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SUDAN

Intimidation and denial Attacks on freedom of expression in Darfur

“Freedom of information is an inalienable human right and the touchstone of all the freedoms to which the United Nations is consecrated” [Resolution 59(1), passed by the first session of the UN General Assembly on 14 December 1946].

1. Introduction

Ensuring the right to freedom of expression has been notably absent as a demand in ceasefire agreements and has played a small or non-existent part in any of the commitments made by the government of Sudan to the United Nations (UN) or other inter-governmental organizations over the past year. Yet without enjoyment by all of the right to freedom of expression, monitoring commitments will be difficult and a durable peace that incorporates full respect for human rights will be impossible.

Freedom of expression is not just a human right in itself; it also acts in defence of other rights. It allows other human rights violations to be exposed and acted upon. In addition, if people cannot discuss or criticise the actions of the government, if they feel that no one will listen to or act on social, economic, cultural or political problems, then people may turn to violent or unlawful means to secure results. The critical results of the lack of freedom of expression is epitomised in the remark by one of the leaders of the Sudan Liberation Army (SLA), the armed group whose foundation in February 2003 was followed by the government-supported devastation of Darfur: *“Khartoum only talks to those who have arms”*.¹

The tragedy of the failure to ensure the rights of freedom of expression and information has brought crisis not only to Darfur but to Sudan as a whole.

Commitments have been made by the government of Sudan, including in the 8 April Humanitarian Ceasefire and the joint communiqué between the government of Sudan and the UN of 3 July 2004. Monitors from the African Union (AU) and the Office of the UN High Commissioner for Human Rights (OHCHR) are now, after long delays, in place. But the

¹ Abdel Wahed Mohamed Nur, President of the SLA, during a public meeting in Berlin, 16 June 2004.

Sudanese authorities have often taken action against those who report human rights violations rather than against the alleged perpetrators. If those who talk to media, foreign delegations and monitors are harassed, intimidated or even arrested by Sudanese authorities, it becomes difficult to monitor what is really happening in Darfur.

Thousands have spoken out and talked about the human rights violations which have led to the human rights and humanitarian crisis in Darfur. But thousands feel fear of speaking out and scores of Sudanese, villagers and displaced, journalists, translators, lawyers and human rights activists, have been intimidated, harassed and even imprisoned. Sudanese journalists are muzzled while humanitarian organizations, journalists and missions allowed into Darfur battle against exhausting security restrictions. The clampdown on freedom of expression and information has prevented the majority of Sudanese from understanding what is happening in Darfur or debating solutions which might bring peace to the province.

People in Darfur will continue to speak out, despite the risks attached, because of the feeling that they have nothing more to lose. Yet the government seems intent on pursuing a repressive agenda, instead of finding meaningful solutions for Darfur which would ease the pressure it is under.

On 30 July the UN Security Council adopted a resolution which provided for a suspension of arms transfers to “non-governmental entities and individuals including the *Janjawid*” and set a 30-day deadline for the Secretary General to report on progress to the UN on its commitments, including the commitments to disarm and remove the *Janjawid* from the camps. For the sake of the people of Darfur it is important that the commitments made by the government of Sudan are kept. Human rights violations cannot be ended if they are not recorded.

In this report Amnesty International describes intimidation and arrest of those who speak out and continue to speak out and calls for the rights to freedom of expression and information to be respected and enshrined in all future peace talks and commitments on Sudan.

2. Background

The crisis in Darfur grew out of a complex, simmering conflict between nomads and sedentary farming people in Darfur, which had lasted for decades but which the Sudanese government had failed to solve. In February 2003 one armed group, the SLA, was formed; a few months later the Justice and Equality Movement (JEM), with links to the Islamist opposition Popular Congress in Khartoum, was also formed. At the end of March 2003 the government said that it would give up attempts at reconciliation and use force to end the conflict. After an SLA attack on al-Fasher airport at the end of April 2003 the government gave free rein to already existing nomad militia groups to attack villages of the farming population, mostly Fur, Masalit, and Zaghawa, some of whose members had provided the main personnel for the armed groups. The militias, known negatively as the *Janjawid*

(horsemen with guns) or positively as *Fursan* (knights, “cavaliers”), are usually accompanied during their attacks on villages by the Sudanese army and have been increasingly incorporated into the Sudanese armed forces as paramilitaries. The Sudanese air force also use Antonovs, helicopter gunships and reportedly MIG planes to bomb villages and kill civilians.

