



This stakeholder report to Universal Periodic Review of Sudan in April 2016 has been prepared by **Sudan's UPR group**, a coalition of 10 Sudanese human rights and civil society organizations, in collaboration with the Association for Progressive Communications (APC) and Alternatives International.

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## 1. Executive Summary

This coalition submission to the Universal Periodic Review of Sudan has been prepared by Sudan's UPR group, a coalition of 10 Sudanese human rights and civil society organizations, in collaboration with the Association for Progressive Communications (APC) and Alternatives International. APC has general ECOSOC consultative status, and is concerned with recognition of human rights on the internet, as we believe the internet can play a critical role to enhance social and economic development.

This submission focuses on freedom of expression in Sudan, including media freedom, limitations on access to information, censorship, and violations of human rights online; protection of journalists, and violence against women journalists; constitutional amendments, the anti-terrorism act, and special courts; religious freedom; and freedom of association and assembly. The issues highlighted in this report do not represent all violations of freedom of expression, freedom of association and assembly, and religious freedom, as part of the human rights challenges that people now face in Sudan.

## 2. Freedom of Expression in Sudan

At its last review in 2010, the government of Sudan accepted the recommendation to:

*Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law.*

### 2.1. Media Freedom

Media freedom is essential to democracy, enhancing transparency and accountability, communication for development as well as conflict resolutions and peace building in Sudan. Restrictions on freedom of expression and freedom of the press, as well as a lack of adequate training and resources for local media, have severely impaired the essential role of the media in the country, constituting emerging current concerns for the Sudanese people.

Censorship in Sudan is dictated by government authorities, arising from the oppressive atmosphere in which Sudanese journalists are forced to operate, an atmosphere bolstered by the wide-ranging powers granted to the authorities, and supported by laws and regulations that violate international human rights standards and norms. Media ownership, licensing of media outlets, strict media registration rules, and extensive security interventions are major factors shaping media policy in Sudan which have restricted access of most Sudanese people to media, preventing them from exercising their rights to freedom of information and freedom of expression.

National strife and conflict have revealed huge limitations related to the expected great roles of all media types and channels in covering human rights violations and consequences of national conflict, such as mass of displacement and extreme poverty. National media have been prevented from covering these stories, raising awareness and monitoring human right violation, with international media filling the information vacuum.

On September 22, 2014, Sudan's second vice president and Minister of Interior announced that the government would suspend exceptional measures, including prepublication censorship, imposed by the National Intelligence and Security (NISS) on print media. The government also announced that a court specializing in media issues and "newspaper irregularities" would be established.

On May 19, 2015, according to National media, the presidency issued a message to journalists warning them to stay within “red lines” and accused journalists of threatening national security by reporting on the military and other government matters.

The media in Sudan is also significantly impaired by a lack of adequate training and resources, particularly for local media. The majorities of Sudanese people live in rural and remote areas, are often marginalized, and rely on information flows through radios, traditional channels of communications, and more recently, through online social and new media. The mainstream media has extensively focused on the central issues and political issues rather than periphery and marginalized population issues. Most local media channels lack training and opportunities for brainstorming, and local media personnel do not have access to basic communication and media devices and facilities such as cameras, smart phones, laptops, or a reliable internet connection. Media policy makers lack professional capacity to engage media in good governance processes and local community issues.

Suggested Questions:

*What steps have the government of Sudan taken towards developing fair media polices and legislation, in order for the Sudanese people to exercise their right to freedom of expression?*

Suggested Recommendations:

*1. Immediately lift censorship on media, and interventions in media institutions and journalism work.*

*2. Limit security interventions to those absolutely necessary, as prescribed by international human rights standards*

*3. The government of Sudan should support organizations that build the capacity of journalists.*

## **2.2. Draft Press and Publications Act of 2014**

In 2010, the government of Sudan accepted a recommendation from Canada to:

*Bring the 2009 Press and Publications Act in line with its international obligations, and put in place effective enforcement measures*

Despite accepting this recommendation, the government of Sudan has issued a new draft of the Press and Publications Act that increases pressure on media and freedom of expression, dictating punishments for journalists that include two month work suspensions, and revoking their license. The current draft of the Press and Publications Act also increases the number of days that newspapers can be suspended from three days to

10 days, and gives more power to the National Press Council on Media Freedom, with 40% of the council member appointed by the presidency, and 20% by the parliament.

