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Items 92, 94, 100, 103, 104, 109
and 113 of the preliminary list*

EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN RIGHTS
AND EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH
INSTRUMENTS

ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION

IMPLEMENTATION OF THE CONVENTION ON
THE RIGHTS OF THE CHILD

CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF

DISCRIMINATION AGAINST WOMEN

ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE

ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 2 May 1990 from the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations addressed to
the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Sudan (including the persistence of the practice of slavery). I have underlined passages of special relevance.

* A/45/50.

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In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104, 109 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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FEBRUARY 1990

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* Underlining has been added by the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations.

SUDAN

On June 30, 1989, in a bloodless coup d'etat, a group of brigadiers and colonels in the Sudanese People's Armed Forces (SPAF), led by Omar Hassan Ahmed al-Bashir, overthrew Sudan's 3-year-old democratic government, then headed by Prime Minister Sadiq al Mahdi. The new regime controls all the territory controlled by the Sadiq Government, but much of the south remains in the hands of the Sudanese People's Liberation Army/Movement (SPLA/M), led by John Garang. The coup leaders arrested over 300 leading figures (most of whom were freed by year's end), imposed a strict curfew, suspended Sudan's 1986 transitional constitution, abrogated press licenses, and dissolved all political and trade union institutions. The leaders then instituted a "National Salvation Revolutionary Command Council" (RCC) of 15 members, drawn exclusively from the military. The RCC justified the coup by condemning Sadiq's Government for corruption and ineffectiveness, especially in economic areas and in its failure to end the civil war with the SPLA/M.

The SPAF numbers about 75,000 men and is largely responsible for Sudan's internal and external security. Martial law has been in effect in government-controlled areas of the south for some time, and now extends to the north as well. A state of emergency (SOE) that permits various arbitrary government actions has been periodically renewed outside the south since 1985 and has been jointly enforced by the military, the police, and the Ministry of Interior.

Sudan's economy is primarily agricultural. Although the country is trying to diversify its cash crops, cotton and cottonseed still account for more than 50 percent of export earnings. The economy has been devastated by the expensive civil war (which costs perhaps \$1 million per day), high inflation (100 percent in the first 6 months of 1989), high unemployment, up to 700,000 refugees from neighboring countries, and perhaps 3 million displaced persons among the Sudanese.

Many of the serious human rights violations previously noted in Sudan continued in 1989 under both the Sadiq and Omar Governments. The RCC abolished Sudan's largely free press, dissolved Sudanese labor organizations, and suspended legal due process by instituting arbitrary arrest, detention without charge, and trial of civilians by military courts. The continuation of Islamic law (Shari'a) throughout Sudan remained a major cause of southern disaffection, although the implementation of its more severe punishments has remained in abeyance since 1985.

Government forces and government-armed militias committed many human rights abuses, especially in the south, as did the SPLA/M (although reports from SPLA/M-controlled areas are more fragmentary). Military operations by both sides have left large areas of Sudan largely unpopulated and opened opportunities for banditry, especially along the Ugandan border. For the 3 million displaced persons (including 1 million near Juba) were resettled. Many still lack proper food, clothing, shelter, and medical care.

Both before and after the coup, the SPAF, its affiliated militias, and the SPLA/M interfered with relief efforts and attacked civilians. Various cease-fires were accepted but then broken by one party or the other throughout the year. At

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times, both sides adopted a more responsible policy toward the passage of relief supplies, but both sides also continued to block such supplies from time to time. In November the Government closed Sudanese air space to all relief flights, and the SPLA/M imposed a 72-hour advance notice requirement for relief flights. At year's end relief donors were apprehensive that the suffering of tens of thousands of civilians would continue and perhaps even worsen.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Government forces under both Sadiq and Omar were directly implicated in some instances of extrajudicial killing. In Meiram (Southern Kordofan) in April, soldiers beat to death a Dinka stopped at an army roadblock. Two of his companions were left bound for many hours and eventually had their arms amputated as a result. No charges were filed. In July a soldier in Omdurman shot a young boy who had apparently annoyed him selling cigarettes.

The Sadiq Government appeared to condone human rights abuses by the military. General Burma Nassir, reportedly the architect in the mid-1980s of the policy of arming the militias (which committed widespread human rights abuses), was appointed to high positions under Sadiq. Major General Abu Gurun similarly received career-enhancing promotions, although his tenure as commander in the Wau area was marked by abuses ranging from starvation to crucifixions.

Some actions by the Omar Government suggested a somewhat different attitude. General Burma Nassir was detained and Abu Gurun was forced to retire from government service. Soldiers recently accused of the revenge killings of 10-15 civilians and other atrocities in Wau were at least relieved, although not disciplined. The abolition of Sudan's formerly vigorous press hampered reporting of human rights abuses. Under the Sadiq Government, reports of extrajudicial killing appeared with some frequency in Sudanese newspapers.

b. Disappearance

Reports of disappearances were fragmentary, but numerous witnesses suggested that the army, security police, and militias in the Nuba Mountains region of Southern Kordofan were responsible for disappearances in 1989. One report alleged that Nuba tribesmen arrested for suspected SPLA/M affiliation were removed from holding areas and "disappeared," allegedly to provide space for new detainees. Tribal militias were also accused of abductions for forced labor and of practicing slavery, especially upon displaced Dinkas.

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

Both government and SPLA forces were accused of ill-treatment of civilians, (see Section 1.g.).

