaths and the detention of 11. The disarmament followed a reported attack on SPLA forces that killed 11 soldiers.

Postelection violence related to militia attacks on the SPLA killed persons.

Unsuccessful independent Jonglei gubernatorial candidate General George Athor Deng started a violent campaign after the April elections. On April 30, Athor's forces attacked an SPLA military barracks in Doleib Hills, Upper Nile State. A number of clashes occurred following the attack. According to the UN, the violence caused "a significant deterioration of the security and human rights situations in the area, including killings, arbitrary arrests and detentions, rape, looting, and destruction of property, as well as restrictions on critical UN staff movement." On August 8, the SPLA seized a private charter helicopter, claiming that the government was using it to transport supplies to Athor. According to the UN, the case was referred to the Ceasefire Political Commission.

On July 25, near Pibor, militia of the unsuccessful independent candidate for the Jonglei assembly, David Yau-Yau, attacked an SPLA unit, killing two persons and injuring nine. In the period following that attack, Yau-Yau's forces also attacked additional targets, both civilian and military.

On August 8, in Unity State, armed persons under the command of Colonel Gatluak Gai, attacked a convoy and killed 17 SPLA members and six civilians.

The LRA attacked, killed, abducted, and displaced civilians in the South, particularly in Western Equatoria. Although there were fewer reports of LRA-related violence than in the previous year, the LRA killed an estimated 16 or more persons,

abducted 50, and displaced more than 42,000 persons during the year. LRA forces often attacked near food distribution locations.

- On May 16, 29 armed persons suspected to be members of LRA attacked Nabaaria village in Tambura (about 100 miles northwest of Yambio). The attackers ransacked the village, looted a large quantity of medicine from a medical clinic, and abducted six villagers.
- On May 17, suspected LRA members attacked Mabia Village in Tambura (approximately 100 miles northwest of Yambio), killing three government employees; 10 days later, the LRA attacked the same area again, killing one person and abducting three others.
- On July 29, suspected LRA members ambushed two UN-contracted vehicles near Yambio in Western Equatoria State, killing two persons and injuring four others.
- On September 4, six LRA members attacked a village near Yambio, killing six civilians and abducting a boy and a girl. The girl escaped soon after her abduction.

Intertribal and intercommunal clashes, particularly in Jonglei, Upper Nile, Lakes, and Warrab States, continued during the year and resulted in deaths and the abduction of children. An SPLA-implemented disarmament campaign and foreign-funded conflict mitigation programs helped to reduce cattle rustling and child abduction in Jonglei State, although conflict persisted. Intratribal fighting was also a problem.

- On February 27 and 28, fighting erupted between Dinka Atout and Dinka Ciic clans in Yirol (about 59 miles southeast of Rumbek), reportedly killing 30.
- An August 4, conflict involving cattle raiding among communities in the counties of Yirol East and Yirol West in Lakes State killed 30.
- On September 20, in Jonglei State, Lou Nuer surrounded Duk Padiet Village and killed at least 70 Dinkas. Security force personnel were also killed during the attack.

Child Soldiers

UN personnel believed that SPLA did not actively recruit child soldiers. According to the SPLA Child Protection Unit (which was inaugurated in August), UNICEF, and other international NGOs, as of October approximately 800 children continued to work for the SPLA in some type of menial and administrative capacities. UNICEF indicated that demobilization was occurring rapidly in the last months of the year.

The LRA, which used child soldiers, abducted children from Southern Sudan for this purpose.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Other Conflict-related Abuses

During the year the UN noted 125 instances of interference with humanitarian work in the South, including interference by GOSS security forces.

The SAF, the SPLA, and Misseriya groups continued to restrict UNMIS's movements during the year. UNMIS reported that during the period between January and May 27, the SPLA and SSPS on 36 occasions and the SAF on five occasions restricted UNMIS movement. These delays constrained UNMIS's ability to monitor the ceasefire agreement and access civilian protection and humanitarian needs.

For example, the UN reported that the SAF continued to block UNMIS access to Higlig and Karasana in Southern Kordofan State.

The SPLA detained UNMIS helicopters. On July 22, near Kodok, SPLA members detained a UNMIS patrol at gunpoint and assaulted the UNMIS helicopter crew sent to remove them from the area, and on August 4, at Tonji, the SPLA detained a UNMIS helicopter on an airstrip for six hours.

The UN also reported that between August 11 and July 22, the SPLA prevented UNMIS access to the Kodok area in Upper Nile State.

Intertribal conflict, insecurity, and LRA attacks limited the ability of humanitarian organizations to provide assistance to vulnerable populations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The interim national constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. The government, including through the NISS, continued to censor print and broadcast media, arrest and torture journalists, and harass vocal critics of the government. Direct nightly prepublication censorship of newspapers occurred from May to August. The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

The interim constitution of Southern Sudan provides for freedom of expression "without prejudice to order, safety, or public morals as determined by law" and states that all levels of government shall guarantee from of the press "as shall be regulated by law in a democratic society"; however, there were instances in which security forces in the South restricted media freedom during the year.

Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings.

Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.

From May to year's end, 13 cases were filed against the pro-SPLM publication *Ajrass al-Hurriya* on various charges, ranging from violations against the sovereignty of the state to defamation and erroneous reporting. Seven of the 13 cases were filed against newspaper columnist Faiz al-Silaik--four by the NISS, one by SAF (for reporting on a military execution in Darfur), one by the Council of Ministers, and one by the police. Public order police filed three other cases against the newspaper for coverage of the videotaped flogging of a woman that appeared on YouTube in December and for its coverage of the Lubna Hussein "trouser case." The remaining three cases were settled out of court. Al-Silaik was scheduled to appear in court on February 27, 2011.