Today the lack of protection for civilians and the displaced is as acute as ever. Government bombings still occur, attacks, killings of civilians and rapes of women and girls, in rural areas but also in the vicinity of displaced camps, continue. The *Janjawid* still encircle many camps of the displaced and, wearing army or paramilitary Popular Defence Forces (PDF) uniforms, they enter towns like Kabkabiya and al-Jeneina swollen with the displaced. The Sudanese government is deploying police forces to Darfur as a measure which, it says, will restore security. However the lack of trust of the local population in any government forces and reports that the police is abusing IDPs or being used to entice them to return to their villages undermines the credibility of such move. Impunity of the *Janjawid* and the government army for the continuous abuses on civilians remains total.

The human rights violations in Darfur, including extra-judicial executions, deliberate killings of civilians, widespread rape and systematic forced displacement of civilians constitute grave violations of international human rights and humanitarian law, including war crimes and crimes against humanity.

Human rights violations have also reportedly been committed by the armed opposition groups, but reports of killing of civilians and rape by the SLA or the JEM appear to be few compared to the massive human rights violations committed with impunity by the *Janjawid* and Sudan government forces².

3. News from Darfur

The crisis in Darfur has been exacerbated by the clampdown on the right to freedom of expression in Darfur and the rest of Sudan; the lack of freedom of movement to Darfur and within Darfur, not only for foreigners but also for Sudanese; and the stifling of the right of freedom of association.

If news of the growing crisis had reached the rest of the world earlier and been properly assessed, adequate action might have been taken sooner.

² Amnesty International is not, at present, being allowed access to the region by the Sudanese government. In these circumstances, it is difficult for the organization to verify allegations of abuses by the armed opposition and to meet reported victims of abuses by the armed opposition. For reports of abuses by the armed opposition, see Amnesty International: *Sudan, Darfur: “Too many people killed for no reason”* (AI index: AFR 54/008/2004, 3 February 2004), p. 25-27 and *Sudan: Darfur: Rape as a weapon of war – sexual violence and its consequences* (AI index: AFR 54/076/2004, 19 July 2004), p.7-8

Those following the situation were aware of what was happening - the International Crisis Group brought out a report in June 2003, *Sudan's other wars*³, and Amnesty International issued news releases and urgent actions throughout 2003 culminating in a report in February 2004, *Sudan: Darfur: Too many people killed for no reason*⁴ - but little consistent attention was paid to them.

At the same time, the few non-Sudanese humanitarian organizations which operated in Darfur spoke of the humanitarian crisis facing the region usually without stressing the government support for the attacks which had caused the crisis, possibly because they feared government pressure on them, limitation of their activities or even expulsion from the Sudan.

Pressure on Sudanese and the Sudanese press

Because of government ownership of media channels and harsh government censorship of the Sudanese press, little news was available within Sudan about the rising crisis in Darfur. Although the government lifted formal censorship of newspapers in December 2001 effective censorship by the national security continues. Local newspapers which are privately owned are themselves under constant threat of penalties such as suspension or the seizure of a print run. Some newspaper proprietors say they would prefer overt pre-censorship than the seizure of a print run since this involves great financial loss. The arrest and torture of a journalist at the very beginning of the crisis, in May 2003, may have helped to intimidate others.

- **Yusuf al-Bashir Musa**, Nyala correspondent of the Khartoum-based newspaper *al-Sahafa* ("Newspaper"), was arrested in Nyala, Darfur, by the national security on 3 May 2003, severely beaten and charged under the 1998 Emergency Act, after writing an article on the SLA attack on the airport in al-Fasher. He was released on 24 May. Despite complaints filed to the police about his torture, no one has been brought to justice.
- **Ibrahim Yusuf Ishaq**, a lawyer, was arrested on 15 November 2003 for taking two journalists, respectively from *al-Sahafa* and *al-Akhbar al-Yawm* ("The News Today") newspapers, to see Singita, a village burnt in Darfur. He remained in incommunicado detention in Nyala until March 2004 while the journalists had to report daily to the security agency for two months.