In 1983 under President Nimeiri, the Sudanese Government adopted a version of Shari'a (Islamic) law that prescribes harsh corporal punishments called "Hudud," also known as the

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"September Laws." Similar provisions were proposed to the former constituent assembly in 1988 by Hassan al Turabi, Secretary General of the National Islamic Front (NIF), after the NIF's inclusion in the Government. The assembly set aside the proposal without rejecting it.

Hudud punishments include amputation, hanging, and beheading, and such sentences were handed down in 1989. As in 1988, however, no Hudud sentences were carried out under either the Sadiq or Omar Governments. Some 400 convicted prisoners still await execution of Hudud sentences. The Omar Government had not clarified its position on Hudud, and the SPLA/M strongly rejected suggestions of a national plebiscite on Shari'a. General Omar declared that the September Laws, which the SPLA/M strongly opposed and are a major barrier to peace, are negotiable, but the Government also reportedly recalled two architects of the September Laws to draft a new Islamic constitution.

By contrast, sentences of flogging were routinely passed and carried out before the coup. Reports indicated that the standard sentence for drinking alcohol was 40 lashes. Such punishments are often inflicted summarily. In August Khartoum police allegedly arrested two factory workers and a baker for curfew violations and immediately gave each 20 lashes.

Other reports since the coup suggest brutality by some soldiers, police, and security and prison officials. Boys selling items in the Khartoum markets were rounded up and beaten. Official sources acknowledged the floggings and roundups and promised closer supervision of the police. Although reported police brutality declined after this commitment was made, unnecessary harassment by security forces continued in 1989. There were also persistent reports of beatings and other forms of torture inflicted on detainees and others in government penal institutions.

d. Arbitrary Arrest, Detention, or Exile

Sudan's Criminal Code continued substantially unchanged in 1989. Arrests must be followed by a statement of charges within a prescribed time, and the accused is to be brought before a court within 48 hours of arrest, informed of the charges, and allowed legal counsel. Bail is permitted except in some capital cases. But the state of emergency and martial law after the coup permit the Government wide powers of arrest and preventive detention for an indefinite period. Although most prisoners were allowed visitors, there were a few reports of prisoners held incommunicado, mostly trade unionists and Communists considered by the authorities to be troublemakers.

Military authorities in southern and western areas may detain people without charge on suspicion of cooperation or sympathy with the rebellion. As the incident at Meiram indicates (Section 1.a.), this power is sometimes abused.

Under the Sadiq Government, there were few political prisoners in northern Sudan. Fifteen persons were arrested, however, in December 1988 following an alleged coup attempt. They included a number of top politicians and former military officers who allegedly supported former President Nimeri. They were subsequently released after the June 30 coup.

The situation with regard to political detainees/prisoners changed dramatically with the coup on June 30. The Omar

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Government suspended legal due process and declared a nationwide state of emergency (SOE) that gave the Government wide-ranging arbitrary powers. The Government initially detained without warrants more than 300 people, including many of Sudan's prominent political and academic figures. They were later joined by academics who had petitioned against the regime's actions and by about 60 judges. Many detainees, including Sadiq al Mahdi, remained confined without charge in Kobar and other prisons at the end of 1989. At least 35 trade unionists were transferred to Shala Prison in El Fasher, approximately 400 miles from Khartoum. In September several Communists were detained, allegedly for instigating a protest against the Government by students at Khartoum University.

When eight labor union leaders petitioned in August against the Omar Government's decree abolishing unions, they were also detained. Government officials later claimed that the unions had been a major source of Sudan's problems, and that the RCC would tolerate no challenge to its authority. These actions were condemned by other labor organizations, including the Organization of African Trade Union Unity and the American Federation of Labor and Congress of Industrial Organizations. When the doctors' union staged a nationwide strike in late November-early December, the Government detained about 30 physicians, at least one of whom was severely beaten. Several physicians were later tried, and two convicted, for "instigating discord and war against the State."

Conditions of imprisonment for the detainees in Kobar prison are relatively mild, and many were freed over the months following the coup. Sarra al-Fadil al-Mahdi, wife of Sadiq, was detained in September and confined under more rigorous conditions in Omdurman Women's Prison. Sadiq's other wife, Hafia Hussein Sherif, was also briefly detained but released. During this period the Government began to file charges, usually related to wrongful expenditure of public funds, against former officials of the Sadiq Government. Although summary arrest and detention procedures continued to be used, the Omar Government began to reconstruct a functioning if more politicized system of justice, and detentions on political grounds in northern Sudan became infrequent.

There were approximately 150 political detainees held without charge in Sudan at year's end.

There were no known cases of involuntary exile in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under the Sadiq Government, the Sudanese legal system was controlled by the transitional constitution of 1985 and Sudanese legal codes, including the penal code adopted in September 1983 (the September Laws). In addition, the SOE law of December 1987 gave authorities extensive emergency powers.

The legal system involved a variety of courts, including the Supreme Court, civil, criminal, and Shari'a (Islamic) courts. Abolition in 1986 of the executive power to form special state security courts ensured that the regular criminal courts would try all prisoners. Such proceedings involved extensive guarantees of due process, including arrest pursuant to a warrant, public trials before a three-judge panel, the right of defendants to speak and present evidence on their own behalf and to obtain counsel, and appeals through a series of

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courts to the high court of appeals. Christian law graduates were and are required to pass a proficiency examination in Islamic law to practice law in Sudan. Tribal law continues to be important in rural areas, where disputes largely involve land, water, and family concerns. Courts also exist to monitor the activities of merchants and can impose prison sentences for fraud and operating without a business license.

