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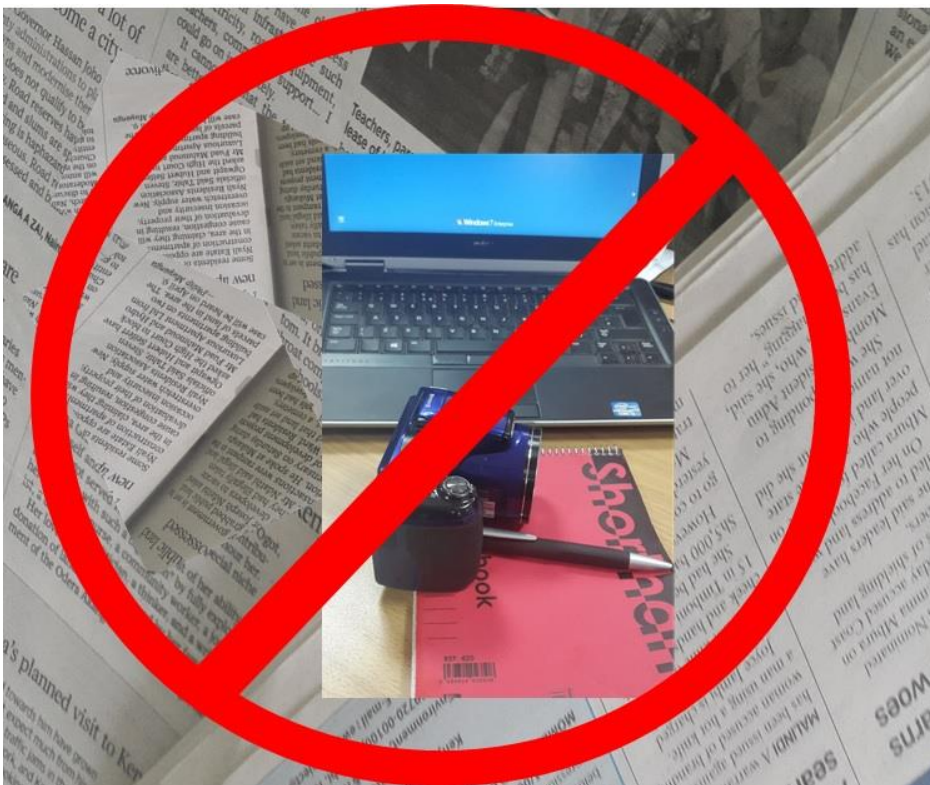


## **SUDAN: ENTRENCHED REPRESSION**

### **Freedom of Expression and Association under Unprecedented Attack**

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Restricted media freedom in Sudan © Amnesty International

**W**ith the general elections fast approaching in Sudan, the National Intelligence and Security Service (NISS) led crackdown on independent media and civil society has reached unprecedented levels. Since January 2015, the NISS has confiscated publications from at least 16 newspapers on 42 different occasions.<sup>1</sup> Around 21 journalists have been interrogated by the police and the security agency. A newspaper editor currently on trial may face the death penalty if convicted. Three leading civil society organizations have also been shut down, with at least five others under imminent threat of closure.

The sweeping powers accorded to the President and the NISS, in recent constitutional amendments passed by Parliament on 5 January, have exacerbated this clampdown. With its broader constitutional mandate, the NISS now has unlimited discretion to interfere in political, economic and social issues.<sup>2</sup> In addition, the new amendments have, in essence, constitutionally sanctioned the NISS's *de facto* status as the key government agency that violates the rights to freedom of expression, association and assembly.

Meanwhile, it is anticipated that the main political opposition parties will boycott the upcoming general elections, citing a lack of political freedoms in the country, leaving only the ruling National Congress Party (NCP) and a small group of minority political opposition parties to contest the polls. Notably, 15 presidential candidates, almost entirely unknown, are running against President Omar al-Bashir.

Conflicts persist in three regions in Sudan (Darfur<sup>3</sup>, South Kordofan and Blue Nile), with continuous indiscriminate aerial bombardments of civilian targets by Sudan Armed Forces (SAF), as well as attacks on aid workers and displaced people.