The draft law retains many of the repressive elements of the 2009 Press and Publications Act, including the special court for press, which has a high level of power, including imposing very high fines, imprisoning journalists and banning them from writing. The act also imposes restrictions on online media and online activity.

### **2.2.1. Press and Publications Act of 2009**

In June 2009 the Press and Publication Act was endorsed by the parliament. Most of articles are devoted to the formation and roles of the National Press Council (NPC). The law grants the NPC power to oversee media in the country, including supervision of journalists' materials, and the right to impose administrative sanctions on publishing institutions<sup>1</sup>.

According to the Act, the president of Sudan has the power to appoint six of the council members, and the head of the council. Eight members are to be elected by the General Assembly of Journalists Union, a pro-governmental body, five members are to be elected by the National Assembly, and two by Media House owners (publishers). This means that of the 21 council members, 90% are appointed by government and pro-government bodies. The council is funded by the government and some journalism and media institutions licenses fees.

Suggested Questions:

*1. What measures have been taken by the government to reform the Press and Publications Act to bring it in line with international standards?*

*2. How will the government include journalists and civil society in reforming Press Act?*

Suggested Recommendations:

*1. Ensure that future amendments to the Press and Publications Act are in line with international standards and best practices on freedom of expression*

*2. Allow journalists and civil society to fully participate in the process of media law reform.*

### **2.3. Access to Information**

The Access to Information Act of 2015 establishes a High Commission for information, to act as the sole information provider for the government of Sudan. According to the law, each institution, governmental or non-governmental, must assign an information coordinator who is authorized to receive the information via requests to be submitted to the High Commission.

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<sup>1</sup> Associated Press (2015, February 17) Press council: Sudan seizes print runs of 14 <http://www.egyptindependent.com/news/press-council-sudan-seizes-print-runs-14-newspapers>

In addition, the Act specifies 12 exceptions to access to information requests, including: information related to national security and military information, foreign policy, any information related to ongoing dialogues and negotiations between the government of Sudan and other political factions and parties, and any information that was already banned by other laws. The law has been harshly criticized by media experts and journalists as it puts more restrictions on the accessibility of information, includes long and erratic procedures to get information, and use against political opponents and journalists.

Suggested Questions:

*1. Does the government plan to review the 2015 Access to Information Act and to take the media activists' comments into consideration?*

*2. How has the government responded to critiques of the Access to Information Act?*

Suggested Recommendations:

*1. Amend the Access to Information Act of 2015 to bring it in line with international human rights standards and obligations.*

*2. Any amendments to the Access to Information Act should secure the right to access to information without any limitation.*

*3. Take appropriate measure to ensure that all government ministries and institutions respect the rights of access to information.*

## **2.4. Censorship of Print Press**

Between January and July 2015, there have been at least 45 instances in which daily newspapers have been confiscated. The confiscated papers include:

- Al-Jareeda,
- Al-Ayam,
- Al-Sahafa,
- Al-Meghar-Al-Siassi,
- Al-Youm-Al-Tali,
- Al-Intibaha,
- AkhirLahza, Elaph,
- Al-Sudani,
- Al-Ahram Al-Youm,
- Al Hurra,

- Assayha.

Between July and September 2015, the NISS confiscated six newspapers on eight different occasions:

- Al-Tayyar,
- Al-Khartoum,
- Al-Akhbar,
- Al YoumAlTali,
- Al Jareeda.
- Al Midan

Leading up to, during, and after the 2015 general election, the National Intelligence & Security Service (NISS) issued vocal warnings to all daily newspapers editors not to publish any articles or news reports that shed a negative light on the elections or report on low voter turnout. Newspaper editors were told that they should instead highlight the positive aspect of the election at all times.

- On February 16, 2015, Sudanese authorities confiscated 14 newspapers and ordered them stop publication.
- On 15 April 2015, Al-Mijhar AlSiyasy newspaper was confiscated for publishing articles related to the low voter turnout.
- On 18 April, 2015, copies of Al-Yaum Al-Tali newspaper were also confiscated for reporting on the enforced disappearance of political activist Sandara Farouk Kadouda.
- On May 25, 2015, 10 newspapers were confiscated after printing, without giving any reasons.