Both the judicial system and the judiciary have changed since the coup. One of the RCC's first decrees on June 30 abolished the 1986 transitional constitution and transferred all power over Sudan's constitution and laws to the RCC. The same decree also provided that existing laws remained valid and that nonpolitical constitutional institutions continued, although they would be required to enforce any changes in the laws approved by the RCC. The RCC removed and detained some 60 judges, about one-tenth of the Sudanese bench. The judiciary was transferred to the Ministry of Justice, and the Chief Justice, formerly elected by sitting judges, was appointed by General Omar.

In place of the former system, a dual court structure based on three sources of law developed in 1989. Civilian courts continued to exist, albeit short of staff and less independent of the executive. Such courts continued to handle the large backlog of cases dating from before June 30. They applied the 1983 Criminal Code (the September Laws) to try ordinary criminal offenses, including theft and even some capital crimes; civil cases continued to be handled largely according to previous laws, generally derived from British colonial models. Other courts were established to monitor conformity with government-established prices for certain goods.

The RCC also established numerous special military tribunals, typically comprised of three field-grade officers. These courts were used extensively to try officials from the Sadiq Government. In each case, the defendants were charged with crimes against the 1983 Criminal Code, usually corruption. The defendants were allowed counsel of their choice. In the first such case, however, involving former Supreme Council member Idris al Banna, the defendant's attorney was not allowed to present a defense. Defendants subsequently were formally granted the right to counsel, and it was announced that Idris al Banna would be allowed to appeal the denial of effective counsel in his case. The trials were televised and open to the public.

The military courts also tried nonpolitical civilian defendants accused of offenses specified in the SOE. Such crimes included possession of hashish and currency-exchange violations. The military courts also try offenses against the decrees of the RCC, which, along with the 1963 Penal Code and the SOE law, comprise the current Sudanese criminal code. Sentences given convicted defendants, both political and nonpolitical, have been severe by Sudanese standards, including long prison terms and confiscation of property.

An RCC decree on June 30 allowed the seizure of land, money, or commodities for the public welfare without reimbursement and for the seizure of the property of businesses under suspicion of resisting the Omar Government (pending legal determination of the case). These decrees were used to enforce price controls.

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Late in 1989 the military courts, which tried a limited number of cases, were discontinued in favor of state security courts, each staffed by three civilian judges. Like the military tribunals, these courts constitute a separate group of security courts parallel to the regular criminal and civil system. They are intended to try persons accused of violations of constitutional decrees, emergency regulations, and some sections of the penal code, but defendants in these courts receive greater benefit from due process provisions than did those in the former military courts, including the assistance of counsel empowered to address the court and access to a court of appeals.

In November the Government created another new set of security courts. According to the Special Courts Act of November 29, the military governors of the regions and the commissioner of the national capital can form special courts with jurisdiction parallel to that of the state security courts. The special security courts can be formed of three military officers or any three competent persons, and those created had both military and civilian judges. Attorneys can sit with defendants as "friends of the court" and advise them, but cannot themselves address the court. Sentences given by the special security courts are to be implemented immediately, except that death sentences must be approved by the Chief Justice and the Head of State. Defendants can file appeal briefs with the Chief Justice. The Government referred most security cases to these courts, leaving the civilian state security courts largely without a docket.

The special security courts quickly became noted for their severe sentences. In December two defendants convicted of illegal possession of foreign currency and a third defendant convicted of currency smuggling were sentenced to death, as was a physician convicted of involvement in an illegal strike by doctors. Another physician involved in the strike was sentenced to 15 years in prison; two other physicians were acquitted. Despite international protests, on December 17 one of those convicted of currency violations was hanged, along with a drug trafficker convicted earlier.

In practice, the military courts and the succeeding special revolutionary courts applied a mix of precoup laws and postcoup decrees. The Attorney General's Office allegedly monitors the trials of political prisoners, but its influence is unclear.

The military courts convicted less than 100, perhaps even fewer than 50 defendants during their 3-month existence.

Large areas of the south are controlled by the SPLA/M. Reports indicated that a rudimentary system of justice based on village leaders was being used in some of these areas, and a similar system of justice was authorized by the Government late in 1989 for the war-torn province of South Kordofan. Under this system, a trusted village elder is appointed to adjudicate disputes, as well as to collect taxes and recruit soldiers and labor for the SPLA/M. SPLA offenders can be tried and have reportedly been severely punished. Other portions of these areas are outside effective judicial procedures, and those accused are often not provided recognizable due process. Some reports suggest that army units summarily try and punish those accused of crimes, especially offenses against civil order.

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

Government surveillance in Sudan, outside the combat zones, was rare before the coup. After June 30, security agencies considerably expanded both the scope and intensity of their activities throughout Sudan. Reports were received of petty harassment of civilians and surveillance of church services by security officers. After their release from detention in December, leading political figures Mohamed Osman al Mirghani and Hassan al Turabi were confined to house arrest, their families were kept under surveillance, and all visitors other than family were required to obtain government permission. Complaints about searches of homes without warrants also increased. In one case, armed police or soldiers without warrants reportedly entered homes in the Khartoum area occupied by displaced persons from southern Sudan. They allegedly confiscated equipment used for home brewing (a traditional if illegal moneymaking sideline for southern Sudanese women), marked the homes with red paint, and forbade the families to reenter them.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Both government forces and government-affiliated militias as well as the SPLA/M used excessive force and acted contrary to humanitarian law. Allegations of chemical weapons use by the SPAF, however, appeared unfounded.