The "National Dialogue" to address the country's crises initiated by the government in January 2014, has been deemed fruitless by many observers.<sup>4</sup> According to International Crisis Group, the ruling political party was "unwilling and unable to make needed concessions" for the "National Dialogue" to succeed.<sup>5</sup> Leading political opposition figures such as Farah Agar, Amin Mekki Medani and Farouk Abbu Issa were arrested on 6 December 2014. Amin Mekki Medani and Farouk Abbu Issa are currently on trial facing charges related to their signature of 'Sudan Call,'<sup>6</sup> which was signed by civil society, armed groups and political opposition parties to take a united front in calling for democratic transformation, the dismantlement of the *de facto* one-party state, and an end to conflict in Sudan.

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<sup>1</sup> The reason remains unknown but some journalists have suggested the confiscations were due to negative coverage about Ibrahim Ghandour, Deputy Chair of the National Congress Party (NCP), during his visit to the US in February 2015, or related to reporting on the disappearance of a journalist in Nile State.

<sup>2</sup> Amnesty International, "Sudanese National Intelligence Service empowered to violate human rights", <http://www.amnesty.org/en/articles/blogs/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>, accessed 25 March 2015.

<sup>3</sup> According to the UN at least 43,000 people have been displaced since the beginning of the year in Darfur.

<sup>4</sup> On 27 January 2014, President Omar al-Bashir announced the beginning of a "National Dialogue" in Sudan to include four issues: peace, economic reform, political freedom and identity.

<sup>5</sup> International Crisis Group (ICG), *Sudan: The Prospects for "National Dialogue"*, 2015, p.1.

<sup>6</sup> Sudan Call, "A Political Declaration on the Establishment of a State of Citizenship and Democracy", 3 December 2014, [www.sudantribune.com/spip.php?article53263](http://www.sudantribune.com/spip.php?article53263), accessed 16 March 2015.

## **Sudan's legal framework and violations of freedom of expression and association**

The rights to freedom of expression and association are guaranteed by Sudan's Interim National Constitution (INC) and international and regional commitments made by Sudan under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter). These rights include the freedom to hold opinions and to receive and express these opinions and information,<sup>7</sup> and to gather, organize, and hold meetings and demonstrations with others.<sup>8</sup> These rights are essential to enable individuals to exercise their full range of human rights.

Under international and regional human rights law, states must respect, protect and fulfil human rights. A similar obligation is contained in Article 27 of the INC, which affirms that international law applies directly: "all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill, and international human rights treaties binding on Sudan are an integral part of the Bill of Rights." The INC also affirms that "the State shall protect, promote, guarantee and implement this Bill."<sup>9</sup>

In the United Nations (UN) Human Rights Committee's General Comment on "Freedoms of Opinion and Expression," the Committee observed that "the obligation to respect freedoms of opinion and expression is binding on every State party as a whole. All branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local – are in a position to engage the responsibility of the State party."<sup>10</sup>

These obligations not only require that states do not commit human rights violations related to freedom of opinion and expression, but also oblige them to take adequate measures to prevent such violations. Such measures include reforming laws that facilitate violations, and taking appropriate and effective measures to investigate actions taken by state officials and third parties, hold persons responsible to account, and adopt measures to prevent recurrence in the future. States must equally provide victims of any violations with effective remedies.

Despite these obligations, in 2009, Sudan's Parliament passed the Press and Printed Materials Act, originally intended to repeal the restrictive Press and Printed Press Material Law of 2004. Nevertheless, the new Act did not address the inadequacies of the 2004 Law and continues to fall short of international and regional standards by imposing restrictions on the media in the interests of national security and public order, containing loosely defined provisions related to bans on the basis of encouragement of ethnic and religious disturbances and the incitement of violence, and holding editors in chief criminally liable for all content published in their newspapers.

The 2009 Press and Printed Materials Act established the National Council for Press and Printed Publications (NCP). The NCP is a quasi-judicial body charged with regulating media practitioners and print publications in Sudan. It also has powers to shut down newspaper agencies for up to three days without a court order and can suspend publishers. The NCP suffers from undue control by the President as he approves its budget, appoints a large number of its staff and supervises their activities.