On May 16, the same day that authorities arrested PCP leader Hassan al-Turabi, they also arrested four employees of the PCP-affiliated newspaper *Rai al-Shaab*--deputy editor in chief Abuzar Al Amin, editor Ashraf Abdelaziz, administrator Nagi Dahab, and news desk head Al Tahir Abu Jawhara. The NISS also closed the newspaper's office. On May 27, authorities also arrested *Rai al-Shaab* editor Ramadan Mahjoub. Authorities tortured Abuzar Al Amin and reportedly tortured Althahir Abu Jawrah and Ashraf Abd-al-Aziz as well. On June 2, Nagi Dahab was released. The remaining *Rai al-Shaab* journalists were tried on charges related to crimes against the state. The court reportedly issued a decree barring newspapers from reporting on the trial and did not allow testimony from defense witnesses. On July 14, the court sentenced Abuzar Al Amin to five years' imprisonment, Ashraf Abdelaziz and Al Tahir Abu Jawhara to two years' imprisonment, and acquitted Ramadan Mahjoub. In July a final order was issued for the office to be closed and its assets confiscated.

Between October 30 and November 1, security forces arrested several Darfuri activists and an individual who worked for Radio Dabanga (see section 5).

In early November NISS officers arrested Jaafar al-Sabki, a Darfur reporter for the independent daily *al-Sahafa* on allegations that he passed reports on Darfur to an unnamed organization. At year's end Al-Sabki remained detained at Kober Prison in Khartoum.

The NISS required journalists to provide the government with personal information, such as details on their tribe, political affiliation, and family.

The government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship.

From May to August, NISS prepublication censorship, which had occurred from March 2008 to September 2009, resumed. NISS personnel went to newspaper offices to directly remove articles, went to printing houses to stop publication, and called journalists to tell them which topics were not allowed to be covered. In response to the restrictions, the newspaper *al-Maydan* did not publish during most of this time. Authorities censored several other newspapers, rendering normal printing operations impossible. Other government restrictions, including official calls to editors and writers warning of off-limit topics and prohibitions on placing ads in newspapers the government did not favor, continued after August.

During the year authorities warned newspapers not to report on certain topics, including the ICC, Darfur, the June doctors' strike, the May arrest of PCP leader Hassan al-Turabi (see section 1.e., Political Prisoners and Detainees) and journalists from *Rai al-Shaab*, the prevention of journalists from traveling to a conference on the ICC in May, and the June escape of persons convicted of killing Granville and Abdelrahman Abbas Rahama.

The government closed *Al-Intibaha*, an extreme right-wing newspaper, from July to October.

Official censorship prevented the publication of the newspapers *al-Maydan* and *Ajras al-Hurriya* multiple times during the year.

Authorities similarly harassed English-language newspapers whose primary readership was Southerners.

The government restricted international media in the North. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates.

The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available. A private FM radio station continued to operate, and the government restricted UN radio to operating only in the states of the South. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.

On August 8, the government prohibited BBC broadcasts in the North for alleged misuse of the diplomatic pouch on the part of the British embassy. Authorities also stated that BBC was broadcasting in Juba without proper government authorization.

Southern Sudan

Freedom of speech was largely protected in the South, and the GOSS did not attempt to impede criticism or regularly monitor political meetings. The SPLA and certain of its commanders occasionally threatened and detained several journalists in the South for broadcasting unfavorable reports of the SPLA and at times the GOSS.

The independent media were active and expressed a wide variety of views without restriction.

On occasions journalists in Southern Sudan were briefly detained and intimidated for writing or broadcasting unfavorable reports about the SPLA and the GOSS. These actions were usually resolved quickly after high-level intervention by the GOSS political leadership.

- In January security forces reportedly arrested, beat, and detained *Juba Post* journalist Cyrocco Mayom.
- In late February SPLA members reportedly detained and beat Lonya Banak, a radio station manager for Internews, following a radio debate during which a caller was critical of GOSS service delivery. He was reportedly taken to Leer Prison and detained for five days, during which time he was beaten.
- After covering the violent dispersal by SPLA of a political rally that left three civilians dead, a radio journalist was arrested on April 23 in Unity State, held for 13 days, and then dismissed from the State-owned radio station.
- In June the GOSS, citing national security, threatened to shut down Radio Miraya for broadcasting an interview with General Athor, who had started a violent campaign against the GOSS after the April elections.

Internet Freedom

The government monitored Internet communications, and the NISS read e-mail messages between private citizens. Some Web sites deemed offensive to public morality were blocked by the National Telecommunications Corporation, as were most proxy servers. While there generally were no restrictions on access to news and information Web sites, authorities regularly blocked access to youtube.com. During the elections the government blocked access to the Sudan Vote Monitor Web site.

In the South there were no restrictions on access to the Internet or reports that the GOSS monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including e-mail.

According to International Telecommunication Union statistics for 2008, approximately 10 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

The government restricted academic freedom. In public universities the government appointed the vice chancellors, who were responsible for administering the institutions. The government also determined the curriculum. Some universities required students to participate regularly in progovernment rallies and other activities. Some professors exercised self-censorship. The government regularly arrested student activists.

On July 29, at a cultural event in Bahri area of Khartoum, public order police arbitrarily arrested all foreigners and women in trousers and beat many of those in attendance, including minors. The case against the event organizer was dismissed in trial, and the police lieutenant who led the raid was dismissed from his job for abuse.

On September 23, tourist police forced the cancellation of a dance presentation of the French Cultural Center. Authorities claimed that the organizers, who had a permit for the exhibition issued through the public order police, lacked a second necessary permit from the Ministry of Tourism.