In January witnesses reported that in Allubi (Southern Kordofan) in December 1988 some 150 SPAF soldiers and 5 officers engaged in a spree of looting, rape, and torture of civilians. Other reports suggested similar activities by the SPAF in the area of Tira El Akhdar that resulted in the burning of seven villages and the killing of eight villagers. Other reports of such activities, including in the west, were received following the coup. In several cases, army units reacted to perceived SPLA/M attacks by ferociously attacking the Dinka sections of nearby towns, killing substantial numbers of villagers. In one case, the unit commander reportedly was transferred, but no reports were received of disciplinary action against the soldiers who committed the atrocities. Government forces in Malakal forbade civilians to leave the town with enough rations to return to their villages and plant crops, effectively making the civilians prisoners in the town. East of Wau, the SPAF reportedly established a "free-fire zone" to discourage settlement. Army officers have also admitted rape and theft of relief supplies by soldiers in southern garrisons.

A particularly notable violation of humanitarian law occurred in the eastern Equatoria town of Torit, a center for relief activities. On June 1 an SPAF bomber appeared over the airport at Torit, which had recently been occupied by the SPLA/M. The plane made two runs on the airport, dropping several large bombs that narrowly missed a German Air Force transport, landed at a relief agency and appropriately marked. Representatives of several donor nations protested the attack, which also caused a temporary suspension of German airborne relief in the area. A similar bombing was reported at about the same time on a village near Torit, resulting in several wounded civilians. After the fall of Kurmuk to the SPLA/M in October, SPAF planes bombed the SPLA-held towns of Yirol and Waat. The attack on Yirol killed 4 civilians and

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wounded 10, and bombs narrowly missed a clearly marked ICRC hospital. The Government subsequently denied responsibility for these two incidents.

Information on SPLA/M violations of humanitarian law has been more difficult to obtain. SPLA/M forces, however, reportedly raped displaced persons fleeing besieged towns and were accused of planting land mines indiscriminately in the war zone. There are reports that during the siege of Juba the SPLA fired rockets into the town on several occasions. These attacks reportedly killed more than 20 people, most of them women and children. In the Juba area, the SPLA also stole relief food from the inhabitants. When the SPLA/M took the town of Torit in February, SPLA fighters reportedly pillaged, raped, and killed civilians there. In late December, a relief plane of the French organization Medecins Sans Frontieres was shot down while taking off from the government-held town of Aweil. The Government stated that the SPLA/M was responsible, but there was no independent confirmation of that claim.

Government forces and government-armed militias were accused of attacking groups fleeing the widening area of the conflict, preventing civilians from growing their own food through indiscriminate planting of land mines, and confiscating relief supplies intended for civilians for sale on the black market. The government-armed tribal militias (especially members of the Misseriyah, Fertit, Taposa, and Ruzeigat tribes) made many attacks on their longstanding tribal opponents, particularly the Dinka, the most important source of support for the SPLA/M. In late December, Arab militia of the Sabha tribe killed over 200 Shilluk tribesmen in El Jebelein in reprisal for the murder of an Arab landowner. The Government announced several arrests and an investigation of the incident. Militia activity was especially vicious in the Nuba Mountains region of Southern Kordofan. The Sadiq Government routinely ignored abuses of human rights by the militias. In July the Omar Government brokered a settlement in El Fasher that reduced strife between the Fur tribe and government-armed groups that had been attacking the Fur.

However, the Omar Government was not able to disarm the militias, which also received weapons through neighboring states, including Chad. In November a government decree establishing "Popular Defense Forces" substantially implemented a controversial proposal, initially made under the Sadiq government by the National Islamic Front and parts of the Umma party, to legitimate the militias. Government control over the militias remained limited in 1989, although the decree suggested means for closer government supervision. A portion of one militia group, the Anyanya II, turned against the Government and now supports the SPLA/M; another faction remained loyal to the Government. In one case, the portion of the Anyanya II militia loyal to the Government reportedly visited villages near Abyei and engaged repeatedly in pillage, torture, killing, and rape of civilians who they alleged were SPLA/M supporters. Instances of enslavement of displaced persons and refugees were also reported (see Section 5). One observer found these areas ruled by "the law of the gun." Despite these limitations of control, the Government's historic policy of providing weapons to the militias and failing to investigate or punish atrocities committed by them associates the Government with the militias' actions. The SPLA/M also reportedly armed tribal militias in the Nuba area, although on a smaller scale.

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Both sides in the civil war took prisoners, although the SPAF reportedly held only SPLA/M officers. The ICRC was able to visit 8 SPLA/M prisoners held by the Government and 150 government prisoners held by the SPLA/M. The total number of prisoners visited is only a small number of the prisoners held by both sides.

Both sides interfered with relief operations in 1989. Before the coup, Prime Minister Sadiq al Mahdi acknowledged the unauthorized distribution of relief supplies by a local official from stocks at Aweil. The SPLA/M reportedly attacked some relief convoys moving through SPLA/M-controlled territory. Other convoys were held up by negotiations between the Government and the SPLA/M over the proportion of supplies to be left in SPLA/M hands. Heavy mining on some southern roads greatly obstructed movement of relief convoys by land. Civilians suffered from mistreatment by some local townspeople, attacks by armed militias, occasional military harassment of relief workers, and lack of humanitarian assistance from the army and SPLA/M themselves. Movement of food supplies by land to Juba, the largest town in the south, was blocked by the SPLA/M, forcing the 300,000 residents to rely on the uncertainties of airlift.