As a result of government restrictions Sudanese newspapers mention the crisis in Darfur only with very great discretion. Even now, in August 2004, when media throughout the world are talking about the crisis in Darfur, a Sudanese from Khartoum or other areas

³ Available at www.crisisweb.org

⁴ AI index: AFR 54/008/2004, 3 February 2004.

outside the western regions of Darfur and Kordofan will not know what is happening in Darfur. As one Sudanese lawyer told Amnesty International:

“One problem is the lack of information in Khartoum about the conflict. People in Khartoum do not know what is happening in Darfur. On the television and the radio the government says that everything is all right in Darfur, that people receive aid and that the situation is under control. Only if you get to other sources on the Internet or on satellite television will you see the reality”.

Access to satellite television is only available to the wealthy and not many in Sudan have access to the internet. The majority of Sudanese people rely on government-owned Sudan television and radio (the *Voice of Sudan*). *Al-Jazeera*, the Qatar-based independent Arabic-language channel, remains one of the main independent sources of information about Darfur for Arabic speakers in Sudan but its Khartoum office was closed in December 2003.

- **Islam Salih Belo** bureau chief of *al-Jazeera*, was arrested on 17 December 2003 and detained for six days. According to *Agence France Presse* (AFP), *al-Jazeera* was accused of transmitting numerous programmes “stuffed with false information and poor biased analyses”; the accusation related to reports on tuberculosis, landmine victims and Darfur. The national security agency added that the bureau “will be reopened only after the channel's headquarters takes steps for correcting the mistakes, redressing the shortcomings and appointing to the office responsible persons who can discharge the message of the channel in a neutral and professional manner.” The office is still closed.
- **Sudanese online** (<http://www.sudaneseonline.com/>) is a free discussion forum on the web which was one of the few outlets for free discussion among Sudanese in particular concerning questions relating to Sudan, especially the Darfur crisis. In July 2004 this outlet was briefly closed by the government.

Those with friends or colleagues from Darfur may be more aware of the facts of the crisis but they are few. In universities, which tend to draw their students from all parts of Sudan, students from different regions of Sudan meet together and are more aware of what is happening. But where students have tried to hold meetings or demonstrations on the Darfur crisis they have often been harassed or even arrested as a result.

- On 30 June 2004, Darfur students from universities in Khartoum organized a march to present a letter about Darfur to UN Secretary General Kofi Annan at the UN headquarters in Khartoum. The march was stopped by police and violent clashes took place during which some students were reportedly beaten. Students of Khartoum University Students Union (KUSU) then joined a protest demonstration and the police arrested, in some cases violently, 60 students, including **Ibrahim Abdel Wahhab**, the KUSU media secretary, and the former KUSU President, **Mohamed**

Hussein al-Ta'aishi. After negotiations between students' unions, the police and a human rights organization, all detained students were released in the evening.

The detentions and restrictions on members of Sudanese civil society, lawyers and human rights activists, have also sent a message to Sudanese organisations that they can pay a heavy price for talking about or working for human rights in Darfur.

- **Dr Mudawi Ibrahim Adam**, director of the Sudan Development Organization (SUDO), spent more than six months in detention charged under articles carrying the death penalty before all charges against him were dropped on 7 August 2004. He had been arrested in December 2003 after a visit to Darfur where SUDO was providing non-food items to the population, and accused by the Sudanese authorities of providing information to foreigners; on the list of evidence against him were public documents of Amnesty International.
- Another staff member of SUDO, **Osman Adam Abdel Mawla**, was detained incommunicado for 13 days in May 2004 as he was travelling from Nyala to Zalingei in Darfur. After his release he was not given permission to leave Nyala for some weeks.
- **Saleh Mahmud Osman**, a well-known human rights lawyer, remains in detention without trial in Kober Prison in Khartoum North more than six months after his arrest on 1 February 2004. He has never been charged with any offence or brought before a judge.