There were no restrictions on academic freedom or cultural events in Southern Sudan.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the interim national constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. In February the National Elections Commission issued a circular requiring a 72-hour prior notice period for political rallies, which it reduced to 36 hours in March.

Islamic orders associated with opposition political parties, particularly the Anwar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but they held regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.

Police use of excessive force to disperse demonstrators resulted in deaths and injuries.

On January 20, during a peaceful political rally in support of Hamid Mohamed Ali, an independent opposition gubernatorial candidate in Red Sea State, authorities arrested 38 persons, seven of whom were hospitalized.

On May 30, in the Omdeda locality of Omdurman, police used tear gas to disperse a protest consisting of approximately 100 women and children who were demonstrating against the lack of water in their municipality. The demonstration closed street traffic for several hours and caused a heavy traffic jam before police intervened.

On October 9, during a UN Security Council visit to the country, police arrested at least 75 Southern Sudanese General Student Union members. The students had embedded themselves into a prounity public rally organized by the NCP, during which they changed into red shirts with proseparatist slogans. Police beat some of the rally participants and also beat one of the arrested students while he was jailed; that student was released on October 11.

Authorities generally took no action against security forces that used excessive force.

The interim constitution of Southern Sudan provides for freedom of peaceful assembly, and the GOSS generally respected this protection.

Freedom of Association

The interim national constitution and law provide for freedom of association, but the government severely restricted this right in practice. Seventy-two political parties officially contested in the April elections. The law effectively prohibits political parties linked to armed opposition to the government. The SLM/MM was not permitted to register as a political party. The government continued to harass some opposition leaders who spoke with foreign organizations or embassies.

The interim constitution of Southern Sudan provides for freedom of association, and the GOSS generally respected this right in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The interim national constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice.

The interim Southern Sudan constitution provides for freedom of movement within the country, foreign travel, and repatriation, and the government generally respected these rights in practice. The interim Southern Sudan constitution does not provide for emigration.

The government impeded the work of the Office of the UN High Commissioner for Refugees (UNHCR) and delayed full approval of UNHCR activities, particularly in North and South Darfur. While in some cases it cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers, the government restricted and harassed such organizations. The UNHCR confirmed that the government continued to disregard international agreements and targeted refugees and asylum seekers for abuse. The government's encampment policy requires asylum seekers and refugees to stay in 12 designated camps. The government permitted refugees from Eritrea and Ethiopia to remain in the country.

In Darfur the government and rebels restricted the movement of the UN, humanitarian organizations, and citizens (see section 1.g.). Rebels also restricted freedom of movement.

In the South the GOSS cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs and returning refugees.

While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which was often difficult to obtain and was sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move more than 15.5 miles outside of Khartoum and from one city to another, and reregister at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the South and did not require foreigners to register upon entry.

The government delayed issuing humanitarian and diplomatic visas and travel permits for Darfur and the Three Areas to foreign NGO staff.

The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens' travel, the government denied some humanitarian workers exit visas.

The government restricted persons from traveling outside of the country to attend conferences.

In late May officials confiscated the passports of human rights activists Salih Mahmud Osman, Mariam al-Mahdi, and Albukhari Abdalla Aljaali, who were scheduled to travel to Kampala, Uganda, to attend a forum on the ICC. The passports were held for the duration of the conference.

On June 15, officials prevented Albaquir Al-Afif Mukhtar, director of the Alkhatim Adlan Center for Enlightenment and Human Development (KACE) from traveling to a conference in Spain.

The law prohibits forced exile, and the government did not use it. Opposition leaders and NGO activists remained in self-imposed exile throughout northern Africa and Europe during the year, and additional activists fled the country during the year.

Internally Displaced Persons (IDPs)

Large-scale displacement continued to be a severe problem in the country. There were an estimated 1.9 million IDPs in Darfur, 1.5 million displaced Southerners in the North, and 68,000 IDPs in the east. In the Three Areas, there were approximately 80,000 IDPs.

North

While in previous years the UN estimated that there were approximately 2.7 million IDPs in Darfur, more recent International Organization for Migration data indicated the number of IDPs in Darfur to be 1.9 million. As of November, the UN reported, the conflict in Darfur had caused approximately 268,000 new displacements during the year, an increase from the estimated 175,000 persons displaced in 2009. Government offensives and rebel fighting in Jebel Marra and Jebel Moon displaced civilians. In December fighting between government and rebel forces in South Darfur and in Dar al-Salaam and Shangil Tobaya displaced tens of thousands. Intercommunal violence significantly increased and correspondingly displaced civilians. This violence was fueled by increased competition for resources due to desertification and population growth, the weakening of traditional mediation mechanisms, the proliferation of arms, and long-standing ethnic rivalries. In addition violence in Kalma IDP Camp between pro- and anti-Doha elements in July caused approximately 30,000 IDPs to flee the camp.

IDPs in Darfur faced significant humanitarian needs. The government's expulsion of 13 international humanitarian NGOs and closure of three local NGOs in 2009 continued to negatively impact the delivery of humanitarian services.

Government restrictions, harassment, and the threat of expulsion resulted in the continued closure of most gender-based violence programming. While gender-based violence programming was mainstreamed into other humanitarian efforts, reporting and reach were severely curtailed. As of August, 96 percent of IDP households lived below the poverty line, compared with 86 percent of non-IDP households; 44 percent of IDP households had incomes at least 50 percent below the poverty line.

There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes and beatings. Government attempts to resettle IDPs were generally unsuccessful, except in the case of former Kalma residents returning to West Darfur in December.