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<sup>7</sup> ICCPR, ratified on 18 March 1986, Article 19; African Charter, ratified on 18 February 1986, Article 9.

<sup>8</sup> ICCPR, Article 22; ACHPR, Article 10.

<sup>9</sup> The Interim National Constitution of the Republic of Sudan, [www.refworld.org/pdfid/4ba749762.pdf](http://www.refworld.org/pdfid/4ba749762.pdf), accessed 10 March 2015.

<sup>10</sup> Human Rights Council, General Comment No.34, Article 19: Freedom of opinion and expression, CCPR/C/GC/34, September 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>, accessed 15 March 2015.

This is contrary to the established international standards whereby public bodies with regulatory powers over the media, such as the NCPP, should be protected against political or governmental interference. Further, the UN Human Rights Committee, the body that monitors implementation of the ICCPR, ruled in 2000, that a licensing regime for the print media was incompatible with the right to freedom of expression guaranteed under that Convention.<sup>11</sup> Several other laws are also regularly enforced against the media, including provisions of the 1991 Penal Code, the 2010 National Security Forces Act, and the emergency law applied in the western region of Darfur.

Repressive laws are not only being enforced against the press by Sudanese officials, but also against civil society organizations. For example, there are many loosely defined articles under the Voluntary and Humanitarian Work Act (2006)<sup>12</sup> that allow the Humanitarian Aid Commission (HAC) to broadly control civil society activities. Amnesty International noted in 2006, that the law: “grants discretionary and excessive regulatory power to the Government over the operations of NGOs and some provisions violate the right to freedom of association contained in international human rights treaties...”<sup>13</sup>

The Voluntary and Humanitarian Work Act severely limits civil society participation by imposing strict conditions on civil society organization registration and appointing a Registrar by the Minister of Humanitarian Affairs, with powers to terminate or refuse the registrations of any organization (Article 13). The HAC has no mechanism of appeal against denials of applications for registration. Organizations must also annually renew their registration (Article 11). The Act empowers the HAC to engage in the approval process of any externally funded project (Article 7.2). Many civil society organizations find the Act unsuitable for their work as it not only regulates humanitarian and charitable work, but extends control over “wider civil society pursuits” including work on the promotion of social, cultural, and human rights.<sup>14</sup> The Act in essence brings almost every civil society organization under its jurisdiction.<sup>15</sup>

Following Sudan’s Universal Periodic Review (UPR) on 10 May 2011, the Sudanese government accepted recommendations on reforming the Press and Publications Act and Voluntary and Humanitarian Work Act. It also agreed 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. Sudan further voluntarily pledged that “the recommendations which we accept will enjoy our commitment in terms of implementation.”<sup>16</sup> Sudan’s next UPR is in April 2016.

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<sup>11</sup> UN Human Rights Council, Communication No. 780/1997, 20 March 2000, para 8.5.

<sup>12</sup> The Voluntary and Humanitarian Work Act, [http://www.sudantribune.com/IMG/pdf/NGO\\_EN\\_7-2-06.pdf](http://www.sudantribune.com/IMG/pdf/NGO_EN_7-2-06.pdf), accessed 12 March 2015.

<sup>13</sup> Amnesty International, *Sudan: Continuing blockade of humanitarian aid* (Index: AFR 54/010/2006).

<sup>14</sup> The International Centre for Non-Profit Law (ICNL), *NGO Law Monitor: Sudan*, <http://www.icnl.org/research/monitor/sudan.html>, accessed 12 March 2015.

<sup>15</sup> Al Khatim Adlan Centre for Enlightenment and ICNL, *A Study of the Sudanese Voluntary and Humanitarian Work Act 2006*, 2015, p.11.

<sup>16</sup> UN Human Rights Council, Sudan *UPR*, [http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SD/SudanImplementation\\_en.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SD/SudanImplementation_en.pdf), accessed 30 March 2015.

## Suppression of print media

The Sudanese print media regularly faces arbitrary confiscation of their publications by the NISS. During 2014, at least 18 different newspapers had their publications confiscated by the NISS on 52 different occasions. In the first two months of this year, the NISS intensified its harassment and censorship of the print media. Newspapers also face arbitrary requirements imposed by NISS, which forbid them from critically reporting on the conduct of the security services, armed forces or police, the President, corruption cases, conflict areas, and human rights violations.