Confiscations are used by the security force as financial punishment, since frequent confiscation put most of the daily newspapers institute at financial risks. Newspapers in Sudan are already under financial strain due to low rates of circulation. Such frequent confiscations have led to self-censorship, with editors and journalists perceiving many issues as 'red line issues', and many editors-in-chief have punished journalists for crossing these red lines. Authorities frequently send vocal warning to editors to ban any reports or interviews that has been deemed as 'sensitive issues' such as state corruptions incidents, military operations taking place in the conflict zones, and any issues that might be considered critical.

NISS continues to arrest, harass, intimidate, and torture journalists and vocal critics of the government. The NISS requires journalists to provide personal information, such as details of their tribe, political affiliation, and family.

Suggested Questions:

*1. What steps has the government of Sudan taken to respond to violations of freedom of expression against journalists committed by the National Intelligence and Security Agency?*

*2. What plans does the government have to open space for freedom of expression and freedom of the media?*

Suggested Recommendations:



1. Take immediate steps to halt the crackdown on media and journalists in Sudan.

2. The government should respect its international and regional obligations to protect and respect press freedom.

3. Investigate all cases of abuse against journalists and media institutions.

## 2.5. Violations of human rights online

### 2.5.1. Online Surveillance

In 2011, Sudan established a special unit called the “Cyber Jihadist Unit” and imported remote control systems (RCS) and sophisticated computer spyware to manipulate information and spy on government opponents, journalists, human rights activists and various youth groups. A report published in February 2014 by the Citizen Lab has documented the Cyber Jihadist Unit’s use of advanced equipment, often imported from Italian companies, to filter web content, censor emails and other internet communications, and spy on the political opposition and journalists. According to the report, Sudan’s National Intelligence and Security Service (NISS) have gone far beyond their core duties by censoring or spying on journalists and other information providers<sup>2</sup>.

### 2.5.2. Internet Services interruptions

Despite the fact that Sudan’s telecommunications infrastructure and market are among the most developed and liberalized in the region and the cost of the services is affordable, there are a number of factors that severely limit access to the internet. In addition to US sanctions that limit access to technology from US-based companies, the government of Sudan has the ability to restrict connectivity and access, including the ability to enact a full or partial internet blackout. The government of Sudan has used these powers especially during critical events and demonstrations. On 25 September 2013, during demonstrations against the government’s economic policies, the NISS shutdown access to the internet throughout the country for more than 24 hours. On the following days, the internet was slowed down drastically. The government of Sudan has denied responsibility claiming that the blackout and slowdown resulted from a major network problem. There were few restrictions on access to news and information websites, but authorities have sporadically blocked access to

<sup>2</sup> Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, February 17). Mapping Hacking Team’s “Untraceable” Spyware. The Citizen Lab. <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware>

YouTube, as well as “negative” media sites, such as Sudanese online, Alrakoba, Altareeg electronic newspapers and Huryat Sudan online newspapers.

### 2.5.3. National Telecommunications

The National Telecommunication Corporation (NTC)<sup>3</sup> state regulator of telecommunication services in Sudan is mandated to grant licenses and control all telephone companies and internet service providers. NTC is also responsible for regulating internet services and for blocking access to websites that deemed by authority that promote pornography, alcohol, gambling, bomb manufacturing and blasphemy. However, the NTC monitoring regulation overlaps with other regulations and bylaws such as security forces and the Ministry of Interior, and has expanded to filter and block news, books and opposition websites, Mohsen Khalid novels and Alrakoba news website. Blocking information violates the rights of Sudanese citizens to access information and express views freely.

Suggested Questions:

1. *What steps is the government taking to protect the privacy and safety of internet users?*

2. *Does the government have any plan to amend current legislation to protect the rights of internet users?*

Suggested Recommendations:

1. *Amend the Press and Publications Act to ensure that it does not violate the human rights of internet users, including the right to privacy.*

2. *Ensure that there are appropriate controls to prevent the use of private surveillance industry products to facilitate human rights abuses.*

3. *Take appropriate measures to lift any restrictions on freedom of expression online and halt the targeting of online activists.*

## 3. Protection of Journalists

At its last review in 2010, the government of Sudan accepted the recommendation to:

*Ensure effective protection of journalists and human rights defenders against intimidation, harassment, arrest and detention*

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<sup>3</sup> [www.ntc.gov.sd](http://www.ntc.gov.sd)

The protection of journalists and human rights defenders in Sudan is a matter of deep concern. Journalists and human rights defenders are routinely exposed to detention, harassment and torture.