IDPs largely boycotted registration for the April nationwide, multiparty elections, and thus few participated in the vote, which raised concerns regarding their lack of representation in government.

Outside of IDP camps, insecurity restricted IDP freedom of movement; women and girls who left the town and camps risked sexual violence. Darfur IDPs did not return in any significant numbers to their place of origin, although small-scale spontaneous returns to certain villages occurred.

Insecurity within IDP camps was also a problem. Tensions regarding political representation in the Doha peace processes resulted in deaths and additional displacements during the year. This was exacerbated by the proliferation of arms in camps. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps and operated back and forth across the border with Chad.

In late July violence erupted in Kalma IDP camp between IDPs who supported peace talks in Doha and IDPs who condemned the talks (see section 1.g., Darfur). The violence killed at least 35 persons. Approximately 30,000 IDPs fled the camp. Five IDP leaders and one woman sought protection from UNAMID, fearing possible government or opposing groups' action against them. Five of the individuals were sought by the government, who stated they were responsible for the violence. Authorities blocked humanitarian assistance to Kalma Camp and to Bileil Camp until mid-August. On September 6, NGOs resumed health, nutrition, water, sanitation, and hygiene activities, but for the most part at reduced levels. IDPs and others stated that the government's blockage of humanitarian assistance was part of a process to force IDPs to relocate, and during the year the government discussed plans to relocate Kalma Camp. According to the UN, more than 1,500 persons from Kalma Camp voluntarily returned to areas of displacement in West Darfur in early December as part of a government-led return program.

Similar politically-motivated violence erupted in Hamidiya and Hassahissa IDP camps in West Darfur in August. There were multiple cases reported of IDPs being harassed, arrested, and tortured by the NISS. The government harassed IDPs in Darfur who spoke with foreign observers.

When political tension escalated into violence in the Hamidiya and Hassahissa camps, the NISS arrested and detained IDPs who were suspected of being affiliated with SLA/AW or suspected of providing information to sources in the international community

Following a UN Security Council visit to Darfur, security officials arrested and harassed IDPs. On October 8, the NISS sought to arrest 16 persons in Abu Shouk and Al Salaam camps; the persons went into hiding. On October 10, authorities arrested Mohamed Abdallah Mohamed al-Haj of Abu Shouk and Abdalla Ishag Abdul Raziq of Abu Shouk Camp. On October 17, authorities arrested approximately 24 more persons, including some IDPs who had been arrested and released previously.

Fourteen of the 18 IDP leaders arrested and detained without access to counsel following the 2009 killing of IDP camp leader Omer Adam Ishaq and his wife were released, while four remained in jail at year's end.

According to the UN, approximately 1.5 million IDPs lived in Khartoum State, many of them in shanty towns rather than in the four formal camps. Many Southern IDPs in the North have lived there for decades, formed families, and found mainly informal employment in the North. As of year's end, the parties had not reached an agreement regarding the status of Southerners in the North in the post-CPA period. At times during the year, government officials made statements regarding the expulsion of Southerners, and at other times government officials made statements supporting the protection of IDPs. Displaced Southerners in and around Khartoum were subject to arrest, flogging, fines, warrantless searches, and/or imprisonment in relation to Sharia-based prohibitions against alcohol. The government restricts access to formal IDP camps around Khartoum.

There were no developments regarding the thousands of persons displaced by the Merowe dam in previous years.

In the East, the government continued to restrict humanitarian access. These restrictions significantly limited the ability of humanitarian organizations to provide services to vulnerable groups such as IDPs and refugees. Approximately 50 percent of IDPs and refugees in camps received food rations.

South

According to the UN, approximately two million IDPs and 350,000 refugees have returned to the South since 2005.

In August the autonomous government of Southern Sudan announced an initiative to promote the return of Southerners living in the North. Spontaneous and organized returns significantly increased towards the end of the year, with an estimated 140,000 persons returning between October and December. Many returned to areas located near the North-South border, particularly to Unity State and Northern Bahr el Ghazal States. Insufficient preparations for the return of IDPs to the South was a problem. IDPs who returned to the South faced problems including delayed allocation of land, insecurity, lack of basic services, lack of livelihood opportunities, and problems obtaining onward transportation from towns to counties of origin. There were reports that Misseriya temporarily stopped some busses on their way South. In late November nearly 7,800 returning IDPs were reportedly stuck in Bentiu after rains made roads impassable; they took temporary shelter in school buildings. There were also reports of persons who wished to return to the South being stranded in Khartoum.

Interethnic fighting, postelection violence, LRA attacks, and conflict between the SPLA and civilians resulted in the widespread displacement of persons during the year. During the year violence displaced 223,708 persons in the South,

with the largest numbers of displacements occurring in Western Equatoria, Jonglei, Lakes, and Warrab states. The GOSS had only a very limited capacity to provide services to IDPs. Most IDPs in the South integrated into communities and did not live in a camp environment.

There were no reported developments in the January 2009 forcible eviction of persons from residential areas and markets, which were subsequently demolished; the evictions displaced more than 30,000 persons, including IDPs.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees.

In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Officially, the government should grant prima facie refugee status to asylum seekers. However, during the year it required Eritreans to register as asylum-seekers rather than automatically granting the appropriate refugee status, a policy contrary to national law governing refugee status. Most Eritreans who entered the country appeared to be familiar with the new steps required to register with the government as an asylum seeker. Government officials were reportedly unresponsive to applications for refugee status.

Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.

According to Save the Children, government-supervised primary education, while not free, was available to IDP children in Khartoum and in refugee camps outside of Khartoum at a nominal cost of 10 Sudanese pounds (approximately \$3) per month.