While civilian deaths in the civil war and tribal fighting were again high in 1989, interference or failure of both sides in the civil war to cooperate with food relief efforts and the subsequent closure of airspace to relief flights, government corruption and inefficiency, and lack of medical treatment continued to be the major causes of death in the areas affected by the civil war in 1989. Overall in 1989 there were fewer deaths than in 1988, due in part to massive humanitarian efforts and intermittent cooperation. This improvement was threatened in November by the Government's closure of Sudanese air space to relief flights following the fall of Kurmuk, to which the SPLA/M responded by imposing a 72-hour notification rule for flights over SPLA/M-held territory.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Sadiq Government, Sudanese citizens had substantial freedom of speech and press, at least outside the war-torn southern areas. Parliamentary debate was free and criticism of the Government intense. Print media were lively and expressed a wide variety of Sudanese opinion. Political parties published their own newspapers, and independent journals presented a full range of opinions. Human rights abuses were often, if not always reliably, reported on, especially by English-language newspapers. Radio, television, and the Sudanese News Agency (SUNA) were under government control and tended to reflect government policies. Academic freedom was generally respected, and student groups held free elections for their leaders.

Despite this substantial freedom of the press, there were limitations. In early 1989 the Sadiq Government fired the SUNA management, reportedly for not being sufficiently Islamic in their reporting. At the same time, the Cabinet began reconsideration of a new press law that would have imposed substantial limits on reporting, including banning attacks on religions and on Sudan's foreign policy. In March the Sadiq Government used the SOE law to arrest the editor of a biweekly newspaper, producing a protest from the Sudanese Journalists Association.

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The coup on June 30 radically changed this situation. Public expression of opposition viewpoints was banned; the broadcast media were tightly controlled; and licenses for all nongovernment publications were cancelled. For some time the only internal news sources were the SPAF organ Armed Forces, SUNA, and radio and television--all government controlled. In August the Omar Government authorized a second daily newspaper, Modern Sudan. In September a third journal, National Salvation, appeared. Modern Sudan and National Salvation became the general daily papers, and Armed Forces returned to its previous situation as an irregularly published organ for the armed forces. All three journals reflect government views and are in Arabic only. Also in September Sudanow, an English-language government magazine, reappeared in a limited press run.

Although a new press law under discussion could permit independent publications in the future, early return to the previous conditions of press freedom is unlikely.

Academic freedom in Sudan has generally been respected, but many university professors felt less secure after the coup. A few professors and other leading intellectuals were detained or taken in for questioning, although most were soon released. An early decree of the RCC forbade universities to shut down in protest.

b. Freedom of Peaceful Assembly and Association

Despite the banning of demonstrations under the SOE law by the Sadiq Government, protests and marches periodically occurred. The National Islamic Front (NIF) held numerous demonstrations against the Sadiq Government in April, some of which became violent. The SOE and banning of political activity decreed on June 30 effectively eliminated the right to protest, and a large student demonstration at the University of Khartoum December 6 was firmly controlled by police forces, killing two students.

Before the coup, Sudan had many political organizations and parties. Professional and business associations met regularly. They were routinely given the required permits and licenses, and, outside the war zones in the south and west, the Government usually did not become involved in their proceedings.

On June 30, the RCC decreed that the registrations of all nonreligious groups were canceled, and the groups were effectively disbanded. In September the Government put forward a program for reregistration of voluntary organizations. As long as political activity remains banned, it is unlikely that such organizations, even if reregistered, would play the active role in politics that some did before the coup.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Sudan is a multireligious country in both fact and law. Islam and Christianity have both been formally recognized as religions of Sudan, but adherents of other beliefs are not legally restricted. Muslims are a majority in the five northern regions and the capital, although the presence in

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those areas of over 3 million displaced persons from the south (an area predominantly Christian and animist) is affecting this balance. Foreign clergy may enter Sudan with certain restrictions. They are most likely to be admitted if they have certain technical skills, such as publishing, that are difficult to obtain in Sudan; clergy without special skills are less likely to be admitted. In general, clergy are admitted to serve their own religious communities. Proselytizing by Muslims is allowed, as is proselytizing by Christians of non-Muslims; but proselytizing of Muslims is discouraged and can provoke reactions. Religious believers are free to engage in religious education and to participate in religiously related charitable activities.

Despite these provisions, Islam has traditionally been favored by the Government. Under the Foreign Missionary Society Act of 1962, public Christian religious activity is subject to close government supervision. Among other provisions, the Act forbids the construction of churches without government permits, which have not been issued for more than 10 years. The Sudan Catholic Bishops' Conference and the Sudan Council of Churches both protested in 1989 against the Act, whose broad provisions were often capriciously interpreted by local officials.

Several incidents exacerbated sectarian tensions in 1989. Before the coup, government officials in the south reportedly seized property belonging to Christian churches, refused to return it, and threatened those who protested the seizure. In April the NIF, then in opposition, called for a "holy war" against the Government and its supporters. Local groups inspired by this appeal apparently interpreted it as an incitement to attack Christian establishments. In the last 2 weeks of April, attacks were made against Christian churches, centers, and schools in En Nahud (Northern Kordofan Province), Port Sudan (Red Sea), El Kamlin (El Gezira), and two establishments in Omdurman. In one of the Omdurman incidents, a charity center operated by the Sisters of Mother Teresa of Calcutta was attacked by a mob incited by the imam of a nearby mosque. One of the nuns was severely beaten and the center was stoned. The imam was arrested and sentenced to 2 months in jail for disturbing the peace. In En Nahud, a Catholic Church compound was invaded by a mob of NIF supporters, who looted and ransacked the nuns' quarters and the parish offices. No one was reported arrested for this attack. The Sadiq Government discouraged participation in the NIF-led demonstrations but did not use its emergency powers to ban them.