On 16 February 2015, NISS agents confiscated all editions of 14 newspapers from the printers, without explanation and despite some of the newspapers being directly or indirectly funded and supported by the ruling political party. The NISS has faced no legal or political consequences. Rather, Sudanese officials justified the NISS's behaviour.

For example, on 17 February 2015, Sudan's Information Minister, Ahmed Bilal Osman, defended these actions stating that any newspaper threatening national security would be confiscated.<sup>17</sup> The President also justified the confiscations at a press conference a week later, stating that newspapers "should not exceed the limits [government red lines]." Through these actions, the government is determined to silence and co-opt newspapers throughout Sudan.

According to the National Council for Press and Printed Publications' (NCP) 2014 report, the number of newspapers in circulation in Sudan has reached 47 (29 mostly covering political issues, 11 covering sport, and 7 reporting on social issues).<sup>18</sup> Shadia (not her real name), a journalist based in Sudan, told Amnesty International that "at least 20 of these newspapers are under direct [financial] control of the government and its security agency. These papers become a mouthpiece of the regime."<sup>19</sup>

*Al Midan* newspaper, published three times a week on Sunday, Tuesday and Thursday and affiliated with the Sudanese Communist Party (SCP), has had its editions confiscated at least 20 times since 1 January 2015. The paper was accused by the NISS of publishing material that harms national security. The editor of *Al Midan*, Madeeha Abdallah, explained to Amnesty International that the "NISS told us that we should not publish any articles critical of the performance of the security services, armed forces, the police, and not to criticise the President, not to report on issues related to corruption cases, civil liberties and press freedoms."<sup>20</sup>

At present, Madeeha Abdallah is facing criminal charges. She was interrogated for seven hours by the NISS on 14 January, and her case was then transferred to Central Khartoum Court. She was released on bail after being charged under the 1991 Penal Act with complicity in criminal action (Article 21); undermining the constitutional order (Article 50); calling for opposition of public authority with violence and criminal force (Article 63), and publication of false news (Article 66).<sup>21</sup> Madeeha

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<sup>17</sup> *Al Tareeq* online (Arabic) newspaper, *Government of Sudan: Confiscation of Newspapers will Continue*, 16 February 2015, [www.altareeq.info/ar/confiscation-of-newspapers-will-continue/#.VRJy047Lf7Y](http://www.altareeq.info/ar/confiscation-of-newspapers-will-continue/#.VRJy047Lf7Y), accessed on 18 February 2015.

<sup>18</sup> NCP, *The Verification of the Distribution of Newspapers and Press Publications*, 2014.

<sup>19</sup> Email correspondence with Amnesty International, 27 February 2015.

<sup>20</sup> Amnesty International telephone interview, 12 February and 15 March 2015.

<sup>21</sup> Sudan Criminal Act (1991): Article 50 punished with death, life imprisonment or for a lesser period. Article

Abdallah was also charged under the 2009 Press and Publication Act under provisions related to responsibility of the editor-in-chief (Article 24) and duties of journalists (Article 26). She appeared in court with two other journalists from the newspaper on 20 January, 16 February, 1 and 19 March. Madeeha Abdallah may face the death penalty if convicted.

At least 21 other journalists working for different newspapers have, on separate occasions, also been arrested and interrogated by the NISS's Media Office and the Press and the Publications Prosecution Office in Khartoum, since January 2015. Moreover, four journalists, in addition to Madeeha Abdallah, are on trial facing similar charges. Three journalists who had been subjected to NISS interrogations told Amnesty International that these had been designed to humiliate and intimidate them.<sup>22</sup> All journalists in Sudan have been compelled by the NISS to fill in a seven-page form including detailed information about their families, income, legal cases, countries they have visited, educational background, addresses and contact numbers, as well as articles that they have written. Faisal Al Baqir, the founder of Journalists for Human Rights (JHR), told Amnesty International (referring to Madeeha's case and those of other journalists), that the NISS has resorted to "malicious litigation tactics" to intimidate journalists. Now journalists are spending more time in court to fight these "false allegations," he added.<sup>23</sup> Shadia (journalist referenced earlier), also noted that "journalists in Sudan have been punished three times: firstly via the security law, secondly through the press and publications law, and thirdly through the criminal law."