The government provided temporary protection to individuals who might not qualify as refugees under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The country's laws provide for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The CPA, interim national constitution, and the interim constitution of Southern Sudan provide citizens the right to change their government peacefully. CPA provisions relating to this right include those providing for simultaneous referenda on the status of the South and of Abyei, national elections, a census, and popular consultations in Blue Nile and Southern Kordofan.

The CPA calls for a referendum in January 2011 for Southerners to vote either for unity with the country or secession and for a concurrent referendum for those of Abyei to determine whether Abyei will remain in the North or join the South. During the year the parties made significant progress in preparing for the referendum on the status of Southern Sudan. Voter registration for the referendum on the status of Southern Sudan occurred in December. However, preparations for the Abyei referendum stalled due to disagreement over voter eligibility.

National and state level executive and legislative elections, originally scheduled for July 2009 per the CPA, occurred in April but did not meet international standards (see Elections and Political Participation below).

The CPA established a three-member presidency consisting of a president, first vice president, and vice president. It specified that prior to elections, the then incumbent president (Omar Hassan al-Bashir) was to serve as president and the then SPLM chairman (Salva Kiir) was to serve as first vice president. Ali Osman Taha (NCP) was appointed as vice president.

The 2006 Darfur Peace Agreement created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group SLA/MM. President Bashir did not reappoint Minawi to the position of senior assistant following the elections. The Darfur Peace Agreement-mandated Transitional Darfur Regional Authority, charged with implementing the agreement and promoting coordination and cooperation among the three Darfur states, was established in 2007. Minawi served as head of the transitional authority until December 8, when President Bashir issued a decree declaring the wali of West Darfur as its head.

The CPA also provided a formula for allocating seats in the bicameral legislature (composed of the 450-member National Assembly and 52-member Council of States) and cabinet prior to the elections. The formula reserved 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties.

The CPA also provided for a popular consultation process to obtain the views of persons in Blue Nile and Southern Kordofan on the CPA, so that their respective legislatures could negotiate any shortcomings in the constitutional, political, or administrative arrangements of the CPA with the government. The CPA stated that reports of parliamentary committees to assess and evaluate CPA implementation were to be provided to their respective state legislatures by January 2009; however, this deadline was not met. In September the Blue Nile State Assembly appointed its popular consultation commission, although it lacked funding. Progress on the popular consultations in Southern Kordofan was delayed to an even greater extent due to a dispute over the 2008 population census. Between June 15 and June 29, the census was reconducted in Southern Kordofan State. The parties agreed to postpone state level elections in Southern Kordofan, which were rescheduled for May 2011.

Elections and Political Participation

Voter registration for the Southern Sudan Self-Determination Referendum on the status of Southern Sudan occurred from November 15 to December 8. Observers reported that the process was generally fair, despite some logistical, procedural, and security problems. For example, inconsistencies in the application of identification, eligibility, and appeals regulations occurred. Approximately 3.9 million persons registered to vote throughout Sudan and in eight other countries with large Southern Sudanese populations. The number of registrants in the North and in other countries was significantly lower than early estimates suggested. Turnout for registration in the North was low due to distance to the registration centers, insufficient awareness raising, and ambiguity about the future of Southerners in the North.

Preparations for the Abyei referendum remained stalled. The North and the South did not reach agreement on voter eligibility criteria for the CPA-mandated referendum on whether Abyei remains part of Northern Sudan or joins the South. The North stated that the Misseriya, who migrate through Abyei from the North, should be eligible to participate, while the South rejected their inclusion.

The country's first multiparty national and state-level executive and legislative elections in more than 20 years occurred on April 11-15. The elections, which several Northern opposition parties boycotted, did not meet international standards. The SPLM candidate for president of Sudan, Yasir Arman, withdrew from the race just ahead of the polling. Basic freedoms were circumscribed throughout the process. Despite significant technical and commodities assistance from the international community, logistical preparations were inadequate. Intimidation and threats of violence occurred, particularly

in the South. The conflict in Darfur did not permit a conducive electoral environment. The counting and tabulation process was disorganized, not transparent, and did not follow procedural safeguards put in place by the National Elections Commission. According to the Carter Center, problems with counting and tabulation process raised "questions about the accuracy of the election results."

President Omar Hassan al-Bashir (NCP) was reelected, as was first vice president and GOSS president Salva Kiir Mayardit (SPLM). Ali Osman Taha was reappointed to his position of second vice president.

In the National Assembly, the NCP won 323 seats, the SPLM won 99 seats, other parties and independents won 24 seats, and four constituencies were vacant. NCP gubernatorial candidates won all elected governor posts in the North (this did not include Southern Kordofan) with the exception of Blue Nile State, where the SPLM incumbent won.

As of year's end, there had been no action taken on the February 21 agreement between the parties that 40 seats would be allocated for the South, four for Southern Kordofan, and two for Abyei.

SPLM candidates won all but one of the southern governorships, with an independent candidate winning in Western Equatoria State. The SPLM won 159 of 170 seats in the Southern Sudan Legislative Assembly, with the SPLM-DC winning three, the NCP one, and independents seven.

Elections were postponed in a number of national and state constituencies for reasons such as inaccurate ballots and candidate deaths. In at least 30 constituencies the elections were held in June.

Key Sudanese groups observing the elections included TAMAM, KACE, the Sudanese Group for Democratic Elections, the Sudan Domestic Election Monitoring and Observation Program, and the Sudanese Network for Democratic Elections (SUNDE). International monitoring missions included the Carter Center, the Intergovernmental Authority on Development, and the European Union Election Observation Mission.