In another incident, a Catholic catechist was reportedly jailed and robbed by security forces in El Daein in Southern Darfur. Personal papers he was carrying were also allegedly destroyed, and one of the officers reportedly demanded that he say Muslim prayers in order to be freed, which he refused to do. After holding him for 11 days in custody without charge, they released him at Umm Ruwaba in Northern Kordofan. No reports were received of disciplinary actions against the security officials involved.

When the SPLA/M captured Torit in February, its fighters reportedly ransacked the home of Archbishop Paride Taban, taking religious articles, vestments, books, and other property. They also took the Archbishop and three Catholic priests into custody and held them incommunicado for 2

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months. After international protests to the SPIA/M, they were released in mid-May.

The coup on June 30 did not substantially affect religious activities in Sudan. Religious organizations continued to function essentially as before, and the decree revoking the registration of other voluntary organizations exempted religious bodies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Sudan is hampered by the civil war, a very limited transportation infrastructure, and government restrictions. Exit visas are required to leave Sudan, a requirement that has been used to restrict travel abroad. A married Sudanese woman must have the permission of her husband or another male relative to travel abroad, and regulations specify that unmarried Sudanese women must travel with a family member or other sponsor. The travel restrictions for women were generally ignored before the coup, but after June 30 they were increasingly strictly enforced. Reports were received of several women refused permission to board at Khartoum airport because security officials did not believe they had the required permission or escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and register again at the new location within 3 days of arrival.

After the coup, the Omar Government imposed additional travel restrictions. A curfew was instituted in much of Sudan, and suspected curfew violators are subject to detention or summary floggings. Initially the Omar Government heavily restricted travel abroad by Sudanese, and immediately after the coup closed the Khartoum airport except for travel to Mecca in Saudi Arabia by Muslim pilgrims. A government spokesman stated in August that travel abroad (other than to Egypt) for medical treatment was forbidden, explaining these measures as necessary for improving production in Sudan. In practice, Sudanese have experienced little difficulty in leaving the country since the coup. Although Sudanese could move about the country freely both before and after the coup, the Omar Government tightened travel restrictions on foreigners (especially diplomats), principally by requiring travel permits that are sometimes difficult to obtain. These restrictions sometimes hampered relief efforts.

The situation of displaced persons and refugees improved in 1989 by comparison with 1988. Natural catastrophes were less severe, and under the umbrella of Operation Lifeline Sudan relief supplies moved more easily than in 1988. Although mass resettlement plans for the summer of 1989 were not carried out, some forced resettlement reportedly occurred in the Khartoum area in November and December, as well as in areas affected by the civil war. The SPAF reportedly forced farmers south of Kadugli to move from their villages, causing a major influx of families into the town of Kadugli. Reports of widespread starvation declined, but refugees and displaced persons continued to lack medicines and other necessities.

Overall, Sudan's inability to resolve the civil war left the number of displaced persons at about the 1989 level of some 3 million. Many of these people were concentrated in shantytowns and squatter huts in and around Khartoum.

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Sudan's foreign refugee population (largely composed of Ethiopians, Ugandans, and Chadians) was about 700,000. Sudan has not forced the repatriation of refugees and has generally accorded good treatment to refugees, although years of influx have nearly exhausted the meager available resources for refugees. Administrative problems halted almost all resettlement of refugees to third countries from May 1988 to April 1989, but the Omar Government seemed to have corrected these problems by the end of 1989.

Large numbers of refugees have settled in the cities, especially the capital area. Refugees are restricted in their freedom to travel and own property, as are most non-Sudanese. They also are not permitted to become resident aliens or citizens of Sudan, regardless of the length of their stay.

An exception to the generally good treatment of refugees in Sudan was the situation of Falashas (Ethiopian Jews) in Umrakoba Camp. This group of 54 has been sequestered since 1984, has often been denied access to United Nations High Commissioner for Refugees (UNHCR) protection officers, and receives minimal support from the Sudanese Government, which runs the camp. They are denied permission to travel and isolated from the general population of the camp, and they reportedly do not receive adequate health care.

Urban refugees face considerable problems. Reports of harassment and petty thievery by police against refugees, beatings for minor infractions of the law, administrative obstruction and delays, and the need for small bribes to obtain everything from work permits to food-ration cards are common in urban areas. Refugees seldom have recourse to the legal system when attacked by policemen. The UNHCR Protection Officer reported that one group of refugees was imprisoned without charge when found at the scene of a murder. Although the murderer was promptly identified as Sudanese, the refugees remained in prison for 8 weeks.

The Omar Government did not change the policy of the Sadiq Government, instituted in 1987, of accepting genuine political refugees but refusing refugees from famine.

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

At the end of 1989, a military regime ruled, and the people of Sudan had neither the right nor the ability peacefully to change their government. A government spokesman declared that this situation will not change soon. In September the RCC issued its "Third Constitutional Decree" establishing a new governmental system for Sudan. It featured a head of state (General Omar) with sovereign powers. The all-military RCC continued as the legislative authority. A cabinet was established consisting of a prime minister and other ministers, all appointed by the RCC. The Cabinet was given essentially administrative authority subject to the Head of State and the RCC. The courts were brought under the Head of State's supervision, and courts were specifically forbidden to review acts of the RCC or the Head of State.