The NISS also punishes newspapers retroactively for publishing pieces that generate negative publicity for the government. Abdel Hadi, a journalist based in Sudan, told Amnesty International that "in recent days, [the] NISS applies a new approach, if there are news or articles that escaped censorship, and attract strong public reaction. The newspaper will be punished retroactively, and confiscated the following day."<sup>24</sup>

Many journalists interviewed by Amnesty International pointed out that the pre-censorship policy and the red-lines imposed by the NISS, have led to a considerable decline in public trust of the press, which affects their sale and the general public's access to credible information. The NCPP report also confirmed this decline and noted that the newspaper circulation has significantly decreased by 30% to 86 million copies in 2014, compared to 126 million in 2012.<sup>25</sup>

### **Suppression of Sudanese civil society**

Amnesty International has received numerous reports since the beginning of 2015 that the NISS crackdown on activities of civil society organizations has intensified. Civil society activists interviewed by Amnesty International have confirmed that at least a dozen civil society offices have come under surveillance by NISS agents. Several civil society organizations have reported receiving threats from

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63 punished with imprisonment for a term not exceeding two years or with fine or with both. Article 66 punished, with imprisonment for a term not exceeding six months or with fine or with both, can be accessed at: <http://www.pclrs.org/downloads/bills/Criminal%20Law/Criminal%20Act%201991%20English.pdf>, accessed 15 March 2015.

<sup>22</sup> Amnesty International email correspondence with three journalists, 27 February 2015.

<sup>23</sup> Amnesty International interview, 26 February 2015.

<sup>24</sup> Amnesty International interview, 26 February 2015.

<sup>25</sup> NCPP, *The Verification of the Distribution of Newspapers and Press Publications*, 2014.

the NISS and HAC. The NISS has shut down three civil society organizations.

The current trajectory of suppression of freedom of association and attacks on humanitarian organizations is a reminder of the period before 1997.<sup>26</sup> While such suppression decreased from 2002 to 2009, in particular after the Comprehensive Peace Agreement (CPA) in 2005, it has since increased. Notably, the government, in response to the International Criminal Court (ICC)'s warrant of arrest for the President, expelled 13 international organisations and shut down three Sudanese civil society organizations working in Darfur.<sup>27</sup> In June 2012, four humanitarian organisations working in east Sudan were expelled.<sup>28</sup> In December 2012, five national civil society organizations were shut down,<sup>29</sup> followed in June 2014 by the closure of the Salmmah Women's Resource Centre. In December 2014, two senior UN officials were expelled from the country.<sup>30</sup>

Al Sadiq Hassan, a member of the Darfur Bar Association, told Amnesty International about the current civil society environment in Sudan. He explained that "this is the worst time for civil society in Sudan; they are facing systematic attack from the regime on their freedom of expression and assembly. After the recent constitutional amendments, the level of harassment has increased."<sup>31</sup>

Amal (not her real name), a civil society activist, told Amnesty International that "our organization is facing regular harassment from NISS, they search our office, confiscate our computers and documents, now we are unable to work and implement our projects." The NISS continues to harass the Institute for the Development of the Civil Society (IDCS), a civil society organization that works on capacity building and promotion of democracy and peace building. Most IDCS activities have been suspended since September 2014.

On 21 December 2014, the NISS raided the office of Sudan Human Rights Monitor (SHRM) while it was hosting a meeting to prepare for Sudan's UPR in 2016. Five computers were seized and one journalist arrested. He was released the same day following interrogation by the NISS. Khalid, (not his real name), told Amnesty International that "they came to our office and confiscated all the computers we had and documents. Now we are facing difficulties working. We cannot even organize simple meetings because of the continuous security surveillance."<sup>32</sup> SHRM was founded by Dr Amin Mekki Medani, who is currently undergoing trial in Khartoum for capital offence charges under the 1991 Penal Code.