The office of the prosecutor for press and publications disclosed that 256 charges have been filed against journalists and newspapers in 2014, Journalists complain that they are usually being prosecuted under three Acts at the same time, that includes criminal code, the Press and Publications Act and the National Security Act which allows the security services to summon and detain journalists<sup>4</sup>.

In January 2015, the NCPP summoned the chief editor of al-Midan, Madiha Abdalla, who has been investigated on the complaint filed by the NISS against her as a chief editor. NISS has claimed that al-Midan reported on the Christian people's rights in Sudan, where Christians face systemic violations and being targeted by the official authorities which negatively affects their rights and beliefs. NISS asserts that the newspaper reporting includes false and harmful information that undermines stability, religious cohesion and peaceful coexistence in the country. According to Madiha, the report was based on the facts and information issued by the Sudan Council of Churches (SCC), which can be a considerable and reliable source of information on Christian's rights in Sudan.

On 16 April 2015, Mr. Adil Bakhit was called to State Security offices where he was transferred to Khartoum police and is facing six charges on the following articles of the Criminal Code: (21) executive association with criminal conspiracy (24) criminal conspiracy (63) call for general opposition using violence and criminal force (66) broadcasting false news (50) undermining the constitutional system (51) provoking war against the state (93) impersonating General officer, a charge punishable by life imprisonment or death.

In May 2015 a president decree was issued to ban publishing of any news reports or statements that threatening national security, especially military operations news.

#### Suggested Questions:

*What steps has the government taken to protect journalists and human rights defenders?*

#### Suggested Recommendations:

*1. End impunity for all those who threaten the safety of journalists, and ensure that all attacks are investigated by an independent body.*

*2. Allow space for journalists to conduct their work without fear of harassment, imprisonment and torture.*

*3. Develop legislation, policies and mechanisms to protect journalists and human rights defenders, and include protections for journalist in the Press and Publication Act.*

*4. Include protections under the Journalists Code of Conduct.*

<sup>4</sup> Amnesty International, Sudan: State sponsored assault on freedom of expression around elections (2015, April 23) <https://www.amnesty.org/press-releases/2015/04/sudan-state-sponsored-assault-on-freedom-of-expression-around-elections/>

### 3.1. Exposure of women journalists to violence

Incidents of sexual violence against women journalists, particularly for those who work with print media, are dramatically increasing. Al Alag Press Centre has conducted an assessment to identify women journalists' experience of violence and to give suggestions for means and ways for protection. The assessment took place in Khartoum with women journalists working with 20 daily newspapers.

The assessment revealed:

- 85% of women journalist respondents have encountered experiences of different kinds of sexual violence;
- Young and single women are more likely to be exposed to sexual violence and harassment;
- The presence of women in media work is stereotyped by male colleagues, as media works entails long hours of and night shifts, especially those who work with news department;
- A few journalists denied the existence of violence. They may not be aware about it or they may not be recognizing or labelling their experience as connoting harassment;
- Respondents confirmed that their newspaper institutions have no policies for protection measures, or for raising awareness on violence;
- The journalists' trade union is not expected to deal with violence against women. Existing networks of journalists are dominated by men and are unlikely to play any role, however recently formed networks of women journalists have great potential.

Suggested Questions:

*What measures has the government taken to stop sexual harassment of female journalists and to secure safe working environment?*

Suggested Recommendations:

*1. Investigate cases of violence against women journalists and secure access to justice.*

*2. Amend existing laws and policy to secure safe working places for women, and to monitor and document any cases of violation.*

#### 4. Human rights framework

Sudan has made a commitment to improve the status of human rights in the country, through law reform and work to repeal capital punishment. The latest constitutional amendments has opened the door for new violations such as establishment of special security forces work under NISS, and arbitrary arrests which prolong for 90 days of imprisonment. Special courts violate the citizens' rights to a fair trial, and there are increasing forced disappearances, particularly young bloggers and social media activists.

During its 2010 review, Sudan recognized that it is bound by ratified international conventions, and accepted a recommendation from Japan to enhance measures swiftly to address the issues of impunity, arbitrary arrests and detention, the lack of access to a fair trial and reliance on traditional courts.