Under the Sadiq Government, Sudan had a multiparty parliamentary system that guaranteed the right of citizens to change their government. The system did not extend to large parts of the south, where the civil war prevented the holding of elections in 1986 in about half the electoral districts in

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southern Sudan, leaving empty 41 of the 301 seats in the constituent assembly. The democratic Government could not end the civil war as it was repeatedly deadlocked on the political/religious issue of the constitutional basis of government. A strict Islamic-based criminal code including Hudud punishments was proposed in 1988 but never passed, although the Shari'a-based provisions of the September Laws were never repealed and constituted a major issue in the civil war. The Sadiq Government was never able to meet its goal of holding a national constitutional conference.

When they assumed power on June 30, the military leaders justified their action largely by citing the ineffectiveness of the democratic government. Claiming sectarian bickering as harmful to Sudan, they abolished all political parties, seized (and later distributed) the parties' assets, and detained (albeit in relatively mild conditions) the leaders of many precoup parties. RCC decrees banned all political activity and political parties. Under both the Sadiq and Omar Governments, local and provincial officials were appointed by the authorities in the capital. Most local officials appointed after the coup were military officers.

The military Government publicly assigned a high priority to ending the civil war. However, by the end of 1989 there had been very little movement. John Garang, the leader of the SPLA, has called for a "restructured, unified Sudan, a multinationality country."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has traditionally been acutely sensitive to local or foreign criticism of its human rights performance. Several international human rights groups work actively in Sudan. General Omar also invited a group of Western ambassadors to examine the conditions of detention for political detainees in Kobar prison, and the visit took place on August 12. In September the Dinka intellectual, Francis Deng, who is based in Washington, was also permitted to see many political detainees in Kobar, including Sadiq al Maldi, Mohamed Osman Mirghani, and Hassan al Turabi.

Local human rights activists in Sudan have complained of being regarded as subversive, and many reportedly were called in for questioning by security officials both before and after the coup. Neither the Sadiq nor the Omar Government instituted any public investigations of alleged human rights abuses in 1989. In late November, however, the Government received a delegation from Amnesty International to discuss detention without trial and other human rights concerns.

Until June 30, Sudan had several active organizations monitoring human rights in the country, including the Sudan Human Rights Association (SHRA), the Sudan Bar Association (SBA), and the Sudan Catholic Bishops' Conference. Neither of the first two produced in 1989 detailed studies of human rights abuses in Sudan, and their status since the coup is uncertain. The Bishops' Conference still exists and actively monitors human rights concerns; its bimonthly newsletter publicizes violations of human rights, especially those involving religious discrimination. In late 1989, both the Bishops' Conference and the Sudan Council of Churches drafted public letters protesting religious discrimination.

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Section 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

Sudan's population of 24.5 million (1989) is a multiethnic mix of over 500 Arab and African tribes, with scores of languages and dialects. In general, Sudan is composed primarily of two cultures--Arab in the north and central areas and black African in the south. Sudanese governments have historically been dominated by northern Muslims (about 16 million). Some southern tribal groups, especially non-Arabs and non-Muslims, have demanded greater economic and political power and greater recognition of Sudan's cultural diversity.

Discrimination in the north by the Muslim Arab majority against displaced persons from the south is common, and many reports were received in the past of attacks by Arab tribes in the south against non-Arab southerners, especially members of the Dinka tribe. Residents of Arabic-speaking areas who do not themselves speak Arabic are discriminated against in education, jobs, and other opportunities. University of Khartoum entrance examinations also favor Arabic speakers. Widespread popular attitudes in these areas also stereotype dark-skinned non-Arab southerners as inferior and lazy, leading to much informal discrimination against them.

Sudanese laws continue to favor men, and men and women traditionally have segregated roles. Islamic laws of inheritance award additional property to men, while concurrently assigning them the duty of caring for their extended families. Although education is freely open to both sexes and many women obtain university education, women traditionally receive less education and have fewer opportunities than do men. Some women, however, have been active in the professions, the media, education, and politics, and at least one female presides over a court. Although not numerous, women are found in both the police and the military. Labor laws allegedly do not adequately protect the self-employed, the bulk of the female work force. However, one of the relatively few women's rights activists in Sudan noted at an international conference in 1989 that Sudanese women often did not avail themselves of the rights and opportunities available to them, including access to the court system.

Female genital mutilation (circumcision) is prevalent in Sudan. Reports indicate that this practice, although officially illegal, is very widespread, especially in the north. Some reports suggest that over 90 percent of northern women have been circumcised, with consequences that include severe urinary problems, infections, and even death. The so-called Pharaonic circumcision, the most severe of the three forms of circumcision, is the most common and is usually performed between the ages of 4 and 7 years. Few physicians will perform the operation, which is most often done by paramedical personnel in improvised, often unsanitary conditions. The operation reportedly is expensive--approximately \$111 at the legal exchange rate--for a 10-minute procedure. Southern women displaced to the north are increasingly visiting circumcision on their daughters, even if they themselves are not circumcised.

Women refugees are particularly vulnerable to harassment and sexual abuse. Sexual favors are reportedly demanded of them by some Sudanese officials in exchange for performance of official duties. Stories of rape of women refugees by

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policemen are common, and women refugees without a male provider are sometimes forced into prostitution to earn a living.

Among certain southern tribes, forcible sexual intercourse is common. No blame attaches to the practice, although the man involved must pay a price (often in livestock) to the woman's family if she becomes pregnant. In the same area, wives are often received on a trial basis lasting up to 4 years. The husband may dissolve the marriage during this time by returning the wife to her family, although he must pay a price for each child born during this time. Returned wives are reportedly often able to contract further marriages and are not stigmatized by having been returned.