Observers noted numerous problems with the preelection environment. The legislative framework did not protect basic freedoms such as assembly, speech, and press. GOS and GOSS security forces restricted the actions of opposition parties, including through the arrest of opposition members and supporters. There was insufficient voter information, and logistical preparations for the vote were not adequate.

During voting, observers found incorrect or incomplete voter registries and noted that this resulted in disenfranchisement. The locations of polling centers were not sufficiently clear. Many centers did not open on time and received polling material late. Mistakes on ballots were also a problem. Observers noted problems with safeguards at polling centers, such as not following procedures pertaining to indelible ink, voter identification, and ballot box seals. Observers also reported intimidation and harassment, particularly in the South; they noted specifically SPLA intimidation of voters and presence at some polling stations. SUNDE reported that 21 of its observers were detained, including in Central Equatoria, Unity, and Western Equatoria. It also reported that one of its observers was kidnapped and beaten in Western Bahr el Ghazal. A video posted to the Internet shortly after the elections showed what appeared to be a uniformed elections official in the North stuffing a sealed ballot container with paper. In Darfur participation of IDPs in the election was low.

Problems with the counting occurred, and the tabulation process was seriously flawed. During the counting process officials did not follow administrative procedures or properly reconcile ballots counted with the ballots received. Logistical problems delayed the transport of materials such as ballot boxes and results forms. Officials did not follow the electronic tabulation system process as designed, which resulted in an inability to verify the accuracy of results. Observers had difficulty accessing tabulation centers and were denied access to some centers. Observers noted "parallel tabulation operations" in Khartoum and South Darfur. In these cases observers were able to access official centers, but there were

also other places where access was limited while tabulation was underway. Incidents of security-force intimidation and interference and other serious irregularities occurred during counting and tabulation in the South.

Postelection violence in the South resulted in deaths (see section 1.g., South Sudan).

The NCP dominated the government in the North, and NCP members of the Ja'alin tribe held the highest offices in government. Authorities impeded and monitored political party meetings and activities, restricted political party demonstrations and used excessive force to break them up, and arrested opposition party members.

For example, on January 19, in Red Sea State, police using excessive force broke up a peaceful demonstration in support of independent gubernatorial candidate Hamad Mohammad Ali, injuring participants. Security forces stated that the demonstrators did not have a permit and arrested 27 persons. According to the candidate, his supporters were denied a permit, while those of the incumbent governor were allowed to hold a rally.

In the South the SPLM dominated the GOSS, and authorities there obstructed the activities of the SPLM-DC.

Women have the right to vote. As required by the 2008 National Elections Law, 25 percent of the seats in the national, Southern Sudan, and state assemblies were filled from state-level women's lists. Women won 114 of the 450 seats in the National Assembly. Women held five of 46 seats in the Council of States. One woman served as a federal minister, and five women served as state ministers. Voters elected 53 women to the Southern Sudan Legislative Assembly, more than required by law. The number of female ministers in the 32-member GOSS cabinet increased from three to six following postelection appointments.

Section 4 Official Corruption and Government Transparency

The law does not specifically address official corruption. However, officials are subject to the Financial Service Audit law that calls for a special anticorruption attorney to investigate and try corruption cases. Additionally, criminal law provides punishments for embezzlement that can include execution for public service workers. All bankers are considered public service workers. Officials frequently engaged in corrupt practices.

There were no laws providing for public access to government information, and the government did not provide such access.

In Southern Sudan, the law provides for criminal penalties for official corruption; however, GOSS officials often engaged in corrupt practices with impunity. Corruption was a problem in all branches of the GOSS.

GOSS president Salva Kiir publicly condemned corruption in government, and in December 2009 the GOSS formed an anticorruption commission. The commission identified some cases of corruption, although information on follow-up on these cases was not available.

The interim constitution of Southern Sudan provides citizens with the right to access government information, except in cases where such access endangers public security or violates the right to privacy of other persons. GOSS officials of the director general rank and higher are required to submit financial declaration forms, although there is no penalty for failure to comply. The GOSS granted access to government information for citizens and noncitizens, including foreign media.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government was uncooperative with and unresponsive to domestic human rights groups. Both domestic and international human rights organizations were restricted and harassed.

The government harassed, arrested, beat, and prosecuted human rights activists for their activities.

On February 22, the NISS reportedly closed the office of the Strategic Initiative for Women in the Horn of Africa in Nyala following a training session it held in conjunction with KACE.

Between October 30 and November 1, security forces arrested several Darfuri activists, including HAND members and an individual who worked for Radio Dabanga. Persons arrested during this period reportedly included Abdelrahman Mohammed Al Gasim, Dirar Adam Dirar, Abdelrahman Adam Abdelrahman, Manal Mohammed Adam, Aziza Ali Idriss, Aisha Sardo Sherif, Abu Gasim Al Din, and Zakaria Yacoub. They were held incommunicado without access to counsel and their families for some time.

On December 22, a court sentenced Mudawi Ibrahim Adam, former director of the Sudan Social Development Organization (SUDO), to one year in prison and a fine of 3,000 Sudanese pounds (\$1,186) for embezzlement. He was previously acquitted of these charges in March 2009, a finding which the Humanitarian Affairs Commission appealed, but for which it reportedly did not provide any new evidence. At year's end, Mudawi remained incarcerated.

In the case of the 2009 closure of SUDO, on April 22, SUDO won a court case to allow it to reopen, but HAC won on appeal and SUDO remained closed at year's end. The Khartoum Center for Human Rights and Environmental Development and the Amal Center for Treatment and Rehabilitation, also closed in 2009, remained shut.