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<sup>26</sup> Amnesty International interview, 10 March 2015. Most women's rights organisations such as the Gender Centre, the Salmmah Women's Resource Centre and Mutawinat were allowed to register in 1997.

<sup>27</sup> United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA), Situation Report, 8 March 2009, [http://reliefweb.int/sites/reliefweb.int/files/resources/ECA64643771CB0B885257574007C81C5-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/ECA64643771CB0B885257574007C81C5-Full_Report.pdf), accessed 14 March 2015.

<sup>28</sup> BBC, "Khartoum expels foreign aid agencies from eastern Sudan, 1 June 2012, <http://www.bbc.com/news/world-africa-18296430>, accessed 11 March 2015.

<sup>29</sup> African Centre for Justice and Peace Studies (ACJPS), "Civil society organisations closed in renewed clamp down on freedom of association in Sudan", 9 January 2013, <http://www.sudantribune.com/spip.php?article45127> accessed on 10 March 2015.

<sup>30</sup> UN OCHA report, Sudan Humanitarian Bulletin, Issue 52, 22-28 December 2014: "the Government of Sudan declared the UN Resident Coordinator and Humanitarian Coordinator (RC/HC) Ali Al-Za'tari and UNDP Country Director Yvonne Helle as persona non grata, according to a statement from the Ministry of Foreign Affairs." <http://reliefweb.int/report/sudan/sudan-humanitarian-bulletin-issue-52-22-28-december-2014-enar>, accessed 27 March 2015.

<sup>31</sup> Amnesty International skype interview, 26 February 2015.

<sup>32</sup> Amnesty International interview, 11 March 2015.

### **Revoking the licences of cultural centres**

In January 2015, the NISS shut down three civil society organizations on the basis that they were violating their registration licences. On 18 January, the NISS closed down the Mahmoud Mohamed Taha Cultural Centre in Omdurman, preventing the commemoration of the 30th anniversary of Mohamoud Mohamed Taha's execution.<sup>33</sup> The Centre was registered with the Ministry of Culture in Khartoum in 2009. In November 2013, the Centre applied to renew their registration licence, but the Ministry ignored their application without justification. Asma Mohamoud, Director of Mahmoud Mohamed Taha Cultural Centre, reported to Amnesty International that "throughout this period, while we are waiting for the licence renewal, we were unable to work, security agents and the police frequently come to the Centre [to interrupt any activities]. I was repeatedly asked to report to the security office in Omdurman locality for questioning."<sup>34</sup> On 14 November, during a meeting in the Centre to prepare for the commemoration event on 18 January, security agents armed with Kalashnikovs raided the Centre and ordered the participants to suspend the meeting, added Asma Mahmoud.

Similarly, on 20 January, Sudan's National Civic Forum issued a statement saying it too had received a letter from the Ministry of Culture revoking its registration licence. The Forum is one of few Sudanese civil society organizations that focus on economic, social and cultural rights in addition to peace building and civil society capacity development. The Forum, in cooperation with other organizations contributed regularly to the country's shadow reports on economic, social and cultural rights at the Human Rights Council.

On 29 January, the Ministry of Culture sent a short letter<sup>35</sup> revoking the licence of the Sudanese Writers' Union. The Ministry claimed the Union had been conducting activities "against the constitution of the Writers' Union and against the law for cultural groups in Sudan." The Union was established in 1985 and shut down after the 1989 military coup. It was only allowed to register again in 2006.

On 11 January, the NISS stopped the activities of a second-hand book fair called *Mafroush* organized by the Culture Working Group in Khartoum. The NISS in late December 2014, also stopped the cultural activities, art exhibitions, poetry readings and music events at Papa Costa Restaurant in Khartoum.<sup>36</sup> **Additional civil society organizations under threat**

Independent civil society organizations that have not yet been shut down by the government, but that are under pressure from HAC, report repeated interference and micromanagement. According to a civil society activist interviewed by Amnesty International: "Civil society organizations are banned from

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<sup>33</sup> Mahmoud Muhammad Taha, founder of the Republican Brothers movement in 1945, opposed the implementation of Sharia law in 1983. He was arrested and sentenced to death for "apostasy" by Jaafar Numeiri's regime (1969–85) and executed on 18 January 1985.

