



SUDAN: BRIEFING TO INTERNATIONAL ELECTIONS OBSERVERS

In the run-up to presidential and parliamentary elections in Sudan, scheduled for 11-14 April 2010, Amnesty International calls on international election observers to include human rights monitoring as a key element of their brief and, in particular to follow the recommended guidelines below which are aimed at allowing election monitors to carry out integrated monitoring of elections and human rights.

The upcoming elections are the first national parliamentary and presidential elections since 1986. The current President, Omar Hassan Al Bashir, took power during a coup d'état in 1989. Although Bashir was voted in as President in the 2000 elections, the civil war at the time between Northern and Southern Sudan prevented people in many constituencies in Southern Sudan and Blue Nile State from voting.

The European Union has committed 130 election observers to monitor the elections. Deployment began in late February. The Carter Center, an NGO founded by former US President Jimmy Carter, has also deployed 60 election observers. The League of Arab States (LAS) is planning to deploy 50 observers and the African Union (AU) has also expressed willingness to send election observers. The elections will also be monitored by Sudanese civil society groups.

The elections are taking place in a context of continuing and widespread human rights abuses by the government and armed groups. In addition, President Bashir remains a fugitive from justice following the arrest warrant issued against him by the International Criminal Court (ICC) in March 2009 for war crimes and crimes against humanity committed in Darfur.

After the ICC issued the arrest warrant against President Bashir, there was an increase in Government repression of political opponents and human rights defenders. Thirteen international humanitarian organisations were expelled from Darfur, and three national human rights organisations were also closed. While other international organisations have largely filled the gap left by those which were expelled, the three national NGOs have remained closed. The closure of the NGOs was accompanied by a clamp down on human rights defenders in Sudan. More than 20 prominent human rights defenders had to flee the country while those remaining have been silenced by the government's National Intelligence and Security Services (NISS). Several human rights defenders were arbitrarily arrested and kept in incommunicado detention, some of them tortured by the NISS, while others were subjected to various methods of intimidation, such as having their homes searched, their equipment confiscated or their freedom of movement restricted. Journalists have been subjected to intimidation and harassment by the NISS, and two foreign journalists were expelled.

Conflict continues both in South Sudan and Darfur, with abuses committed by all parties. There was a sharp increase in armed conflict in South Sudan in 2009. UN reports estimate that over 2500 people were killed and 350,000 displaced. In Darfur, following a conflict in which hundreds of thousands of civilians died, attacks against civilians continue and millions suffer daily in overcrowded camps that are still at risk of attack. The government resumed its military air and ground operations in the area of Jebel Marra in South Darfur in February 2010. Although UNAMID and various NGOs still do not have access to the region, the month-long offensive is reported to have caused hundreds of casualties and displaced around 100,000 persons.

In the context of the elections, our concerns include:

- Harassment, arbitrary arrest, detention and torture by the NISS. The reformed National Security Act, which came into force in February 2010, provides the NISS with sweeping powers of arrest, detention, search and seizure, as well as immunities for any acts carried out as part of their work. We are concerned that these powers may be used to intimidate, arrest and detain opposition candidates, voters and human rights defenders before, during and after the elections.
- Continuing conflict in Darfur and South Sudan which may deter people from travelling to polling stations. The presence of weapons may also be used to intimidate candidates and voters.
- Threats to freedom of expression, association and peaceful assembly. For example, Sudanese security forces violently suppressed political protests on 7 and 14 December 2009. On 7 December more than 200 people including opposition leaders and human rights activists were arrested as they gathered in front of the parliament building.
- The need for President Bashir to appear before the ICC to respond to the charges of war crimes and crimes against humanity committed in Darfur.

There is national and international pressure on Sudan to hold violence-free elections, and to end the cycle of violence, insecurity and human rights abuses in the country. At this crucial time the respect, protection and promotion of human rights by all those involved in the elections, including the government, candidates, and supporters, is of critical importance.

In particular, the ability to exercise the rights to freedom of expression, peaceful assembly, freedom of association, and freedom of movement is essential to the establishment of a climate in which people can participate in the election process without fear of intimidation or reprisals. Respect for human rights must be a central element to the election process and the Sudanese government must take steps to ensure that everyone is able to exercise these rights without fear of reprisals.

It is essential that election monitoring, in addition to observing the election process itself, takes full account of contextual human rights factors, including during the preceding period and in the aftermath. Monitoring bodies should call on the authorities to put a stop to any human rights violations observed by or reported to the election monitors, and a human rights assessment should form an integral element of the overall report on the election.

We are calling on elections observers to Sudan to include human rights monitoring as a key element of their brief and, with a view to this, take on board these recommendations:

1. The role of the international community

The international organizations sending observers to monitor the elections in Sudan should give attention to human rights concerns in observing the elections. Observers should assess whether the context in which the elections are to be held ensures respect for human rights and people's protection from human rights abuses. Some of the factors to look for as indicators in this regard include:

- Clear public signals from the government as well as from the National Elections Committee that human rights abuses will not be tolerated;
- An effective system for registering and dealing with complaints about restrictions on the freedom to vote;
- Effective avenues to complain about intimidation or other abuses and adequate public awareness of these avenues;
- Clear instructions issued to the police by senior police authorities and mechanisms put in place as to ensure that people are safe from intimidation and harassment in relation to the peaceful exercise of their right to freedom of opinion and expression and other related rights.

We are calling on governments and international organizations who send observers to bring any shortcomings in these, or similar requirements, urgently to the attention of the relevant Sudanese and international authorities as

they arise, and to take full account of them in assessing the situation on an ongoing basis prior to and during the elections, and in their overall assessment afterwards.