Abdel Majeed Saleh Abakr Haroun, a Darfuri human rights activist and leading member of the Darfur Democratic Forum, who was arrested by the NISS in August 2009, remained in NISS custody without charge until mid-January, when he was released. He subsequently left the country.

The government restricted, harassed, and arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur (see section 1.g.).

The government refused and delayed the issuance of visas to international NGO members and restricted their access to parts of the country.

NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur and the Three Areas (see section 1.g.). During the year the HAC often changed its rules and regulations without prior notification.

The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, contrary to provisions in the 2007 Joint Communique between the government and the UN. This included delaying the issuance of visas and travel permits to humanitarian workers.

The government's Advisory Council for Human Rights did not respond to requests by international organizations for investigations into human rights violations, and it did not provide lists of detained individuals to the international community.

The National Commission for Human Rights Act, purportedly created by law in April 2009, had not been set up by year's end.

The government did not cooperate with the ICC (see section 1.g.).

In the South, a variety of domestic and international human rights-related NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The South Sudan Council for Human Rights operated somewhat independently. Its members were appointed by the president of the GOSS. The council cooperated with international human rights advocates and submitted regular reports and recommendations to the GOSS.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status.

The interim constitution of Southern Sudan prohibits discrimination on race, gender, language, and social status. It does not address discrimination based on disability.

Women

The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death; however, the government did not effectively enforce these provisions. Spousal rape is not addressed in the law. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.

In the South, the law provides for up to 14 years' imprisonment for rape and the possibility of a fine, although this provision does not apply to "sexual intercourse by a married couple."

Rape of women and girls throughout the country, including in Darfur, continued to be a serious problem (see section 1.g.). Authorities often obstructed access to justice for rape victims.

Many victims in the North did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy" or for adultery (see section 1.d.).

The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available.

In the North, no law specifically prohibits sexual harassment, although the law prohibits gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.

In the South sexual harassment is punishable by up to three years' imprisonment and a fine. Observers noted that sexual harassment was a serious problem in the South, including in GOSS ministries in Juba. There were also allegations that senior male commanders and trainers at the John Garang Unified Police Academy in Rajaf harassed, raped, and forced female police trainees to have sex with them in exchange for money.

Couples were able to decide freely on reproductive issues, but societal and religious norms pressured married females to have several children. Contraception, skilled medical attendance during childbirth, and obstetric and postpartum care were not widely accessible. The UN Population Fund estimated the maternal mortality ratio at 750 deaths per 100,000 live births. Women had equal access to diagnosis and treatment for sexually transmitted diseases, including HIV.

The law discriminated against women in the North, including many traditional legal practices and certain provisions of Sharia as interpreted and applied by the government. In accordance with Islamic law, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. Depending on the wording of the marriage contract, it was often much easier for men than for women to initiate legal divorce proceedings. In certain northern probate trials, under the Sharia system, the testimony of women was not considered equivalent to that of men; the testimony of two women was considered equivalent to that of one man. In other civil trials, the testimony of a woman is considered equivalent to that of a man.

A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the South or among Nubans (most of whom were Muslim).

There were occasional reports that security officials acting without official authorization required a male signature on an exit visa.

To obtain an exit visa, children must receive the permission of both mother and father. In the father's absence, a paternal uncle can sign in his place. Women can apply for exit visas for their children, provided that both parents have signed the application.

Various governmental bodies have decreed that women must dress modestly according to Islamic or cultural standards, including wearing a head covering in the North. There were instances in the North in which police arrested women for their dress and authorities subjected them to flogging. However, women in the North often appeared in public wearing trousers or with their heads uncovered. In Khartoum persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

In the South in December, local press reported that newly trained police in Juba were harassing women for wearing jeans and short skirts. The GOSS and the Southern Sudan Human Rights Commission intervened, and the harassment stopped. Women in the South were routinely held for lengthy pretrial detention on allegations of adultery.

In the North, the Ministry of Social Welfare, Women, and Child Affairs was responsible for matters pertaining to women. In the South, the Ministry of Gender, Child, and Social Welfare had similar responsibilities.

Women experienced economic discrimination in access to employment, credit, pay for substantially similar work, and owning or managing businesses. Women were accepted in professional roles; more than half the professors at Khartoum University were women.

In the South, women served in professional roles, including in government, both in the executive branch and in the Southern Sudan Legislative Assembly. There were several female government ministers.

Children

The interim national constitution states that persons born to a Sudanese mother or father have the right to citizenship.

The government did not register all births immediately.

The law provides for free basic education up to grade eight; however, students often had to pay school, uniform, and exam fees. In Darfur few children outside of cities had access to primary education. Lack of schools was a serious problem in the South. Girls in the South did not have equal access to education.

Child abuse and abduction were widespread. Criminal kidnapping of children for ransom was reported on several occasions during the year.

Female genital mutilation (FGM) remained widespread, particularly in the North, but estimates on its prevalence varied widely. A 2006 Sudan Household Health Survey, the most recent available, reported FGM incidence at 69 percent. In the North, Ministry of Health bylaws prohibit the practice of FGM by physicians and medical practitioners; however, midwives continued to conduct FGM. In the South, performing or causing FGM to be performed is punishable by up to 10 years' imprisonment, a fine, or both. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. FGM was also increasing in IDP camps in Darfur. The government actively campaigned against it in partnership with UNICEF, civil society groups, and the High Council for Children's Welfare. Several NGOs also worked to eradicate FGM.

The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but it remained a problem.

Child prostitution and trafficking of children also remained problems, particularly in the South. Penalties for offenses related to the child prostitution and trafficking varied and could include imprisonment and/or fines.