<sup>34</sup> Email correspondence with Amnesty International, 4 March 2015.

<sup>35</sup> A copy of the 15-word letter was seen by Amnesty International. The letter was signed by the Registrar of Cultural Groups at the Ministry of Culture in Khartoum State.

<sup>36</sup> Sudan Human Rights Monitor (SHRM) (Arabic), *With the elections approaching: More closure and restrictions on the work of civil society in Sudan*, 9 February 2015, can be accessed at:

<https://plus.google.com/108183163850008465451/posts>, accessed 24 March 2015.



working on themes such as: peace, democracy, women rights, and human rights.”<sup>37</sup> Hazim (not his real name), told Amnesty International that “we work in the periphery areas around Khartoum and Darfur. We faced many challenges, especially working in Darfur. HAC banned us from implementing projects related to youth empowerment, and sexual and gender-based violence awareness, particularly after Tabit’s incident [on 31 October 2014, 200 women and girls were allegedly raped by SAF and its allied militia, in the North Darfur town of Tabit]. NISS and HAC’s ultimate goal is to stop our works in these areas.”<sup>38</sup>

Abdel Rahman Al Mahdi, Director of Sudan Development Initiative (SUDIA), which works on good governance, peacebuilding, empowering youth and advancing the role of the media and civil society,<sup>39</sup> told Amnesty International that “the working environment for civil societies has deteriorated compared to the previous year. I think the current harassment and threats to civil society can be understood in the overall attempt of the government to control civil society, in terms of reducing their access to funds and consequently reducing their ability to work.”<sup>40</sup>

Fida (not her real name) noted that “the registration for new organizations or renewal of registration procedures were deliberately made complex and cumbersome. This has discouraged a number of civil society and deprived them from operating and implementing their projects. Most of the remaining NGOs still operating keep a very low profile.”<sup>41</sup>

Many of those interviewed noted that civil society organizations are not able to hold public events on their own premises unless they have permission from the NISS and, on many occasions, such permission is denied. Samir (not his real name) a civil society activist based in Sudan, told Amnesty International that “we are unable to work anymore; it is getting difficult every day, requests for permission to hold events are usually denied by NISS.”<sup>42</sup>

The government uses different state bodies such as the HAC, the Ministry of Culture, the non-profit companies’ Registrar,<sup>43</sup> and the National Council for Training, to harass or shut down civil society organizations. According to Fida, the “NISS [is] interfering not only by directly interrupting our activities but also instruct[ing] different regulatory bodies such as: National Council for Training, Ministry of Culture, non-profit companies’ Registrar as well as HAC to revoke our licence and registration.”<sup>44</sup>

### **Multiple administrative hurdles and the impact on funding**

HAC also insists that civil society organizations register at both the federal and state levels. For example, the Sudanese Organization for Research and Development (SORD), which works on gender equality, justice and democracy, and supports efforts to spread awareness of citizens’ rights and

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<sup>37</sup> Amnesty International interview, 11 March 2015.

<sup>38</sup> Amnesty International interview, 11 March 2015.

<sup>39</sup> The Sudanese Development Initiative (SUDIA), [www.sudia.org/](http://www.sudia.org/), accessed 2 March 2015.

<sup>40</sup> Amnesty International skype interview, 3 March 2015.

<sup>41</sup> Amnesty International skype interview, 2 March 2015.

<sup>42</sup> Amnesty International telephone interview, 27 February 2015.

<sup>43</sup> The company registrar at the Ministry of Justice is responsible for the registration of non-profit companies according to 1925 law.

<sup>44</sup> Amnesty International Skype interview, 2 March 2015.

responsibilities, was registered at the federal level. However, in 2012, HAC requested that the organization also register with the HAC in Khartoum State. SORD applied for this registration but has yet to receive its registration licence. It has repeatedly inquired about the status of its application but has been told it is “in process.” The effect is that, since March 2014, SORD has been unable to implement its projects in Khartoum State.

Many civil society organizations find themselves in a Catch 22 situation. On one hand, they face government restrictions, and, on the other hand, grantmakers are reluctant to fund them because of these restrictions. Many grantmakers now refuse to support civil society organizations because they are not registered at the state level or their licences were revoked. SORD, for example, lost funding for five projects last year, forcing it to cut almost 50% of its staff.