In 2010, Sudan accepted a recommendation to:

*Incorporate robust provisions for the protection of human rights in the new Constitution, including articles on the prevention of discrimination and protection of minorities.*

The government of Sudan has revised a number of current laws to conform to the constitution and relevant international conventions and gave examples of such laws, and that it neglected to make an inventory of all the laws that it were supposed to amend or reform, one of which is the 2001 Anti-Terrorism Act that was issued by a temporary order.

##### 4.1. Constitutional Amendments

The Transitional Constitution was amended on January 4, 2015 to give the President the right to appoint Walis [governors] of the states, instead of holding elections. Article 151 was amended to make the National Intelligence and Security Service (NISS) a military force responsible for national security domestically and internationally. NISS was also given authority to combat all political, military, economic and social dangers, as well as terrorism. Before this amendment, the authority of the NISS was finding information, analysis of that information and delivery of the same to the authorized entities.

##### 4.2. Anti-Terrorism Act of 2001

Members of the Equality and Justice Movement, captured after their invasion of Omdurman, were tried under the Anti-terrorism Act, for the death penalty (Started June 2018 till last year)<sup>5</sup>.

In December 2014, Faroug Abu Isa, Head of Sudanese Opposition Parties alliance, and Dr. Amin Mekki Medani, Head of Confederation civil society and human rights defenders, were charged under the Anti-Terrorism Act on crimes against the State, punishable by death penalty, or life imprisonment. These two trials demonstrate how the Anti-Terrorism Act is used against political opposition leaders' and takes away public freedoms as a means to intimidate those in opposition. Lately and under pressure, the government has released Faroug Abu issa and Dr Amin Medani by presidential decree. The trials also reflect that Act is inconsistent with the constitution and the international conventions as it takes away any guarantees for a just trial.

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<sup>5</sup> Human Rights Watch (2008, February 25). Sudan: end unfair trials. <https://www.hrw.org/news/2008/06/25/sudan-end-unfair-trials>

The law may also give law enforcement officers (police and attorney general) leeway to abuse their arrest authority. The law equates the commission of a crime, attempt to commit the crime and preparation for a crime, whether verbal, action or publication.

The Anti-terrorism law breaches the high standard of evidence required according to basic rules in penal laws. Punishments in the law include capital punishment, imprisonment for life, confiscation of buildings and other property. These punishments are applied in case of commission of a crime as well as attempt to commit the crime. Commission of the crime, abetting and assisting a crime or harbouring a criminal all receives the same punishment. The same punishment is also applied no matter how the crime is committed, whether by acts, publication or omission.

Section 21 of the law gives the Chief Justice to enact procedures for the Anti-Terrorism Act, 2001. Such authority breaches the principle of separation of powers, as the Minister of Justice is part of the executive and should not be responsible for legislating procedures or any regulations for trials. This section of the law contradicts section 123/2 that states the independence of the Judiciary and article 128/1 of the Transitional Constitution of 2005. Sections 5 and 6 of the law use vague and ambiguous language that renders penal laws illegitimate as it defeats the principle "no penalty without a law". This makes it difficult for those individuals subject to its terms to know what acts they should avoid. Further, it becomes an obstacle to the court's ability to apply exact rules that define the components of a crime and decide the punishment in no ambiguous terms. All this has resulted in the government using ambiguity against those in opposition. It also results in courts giving different judgements which breach the principle of equality of citizens before the law. These defects in the language of the law may lead to the creation of crimes that were never intended by the legislature.

#### **4.3. Special courts**

Special courts are mainly targeted at political opponents, particularly the anti-terrorism courts, created after the Anti-terrorism Act 2001 was passed, and the Special Criminal Court for Darfur crime, established in 2005. These courts operate under the procedural rules promulgated by Chief Justice Resolution No. (9) of the year 2012 and the rules of procedures the anti-terrorism courts, issued on 29/5/2008. Since its establishment more than 200 people were sentenced to death and all are considered adversaries to the Government and did not have the opportunity to provide evidence that supports their case that these courts, or to defend themselves. These courts violate all warranties guaranteed by the transitional Constitution and the code of criminal procedure and Evidence Act and the principles of justice and international humanitarian law.