In the North, there is no minimum age for consensual sex or a statutory rape law. In the South, persons must be 18 years of age to consent to sexual intercourse, although rape does not apply to intercourse between married persons. Penalties for rape in the South are up to 14 years' imprisonment and may also include a fine. Pornography, including child pornography, is illegal in the North and the South.

Children were used as soldiers in armed groups (see section 1.g.).

Internally displaced children often lacked access to government services such as education.

The government operated reformatory camps for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were very basic, and living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Qur'an, and there was pressure on non-Muslims to convert to Islam. War Child and other international and domestic humanitarian NGOs were permitted to monitor the camps and sometimes assisted the government with certain aspects of camp operations.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community remained small, and there were no reports of anti-Semitic violence during the year; however, government officials made anti-Semitic comments, and government-controlled newspapers featured anti-Semitic caricatures.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

While the law does not specifically prohibit discrimination against persons with disabilities, it stipulates that "the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to

suitable education, employment, and full participation in society." The government has not enacted laws or implemented effective programs to ensure access to buildings for persons with disabilities. Credible sources noted that prisoners with mental disabilities were chained 24 hours a day, and mentally disabled prisoners were not exempted from trial. In the South there were no mental health hospitals or institutions, and persons with mental illnesses were held in prisons.

National/Racial/Ethnic Minorities

The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and also between different Arab tribes (see section 1.g.). Interethnic fighting in the South was a serious problem (see section 1.g.).

The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the North. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated South.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits sodomy, which is punishable by death. There were no reports of antisodomy laws being applied. There were no known lesbian, gay, bisexual, or transgender organizations.

Official and societal discrimination against homosexual persons occurred.

On August 4, authorities publicly flogged 19 men who were arrested on July 29 at a party in Omdurman for breaking moral codes by wearing women's clothes and makeup, reportedly during a wedding between two men. The men had no lawyers, and the trial judge stated that police who raided the party found the men dancing "in a womanly fashion." Some legal-aid lawyers said that they were scared to defend the group. On August 2, residents of the Muhandaseen neighborhood in Omdurman held an antihomosexual demonstration.

On June 25, authorities raided a mixed-gender fashion show and arrested a number of male models. Officially the arrests were based on a public order law preventing amplified noise after 11 p.m., although it was widely assumed that the show was targeted because of the perceived sexual orientation of its male participants.

In the South, GOSS president Salva Kiir remarked on an internationally broadcast radio interview that homosexuality would not be accepted in the South.

Societal discrimination against homosexual persons was widespread both in the North and the South. In the North, vigilantes targeted suspected homosexual persons for violent abuse, and there were public demonstrations against homosexuality. Key members of parliament proposed legislation that would allow "severe punishment" for homosexuality.

Other Societal Abuses and Discrimination

There was occasional discrimination against persons with HIV/AIDS. In July a private primary school in Omdurman reportedly expelled a student with HIV.

Incitement to Acts of Discrimination

The government and government-supported militias reportedly promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence.

Section 7 Worker Rights

a. The Right of Association

Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.

Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.

In June security forces arrested and beat doctors in relation to a strike. On June 1, they arrested, reportedly beat, and then released doctors Al-Hadi Bakhit and Walla Aldin. Al-Hadi Bakhit was rearrested soon after. That same day, security forces also arrested Ahmed Al-Abwabi. On June 2, police beat protesters outside of Khartoum University, injuring 12. Police also prevented doctors from attending meetings of the strike committee. On June 2-8, authorities detained doctors Ashraf Hammad, Mahmoud Khairallah, Abdelaziz Ali Jamee, and Ahmed Abdallah Khalafallah. On June 24, doctors resumed work, and authorities released the six detained doctors without charge.

In March Red Sea State wali (governor) Mohammed Tahir Ella ordered the arrest of 250 striking dockworkers in Port Sudan. The strike was related to a dispute with the government of Red Sea State over the use of union funds.

In the South in late May, during the GOSS presidential and Southern Sudan Legislative Assembly inauguration, NISS personnel arrested nine Southern Sudan Radio and Television staff and detained them for 16 days. Workers had been on strike in response to a payment issue and refused to surrender Southern Sudan Television (SSTV) camera equipment in their possession, without which SSTV reportedly would not have been able to broadcast the inauguration.

b. The Right to Organize and Bargain Collectively

The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money.

There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.

Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

The law does not prohibit antiunion discrimination by employers.

There is one export processing zone, in Port Sudan, and it is exempt from regular labor laws.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices continued.

Abduction, forced labor, and sexual slavery of women and children continued.

Although the government continued to deny that slavery and forced labor existed in the country, the government's Committee to Eradicate the Abduction of Women and Children acknowledged that abductions had occurred in the 1980s and 1990s and that not all abductees had since been freed.

The forcible recruitment of persons into armed groups continued (see section 1.g.).

d. Prohibition of Child Labor and Minimum Age for Employment

Although mandated by the interim national constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.

The use of child soldiers, child trafficking, and child prostitution were problems.

The Ministry of Social Welfare, Women, and Child Affairs had responsibility for enforcing child labor laws; however, enforcement was ineffective.

In the South, child labor laws were rarely enforced.

e. Acceptable Conditions of Work

The minimum wage was between 190 and 250 Sudanese pounds (approximately \$80 to \$100) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, is responsible for enforcing the minimum wage, which employers generally respected. In the South, civil service workers, including teachers, often worked for long periods without being paid.

The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.

In the South, the Ministry of Labor and Public Services is responsible for monitoring health and safety standards for workers; however, it did not do so effectively.

[Back to Top](#)