Difficulty of access to and within Darfur

Although a Sudanese would normally not be prevented from travelling to the three state capitals, al-Fasher, Nyala and al-Jeneina, travelling around within Darfur is a greater problem. Even a Sudanese cannot travel anywhere within Darfur without authorization from the national security and intelligence, the military intelligence or the police. The authorization is given to the driver of the car, bus or lorry, so when the vehicle is loaded with passengers it goes to obtain the permit, which it must show at roadblocks. Anyone who wishes to visit a camp for the displaced will need to ask for a permit from the office of the government's Humanitarian Affairs Commissioner (HAC). Once at the camp, the permit will be examined by the HAC security office before entry.

For non-Sudanese, getting to Darfur is difficult and freedom of movement within Darfur is almost impossible. As information about the crisis in Darfur spread among the international humanitarian community by the end of 2003, more humanitarian organizations applied to work in Darfur. But their access was delayed and sometimes blocked by red tape; the registration of the organization and the granting of visas might take months. Only after heavy pressure from the outside world did the Sudanese government agree to new rules

effective from 24 May 2004, in particular promising visas within 48 hours to all humanitarian staff. The promise of visas was largely kept, but restrictions continued in the movement of imports including trucks and medicines from Port Sudan, the use of radio and the movement of staff in the region. While humanitarian workers have a permit to work in the area in Darfur where their organization is based, they still have to send a “notification” (in fact a request for authorization) to travel elsewhere in Darfur. They have to fix a particular date for the travel so that if the travel is delayed for any reason, for example the roads are blocked by the rains, they have to submit a further request.

The first journalists who described the Darfur crisis in detail were those who went to Chad, including some who crossed secretly over the border usually under the protection of the SLA and JEM and were able to bear witness to the burnt villages. For a foreign journalist to visit Sudan first a visa has to be obtained, which may take weeks and be refused to those who have written unfavourably on the Sudanese government. Sometimes all journalists from a radio station which has broadcast news criticizing Sudan are banned.

In Khartoum all journalists and all foreigners need to ask for official authorization to go to Darfur and in this request to enumerate the places they intend to visit. Foreign journalists may still wait in Khartoum awaiting authorization to visit Darfur for a short time and they are often given someone from the Ministry of Information or from HAC to translate and perhaps report back. Although many journalists have been successful in avoiding restrictions, this testimony from a journalist from a radio station is echoed by countless others:

“It is impossible to work freely as a journalist in Darfur. I wasn’t able to do what I wanted in Darfur, first because of the short-time travel permit you’re given, and second because of the government ‘minder’ who followed you. Foreign journalists do not easily get visas to Sudan. ...Once in Khartoum, they need an authorization from the Ministry of Information and a travel permit from the national security. To obtain this, they need to tell the national security the exact places they intend to visit and the time they expect to spend in the region. The Ministry of Information decides the length of the journalists’ visit. Foreign journalists usually have to be accompanied to the region by a government minder designated by the Ministry of Information. Once in Darfur, journalists apparently have to submit again their itinerary to the national security, which can restrict access to certain places on ‘security’ grounds”.

Those who are not members of humanitarian organizations, representatives of other NGOs, foundations, academics, find it even more difficult to visit Khartoum. Amnesty International, which visited Sudan, including Darfur, in January 2003 after a 13-year ban, and publicised the deteriorating situation in Darfur, has not been given visas for mission delegates despite numerous requests for access over many months. The reason appears to be related to Amnesty International’s reports though the government of Sudan says it is a question of timing and the fact that the Sudanese government has other priorities. Other international human rights organizations, including Human Rights Watch, have also not yet been given visas to visit Sudan.

4. Increasing visits to Darfur, increasing pressure to keep silent

The difficulty of outside access to Darfur diminished as a result of international pressure after March 2004. On 19 March Mukesh Kapila, retiring UN Humanitarian Coordinator for Sudan, speaking on the BBC, described what was happening in the Sudan as “ethnic cleansing” and said that this was the “world’s greatest humanitarian crisis”.⁵ Two weeks later, UN Secretary General Kofi Annan, on the tenth anniversary of the genocide in Rwanda stressed the crisis in Sudan. As the international community took notice of the crisis in Sudan the UN Acting High Commissioner for Human Rights sent a fact-finding mission first to Chad and then, after a wait for Sudanese government authorization, to Darfur. UN and government high level delegations from many countries went to Darfur to assess the crisis. From being an almost closed area, Darfur has become the focus of international attention, with several government or parliamentary delegations from different countries visiting every week. Journalists go independently or obtain visas more easily by accompanying the high level missions. They interview those who had fled their villages and taken refuge round towns forming settlements and camps for internally displaced persons (IDPs).