Suggested Question:

*What measures have been taken by Sudan to meet its commitments towards improving the state of human rights in the country?*

Suggested Recommendations:

*1. Resolve the conflict between the interim national constitution and the current laws regulating the media, freedom of expression, access to information*

*2. Take steps to strengthen the human rights framework by implementing the regional and international conventions ratified by Sudan, including through legislation.*

## **5. Religious Freedom**

At its last review in 2010, Sudan accepted the recommendation to:

*Adopt legislation and measures to allow the free practice of religions in Sudan and in South Sudan*

Freedom of religion or belief continues to be restricted in Sudan. Violations of the right to freedom of religion or belief include mass harassment and intimidation against Christians and other beliefs by State actors, restricting the right to manifest, worship and practice.

The history of oppressive laws by various governments, and the attitude of law enforcement agencies, demonstrates continued religious intolerance. The magnitude of brutal violations committed against faith groups in addition to the criminalization of thoughts which indeed can be considered as one of the complicated issue, such as Article 126 apostasy of the criminal law 1991<sup>6</sup>.

- On 17 November 2014, the house of the pastor of Bahri Evangelical Church was demolished following a decision of the Evangelical Church Council (ECC) to rent church land to private investors. Members of the congregation dispute the legitimacy of the ECC, claiming it to be an unconstitutional body appointed by the Ministry of Guidance and not the Church itself.
- On 4 December 2014, the Anglican Church in Sudan was served with an eviction notice for one of its properties in Omdurman by the Ministry of Justice following a dispute over the ownership of the property. Both cases are being challenged through the courts and remained unresolved at the time of reporting.
- On 18 January 2013, Khartoum state and national security allegedly raided Sudan Presbyterian evangelical church and its literature center. The security confiscated all the library assets and Christian books a church leader beaten and arrested in conjunction of the raid.
- On 24 February 2013, NISS raided Gideon Theological College. Three Christians from Nuba tribes were arrested: Mamedan Elia, Abed Allah Saeed, and Steven Yagoub. They were released on the same day on condition to report daily to the NISS for few days following their release. That same day, On 24 February 2013 NISS raided the fellowship of Christian University Students offices in Khartoum, arrested three members and confiscated three cars and other assets including books and sewing machines used for training women, which they later released.
- On 28 March 2013, the national security closed down the Compony fields. The fields are owned by the Catholic Archdiocese of Khartoum, and usually host religious ceremonies and other events.

<sup>6</sup> The crime of apostasy contained in the Criminal Act Article (126) states "1- There shall be deemed to commit the offence of apostasy , every Muslim ,who propagates for renunciation of the creed of Islam or publicly declares his renouncement there for , by an express statement , or conclusive act 2- Whoever commit apostasy , shall be given a chance to repent , during a period to be determined by the court ; where he insists upon apostasy , and not being a recent convert to Islam , he shall be punished with death. 3- The penalty provided for apostasy shall be remitted whenever the apostate recants apostasy before execution ".See the criminal law 1991 available at <http://www.pclrs.org/downloads/bills/Criminal%20Law/Criminal%20Act%201991%20English.pdf>

- On 9 April 2013, the security forces closed down the Catholic Language Institute of Khartoum, which started in 1989. Two Priests who run the institution were deported, and two computers were confiscated.
- In July 2014, authorities halted the third day of an interfaith workshop at the Sudan University of Science and Technology. The university administration claimed an international Christian NGO presenting at the workshop did not have the necessary permits from the HAC to participate in the conference and accused the NGO of evangelizing.

#### **Apostasy Cases**

- On 15 September 2013, public order police in Haj Yousef (a Khartoum district) arrested following a complaint submitted by her alleged brother alleging that she had committed adultery because of her marriage to a Christian. She was accused of changing her religion and converting to Christianity<sup>7</sup>. This case shook the world, campaigns were launched inside Sudan and abroad calling for legal reform in Sudan and specifically to abolish article 126 of the criminal act.
- On July 29, 2013 police in South Khartoum arrested 150 men, women, and children, most of Hausa ethnicity, on allegations of apostasy stemming from their interpretation of Islamic prayer. Authorities quickly released the women, children, and elderly, while 129 men remained in custody for all three crimes until arraignment on September 19. A judge freed all but four of the defendants on their own recognizance after they repented for incorrectly practising Islam. On September 22 the judge ordered the release of all the defendants after a religious examination and instruction from the pro governmental Sudan Panel of Scholars on proper religious practice<sup>8</sup>.

