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African Commission on Human and Peoples' Rights: Human Rights Situation in Africa - Sudan

The beginning of 2009 saw a deterioration in the human rights situation in Darfur, with several attacks on villages and the United Nations – African Union joint Mission in Darfur (UNAMID), leading to further displacements. On 4 March, the International Criminal Court's pre-trial chamber issued a warrant of arrest against Sudanese President Omar Al Bashir for war crimes and crimes against humanity.

In May 2008, the Justice and Equality Movement (JEM), a Darfur-based armed opposition group launched an attack on Khartoum. Hundreds of individuals of Darfuri origin were arrested in the following months, and according to the information made available to Amnesty International, as of March 2009, more than 400 individuals remain either victims of enforced disappearances or in detention without charge or trial.

Since the attack on Khartoum, the Sudanese Ministry of Justice established special counter-terrorism courts. These courts tried more than 100 alleged members of the JEM who were accused of taking part in the May attack on Khartoum. Between July and August 2008, 50 persons were sentenced to death by these special courts.

In February 2009, following Qatari efforts to initiate peace negotiations, the JEM and the Government of Sudan met in Doha and signed an agreement of intentions, in which the government committed itself to facilitate humanitarian access to Darfur and to stop any attacks against civilians in the camp. Both parties also agreed to exchange prisoners as a gesture of good intention, and to exchange all prisoners once they would have reached a peace accord. However, a few weeks later, on 4 March 2009, the International Criminal Court's pre-trial chamber issued an arrest warrant against President Al Bashir. Following the warrant, JEM announced its withdrawal from the peace negotiations. On 15 April 2009, a further 10 alleged members of the JEM were sentenced to death. On 22 April 2009 another 11 alleged members of the JEM were sentenced to death, bringing the total number of death sentences under the special courts to 71.

On 11 April 2009, nine individuals who were accused of carrying out in 2006 the murder of Mohamed Taha, a journalist and chief editor of a Sudanese newspaper, were executed. The executions were carried out immediately following the confirmation by the Constitutional Court of the death sentences.

Amnesty International condemned the executions and raised concerns about the fairness of the trial and allegations that "confessions" were extracted under torture.

On 4 March 2009, following the issuance of the arrest warrant against President Al Bashir, the government of Sudan declared its decision to expel international humanitarian aid organizations from Sudan. The government revoked the permits of thirteen international humanitarian aid organizations and closed down three national organizations. The closure of these organizations came without prior notice and the government did not allow a transition period in order to ensure that aid is adequately supplied to communities that rely on these organizations in Darfur, Eastern Sudan and the transitional areas. On 23 March 2009, a UN-Government of Sudan joint assessment mission to Darfur published a report mapping out the gaps in aid delivery and reflecting the impact of the expulsions on communities that are reliant on aid. The report stated that 1.1 million people risked starvation should the government not find or allow a replacement to the expelled organizations. The government of Sudan

has so far refused to review its decision. Moreover, the government announced its project to operate a “sudanisation” of aid and to close down the remaining international organizations within a year.

The closure of the NGOs has been paralleled by a clampdown on human rights activists in Sudan. Many have been forced to leave the country while those remaining have been silenced by the government's National Intelligence and Security Services (NISS).

Violations of freedom of expression and assembly have increased since the arrest warrant against President Al Bashir, and many former staff members of international humanitarian aid organizations have been arrested and at least one person tortured by the NISS.

Since February 2008, following an attack by armed opposition groups on Ndjamen in Chad and reports in the Sudanese press implicating the Sudanese government in the attack, the government has operated a tight censorship of the press in Khartoum. The reinstatement of censorship measures against privately-owned newspapers has been manifested through daily pre-print visits by the NISS to the premises of newspapers. The NISS has closed down one newspaper since February 2008 and banned hundreds of articles from going into print. Journalists are also harassed and can face prosecution for carrying out their work as journalists.

Amnesty International urges the African Commission to adopt a resolution:

1. Condemning violations of international human rights and humanitarian law in Darfur, and calling on the government of Sudan to protect civilians in the region.
2. Requesting the Sudanese government to reverse its decision regarding the national and international humanitarian organizations, and allow them back into the country until an adequate replacement can be found.
3. Calling on the Sudanese government to disclose the whereabouts of the individuals who were arrested in the aftermath of the JEM attack on Khartoum and to charge them with recognizable criminal offences if there is sufficient admissible evidence or ensure their immediate release.
4. Asking the Sudanese government to implement fully the African Commission's resolution, adopted at its 44th Ordinary Session in Abuja, Nigeria, calling for moratorium on carrying out death sentences, and for the strict adherence to international fair trial standards in the application of the death penalty.
5. Asking the Sudanese government to cooperate fully with the International Criminal Court in an effort to bring to justice suspected perpetrators of war crimes and crimes against humanity committed against the people of Darfur before the Court.
6. Asking the Sudanese government to stop immediately the harassment and persecution of human rights defenders, journalists and staff of international organizations and allow them their right to freedom of expression, association and assembly.

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