2. Proper preparation of observers

Election observers should have the necessary knowledge and be properly trained to monitor human rights abuses that may take place in the context of elections. In particular, observers should monitor and report on respect for human rights in the following key areas:

- Freedom of expression, association and movement of candidates and their supporters and voters;
- The right to peaceful assembly at public gatherings of candidates and their supporters;
- Be alert to any incidents of harassment, intimidation and arbitrary arrest of candidates and their supporters.

Observers should be provided with the texts of relevant human rights standards including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights and should familiarise themselves with the provisions of these instruments that are particularly relevant in the context of elections, including, but not limited to the right to freedom of expression, freedom of association, peaceful assembly, and freedom of movement, and the right to liberty and security of person. They should also be provided with appropriate manuals, for instance, Human Rights and Elections – A handbook on Legal, Technical and Human Rights Aspects for Elections, Professional Training Series (No. 2), Centre for Human Rights, United Nations, Geneva, 1994;

3. No international "silent witnesses"

International organizations sending observers should establish proper reporting channels and require observers to report through those channels any human rights abuses they may witness or allegations of human rights abuses they receive. The international organizations should take appropriate steps to raise these issues with relevant government authorities without delay and to call on them to take urgent appropriate remedial action.

4. Human rights monitoring at polling stations

On the voting days, election observers should be given unhindered access to all polling stations, to be able to observe any human rights abuses, such as violence or threats against those presumed to be opposing party supporters, or other intimidation of voters including threats and assertions that their voting is not secret. The observers should be mandated to be able to ask the authorities urgently to take remedial action to put a stop to such abuses. They should record and report what action the authorities take or refrain from taking.

5. Broader human rights observation

In order for citizens to participate in the election process freely and without intimidation or harassment, the authorities must ensure that all the rights that are pivotal to such participation can be enjoyed by all without discrimination. Observers should take note of and record human rights abuses which impact on people's ability to exercise their rights, whether they occur before, during, or after the actual dates of polling. Human rights abuses often take place well before the date of the elections and away from the immediate vicinity of polling stations. Accordingly, election observers should monitor not only the actual voting procedure but also the environment and human rights situation in the run-up to the voting days and in areas away from the polling stations.

6. Public reporting of human rights abuses

Election observers must report any concerns about politically motivated violence and intimidation. This is important to ensure, as far as possible, a context where everyone is able to exercise his or her rights to freedom of expression, peaceful assembly, freedom of association, and freedom of movement without any intimidation or harassment.

Election observers should also immediately report any arbitrary arrests that are made prior to, during or following the elections by any of the NISS, police or public order police. Monitoring bodies should call for prompt, impartial and independent investigations into all human rights abuses that are documented that hold those responsible for human rights abuses accountable.

7. The role of the police and security forces

Election observers should monitor the conduct of the national police and security forces, particularly the NISS, to ensure that they do not commit human rights violations. Election monitors should also ensure that police and security forces protect the rights to freedom of assembly among others in a way that upholds international human

rights standards. Observers should note whether their action is prompt, appropriate and proportionate in accordance with international policing standards. Election observers should be provided with the texts of, and should familiarise themselves with, international human rights standards relevant to the conduct of the police and security forces, in particular with regard to the use of force and firearms and the policing of assemblies. These should include the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Observers should also be provided for reference with appropriate manuals such as Human Rights Standards and Practice for the Police, Professional Training Series No. 5/Add.3, Office of the UN High Commissioner for Human Rights, Geneva, 2004.

8. Support for Sudanese civil society

Sudanese civil society organisations will also be monitoring the elections. Civil society monitors may be at risk of harassment, intimidation and other abuses for their activities or perceived support of opposition parties. It is important that international election observers work together with civil society groups and devise effective ways to ensure their protection.

9. Continuing protection of human rights either side of the elections

International observers should be deployed well in advance of the election in order to monitor the campaign. They should promptly bring to the attention of the authorities any human rights abuses they identify, and call on the authorities to take urgent remedial measures and steps to prevent further such abuses. Some international observers should remain in the country after the elections to monitor the human rights situation in the immediate aftermath. If they observe human rights abuses during this period, monitoring bodies should continue to call on the authorities to bring an end to the abuses, and should report on the occurrence of the abuses and on what action the authorities take or do not take in response.

10. Documenting political discourse

Election observers should note the language used and statements made by candidates and officials of the ruling party and opposition parties, as well as the language used by the media that has a bearing on human rights. Systematically recording the exact words used in a threat, or a pledge of commitment to upholding human rights, and the date and location where they were spoken, is an important means to measure adherence to and respect for human rights within the context of the election process.

11. Freedom of expression and information, and freedom of association and movement of candidates and their supporters

Access to the media, especially radio and television, by all candidates is crucial in ensuring that all voters are able to exercise their right to freedom of expression which includes the right to receive and impart information. It is important, therefore to monitor if there is a balanced access to the print and broadcast media by all parties and candidates, and if they are able to exercise the right to freedom of movement enabling them to have access to all areas so they can address voters. Observers should also monitor access to the media by those political parties which have chosen to boycott the elections.

12. The right to peaceful assembly

In recent months some political parties have complained that in some areas of the country their public meeting and rallies were disrupted by the NISS. Election observers should monitor public meetings, including acts of disruption or harassment by political rivals, and policing actions by law enforcement officials including any arrest or, ill-treatment of candidates, party workers or members of the public. They should document these incidents and report them to the relevant authorities and include details in their reports. Election monitors should also monitor and report on any clashes or violence between rival candidates and their supporters, as well as how the law enforcement authorities respond, or fail to respond to any such violence.