Despite the possibility of a death sentence penalty for apostasy, the government has never carried out a death sentence in such a case.

The crime of apostasy has been drawn in vague and ambiguous terms and is incompatible with the right to freedom of religion. It is also discriminatory, as followers of religions other than Islam are free to renounce their religion without facing any punishment<sup>9</sup>.

## **6. Freedom of Association and Assembly**

There are a number of legal and procedural measures reported and found to be affecting the space for civil society organizations, including the introduction of a new format for technical agreements for project being carried out by national organizations. Formerly only international organizations were required to have technical

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<sup>7</sup> Amnesty International, 'Sudan: Woman facing death sentence on grounds of her religion must be released,' 14 May 2014 ('Amnesty International, 14 May 2014'), <http://www.amnesty.org/en/news/sudan-woman-facing-death-sentence-grounds-her-religion-must-be-released-2014-05-14>

<sup>8</sup> African Centre for Justice and Peace Studies (2011, September 14), 129 People Charged with Apostasy in South Khartoum: Maximum Sentence is the Death Penalty, <http://www.acjps.org/people-charged-apostasy-south-khartoum-maximum-sentence-death-penalty/>

<sup>9</sup> REDRESS, Criminal Law and human rights in Sudan, a baseline study (2008, March), [http://www.redress.org/downloads/publications/BASELINE\\_STUDY\\_FINALMar08.pdf](http://www.redress.org/downloads/publications/BASELINE_STUDY_FINALMar08.pdf)



agreements for their projects and activities in the country. During a large gathering organized by the Humanitarian Aid Commission (HAC) on 24 February 2014, NGOs were introduced to the new procedure and technical agreement and were informed that it was now mandatory for any national organisation to secure a technical agreement prior to implementing any project. Approval of technical agreements requires the signature/seal of a line ministry or government entity, the state-level HAC representative, and Federal-level HAC representative.

The authorities continue their effort to diminish the space for civil society in Sudan. This includes summoning and questioning of civil society staff by security or representative of the HAC, cancellation of NGOs registration licenses, and confiscation of assets. In most cases where NGOs registration licenses are cancelled, no reason is given by the authority.

- On January 16th, 2013, the NISS closed down the Kuku institute for Nuba language and heritage, the security confiscated the centre assets and arrested its manager.
- On December 22nd, 2014, the NISS raided the offices of the Sudan Human Rights Monitor in Khartoum during a training workshop. Security authorities had detained the organization's president, Amin Mekki Medani, two weeks earlier, following his signing of a political document prepared by opposition groups.
- On June 24th 2014, the Ministry of Justice revoked the registration of the Salmmah Women's Resource Center without providing a reason.
- On March 4th, 2013, the HAC issued an order closing down Aslan Language Center in Khartoum. The NISS raided and confiscated all the centre's assets.
- On September 10th, 2014, the NISS raided the Centre for Civil Society Development (TRAKS) in Khartoum and confiscated property, including laptops and documents. In October, the property was returned and the center resumed operations.
- On September 13th, 2014, security agents prevented a meeting of the Confederation of Civil Society Organizations.
- In April 2014, judicial authorities transferred to the High Court the case against the Alkhatim Adlan Centre for Enlightenment and Human Development, which was closed in 2012.
- On November 10th, 2014, the government cancelled the registration of the Badya Centre for Integrated Development.
- On December 21st, 2014, the NISS raided the offices of the Sudanese Observatory for Human Rights (SOHR).
- On January 22nd, 2015, the Ministry of Culture and information cancelled the registration of Mahmoud Mohamed Taha Centre.
- On January 29th, 2015, the Ministry of Culture ordered the cancellation of Sudanese Writers Union registration.
- On February 23, 2015, the Confederate of Civil Societies (an alliance of civil society organizations) and the president of the Alliance of National Consensus Powers (an alliance of a group of opposition parties) stood trial, charged with crimes against the state for signing a document titled Call of the Sudan with the armed opposition forces. The document calls for a cease-fire and finding a peaceful comprehensive solution for disputes in the Sudan.

Suggested Recommendations:

*1. The government of Sudan must open the space for civil society in Sudan to operate fully and freely.*

*2. Amend the Voluntary Act of 2006 to be in line with international standards of human rights.*