Amnesty International was told by civil society activists that at least five other civil society organizations are under imminent threat of closure and suspension.<sup>45</sup> On 9 March 2015, the HAC and NISS visited the office of Justice Africa Sudan,<sup>46</sup> and interrogated all staff about its activities. Many civil society activists believe this is the first step towards closure. These interrogations are usually carried out with verbal abuse and accusations of working with embassies or being spies who work against the interests of the country.

### **Conclusion and recommendations**

The ongoing violations to freedom of expression and association highlight that repression is becoming entrenched in Sudan. Recent reports published by Amnesty International<sup>47</sup>, Human Rights Watch,<sup>48</sup> and the United Nations<sup>49</sup> document the gravity of the human rights situation in Sudan. International Crisis Group’s recent report also concludes that some international actors prefer the current *status quo* in Sudan “to a weak and contested democratic transition.”<sup>50</sup> A logic that favours political expediency over protection of human rights.<sup>51</sup>

The international and regional response to current human rights violations in Sudan has been limited. The African Union (AU), the Arab League, the UN and key member states have not sufficiently pressed Sudan to respect its international and regional obligations. Amnesty International calls on the Government of Sudan to stop this disturbing pattern of repression, and to take urgent action to address the closing space for freedom of expression and association in Sudan by allowing people to exercise

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<sup>45</sup> Amnesty International interview with four civil society activists, 13 February, 4 and 11 March 2015.

<sup>46</sup> Justice Africa Sudan is an advocacy and research institute founded in Khartoum in 2007 that works on human rights and social justice across Sudan.

<sup>47</sup> Amnesty International report 2014/15: *The state of the world's human rights* (Index: POL 10/0001/2015).

<sup>48</sup> Human Rights Watch, *World Report 2015*, [www.hrw.org/world-report/2015/country-chapters/sudan](http://www.hrw.org/world-report/2015/country-chapters/sudan), accessed 23 March 2015.

<sup>49</sup> UN Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Mashood A. Baderin, A/HRC/27/69, 4 September 2014, <http://reliefweb.int/report/sudan/report-independent-expert-situation-human-rights-sudan-mashood-baderin-ahrc2769-advance>, accessed on 23 March 2015.

<sup>50</sup> ICG, *Sudan: The Prospects for “National Dialogue”*, pp.8-9.

<sup>51</sup> ALEX de Waal, “Playing many sides, Sudan’s Bashir tries again to end his isolation”, *World Politics Review*, 2 March 2015, <http://www.worldpoliticsreview.com/articles/15190/playing-many-sides-sudan-s-bashir-tries-again-to-end-his-isolation>, accessed 27 March 2015.

their rights to freedom of expression, association, and by ending arbitrary arrests, detentions, and imprisonment of civil society activists, journalists and members of the political opposition.

## **Recommendations**

### **To the Government of Sudan:**

- Abide by international, regional and constitutional obligations with respect to the rights to freedom of expression and association;
- Amend the National Security Act 2010, Press and Printing Act 2009, Voluntary and Humanitarian Work Act 2006, and Criminal Act 1991, which unduly restrict the rights to the freedom of expression and association;
- End all harassment and arbitrary arrests of political activists, human rights defenders, and journalists;
- Ensure that legal restrictions on freedom of expression and association of the media and civil society are lifted;
- Rein in security forces, especially the NISS, and investigate human rights violations committed by the NISS related to freedom of expression and association;
- Desist from passing legislation that would further restrict freedom of expression and association;
- Ensure the rights of members of political opposition parties and civil society organizations that are boycotting the elections are respected;
- Desist from restricting the ability of members of opposition political parties and civil society to express their opinions in the media and enable them to hold public events.

### **To the AU Election Observation Mission (AUEOM) to Sudan:**

- Pay attention to restrictions on the rights to the freedoms of expression and association;
- Monitor, document and report on the impact of the powers granted to the NISS and violations committed by the same during the elections;
- Ensure opposition political parties who boycotted the elections are not restricted from expressing their views.