The extent to which wife beating occurs is unknown; it is not discussed as a public issue, and police do not normally intervene in domestic disputes. There were no known reports of wife beating in 1989, and no court cases involving either circumcision or violence against women. However, for a variety of reasons, many women would be reluctant to file a formal complaint of such abuse.

Section 6 Worker Rights

a. The Right of Association

Sudan had a strong labor union movement during the period of the Sadiq government. Prominent labor organizations included the Sudanese Workers Trade Union Federation (SWTUF), which represented blue-collar workers, the white-collar Sudanese Employees and Clerks Federation (SFETU), the Sudanese Teachers Federation, and a number of professional associations. Sudanese unions lobbied actively and participated in international, African, and Arab labor organizations. Except for some government employees, strikes were legally permissible after exhausting other measures to resolve disputes. Technically illegal strikes were common and usually tolerated.

The RCC's constitutional decree number 1 of June 30 abolished all labor unions and forbade strikes. Labor union offices were closed, and union assets were frozen. Many (probably over 100) union officials, especially those active in political parties, were detained or placed under house arrest between July and September, some for protesting the Government's action. Many were quickly released, but at least 35 union officials remained imprisoned in Shala Prison in late 1989, and others were detained elsewhere. In September General Omar announced the legalization of preliminary committees to manage union affairs, pending the drafting of new laws on union organization. Under this rubric, the SWTUF was restored, with its leadership unchanged, and its assets returned. Two other labor groups were also reinstated, and efforts were under way to legalize the remaining unions at the end of the year. Union officials were promised substantial participation in the process of developing new labor legislation.

Although the Government pledged to respect all labor rights required by the International Labor Organization (ILO), it continued to forbid strikes, as well as all labor activity by unreinstated unions. The doctors' union, which had not been reinstated, staged a nationwide strike in late November and early December to protest the firing of government-employed

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physicians and to demand removal of the Omar Government and restoration of democracy. In December a special security court convicted two doctors of leading the strike. One was sentenced to death, the other to 15 years in prison. Reports also indicated that several members of the engineers union were detained in December to prevent a suspected strike.

b. The Right to Organize and Bargain Collectively

Under the 1985 transitional constitution, suspended on June 30, workers had the right to organize and to bargain collectively, and unions did so actively. There were no official constraints on union membership, and labor laws were applied uniformly throughout the country (although with little effect in the war areas). Job creation and union membership were limited primarily by Sudan's shattered economy.

On June 30 the RCC suspended the right to organize and bargain collectively. These rights were restored to legalized unions in September. Labor laws and practices are uniform throughout the territory controlled by the Government.

c. Prohibition of Forced or Compulsory Labor

Sudanese law strictly prohibits forced or compulsory labor. Allegations of slavery, however, persisted in Sudan in 1989, and the issue remained controversial. Although the Government frequently denies the existence of slavery, Prime Minister Sadiq al Mahdi acknowledged that Dinka children were enslaved by Arab tribes and claimed that Arab children were taken by Dinka tribes. He described the practice as a longstanding one, involving mutual raiding and taking of captives, but condemned it as "illegal" and "immoral." Slavery reportedly exists primarily in remote parts of Sudan, especially those where government control is weak and where displaced persons fleeing the war zones come into contact with armed groups. Informed sources suggest there could be many slaves in Sudan, largely women and children doing agricultural and domestic work and serving as concubines.

The revival of slavery is often blamed on economic pressures and the civil war, especially the practice of arming tribal militias. Most of the slaves allegedly are Dinkas abducted by Arab militias, especially the Rizeigat and Misseriyah. One report by a former army officer indicated that his entire family had been killed or taken into slavery after a Rizeigat attack on their village in 1987. Reports have also been received in the past of Dinka children sold into slavery by their parents to prevent their possible starvation.

Reports suggested that the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids, while in SPLA/M-controlled areas it was done through the SPLA/M-appointed village leader.

d. Minimum Age for Employment of Children

The legal minimum age for workers is 16. This law is enforced in the official or wage economy, but poverty in Sudan produces widespread child labor in the informal economy. In rural areas, children from a very young age assist their families with agricultural work.

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e. Acceptable Conditions of Work

Although Sudanese laws prescribe health and safety standards, working conditions are generally poor and enforcement of environmental standards is minimal. Unemployment and underemployment are major problems in Sudan, especially among young people. Even graduates of prestigious schools have difficulty finding employment after graduation.

Sudan limits the legal opportunities for employment for refugees to menial or marginally skilled jobs. Fortunate refugees find employment with an international organization, but most are forced to take jobs far below their training or abilities. Rural refugees often find work as field laborers, earning the equivalent of a few pennies a day. Urban refugees find employment as day laborers or domestic help. The lack of legal opportunities to earn a living wage forces many into illegal activities such as smuggling, black-marketeering, moonshining, and prostitution.

The workweek is currently limited to 6 days and 48 hours, with 1 day of rest on Friday. After the coup, the Omar Government announced it was considering adopting a 5-day workweek. Laborers receive an extra month's pay for each year's labor. Most workers are given allowances for transportation, and some receive housing allowances. Labor standards are enforced in the public and private official economies but not in rural areas or in the informal economy. The minimum wage remains at the 1988 level of \$67 per month at the official exchange rate. This salary is far from sufficient for subsistence in urban areas, and workers often must rely on farming, second jobs, or help from the extended family. Salaries in private industry are generally higher than those in the public sector.