Hundreds of those displaced have spoken movingly of the attacks on their villages, the killing of their relatives and neighbours, the burning of homes and the looting of possessions, herds and crops. As there have been so many rapes and rapes are still taking place, women and men speak openly of the rapes which a year ago they might have hidden. The testimony of the thousands of civilians who fled their villages laid the blame for the disaster squarely on the backs not only of the *Janjawid* but consistently also on the government.

Detentions and intimidation for speaking out

With scores of journalists and others visiting Darfur and more than one million displaced who had survived gross violations of human rights it is hard for the government to prevent people from speaking out. The government authorities’ increasing pressure, especially since June, on those who give testimonies to foreigners has resulted from the government’s fear of international action (including sanctions and military intervention) in response to its failure to fulfil its commitments, in particular commitments to end attacks on civilians, disarm the *Janjawid* and ensure their removal from IDP camps, giving free access to monitors and ensuring there are no forced returns of IDPs.

It is in these circumstances that the government has increased its attempts to control the information flowing out of Darfur.

⁵ Mukesh Kapila, quoted in *Mass rape atrocity in Sudan*, BBC, 19 March 2004

The national security and intelligence forces are tightly interlinked with the government. It is the government's 'security' mentality which leads it to deny or manage the crisis rather than to try to solve it. In detaining those who speak out it uses the National Security Forces Act, the national security and intelligence agency may hold people in incommunicado detention without charging them or bringing them before a judge.⁶ Some of those who hold posts in IDP camps and even in international NGOs as part of their local staff, are believed to be members of security or to pass information to the security forces. The memory of government and *Janjawid* attacks and anxiety for the future increases the atmosphere of fear and distrust among the IDPs where anyone whom they do not know may be suspected, especially if that person appears to belong to one of the ethnic groups whose members have joined the *Janjawid*, or from Khartoum.

Whether holding positions in the camp structure or simply as bystanders, members of national security often follow, accompany and sometimes surround delegations or journalists who visit IDP camps. Particularly important delegates have been met by 'displaced persons' near the entrance of the camp who give opinions more favourable to the government and only those who make their way to the depths of the camp may hear fuller testimonies. If there are scores of journalists and scores of delegations it becomes impossible for the Sudanese government to have such tight monitoring that it can hide the truth. But when there is a particularly high level delegation, government authorities may decide to take stronger measures to try to ensure that the visitor does not hear the complaints of the wronged.

- The night before the UN Secretary General Kofi Annan visited Meshtel camp on 1 July, the government of Sudan moved all the 680 families living in the camp to Abu Shouk camp without informing any humanitarian agencies of the move. This appeared to be simply to prevent Kofi Annan from seeing and hearing from the most destitute. The Secretary General had reportedly specifically requested a visit to a camp without amenities, such as Meshtel camp.⁷

In attempts to downplay the criticisms of the international community and portray the situation as improving in Darfur, the government has stated that many people are returning to their villages. It has also tried to entice IDPs to return to places where the security of people is not guaranteed, including by bribing community leaders or threatening those speaking out against return while the *Janjawid* still dominate the rural areas.

- **Hamed Mohamed Adam**, a former soldier from Habila, West Darfur, was arrested in June 2004 by the national security and intelligence agency from Ardamata IDP camp in al-Jeneina. He was reportedly beaten so severely that he had to be transferred from the national security centre in al-Jeneina to hospital. After a few days in hospital he was

⁶ See *Sudan: Darfur: incommunicado detention, torture and special courts* (AI Index: AFR 54/058/2004), May 2004.

⁷ Meshtel camp has been described as 'full of stagnant puddles and dead donkeys', *Annan assures Darfur displaced of no forced return*, Reuters, 01/07/08

transferred to the national security centre in Khartoum North, where he remains two month later. He is apparently accused of "inciting people [IDPs] not to go back to their homes", but has not been charged or brought before a judge.

The measures taken by the government to diminish international criticism include pressure on IDPs not to speak out and on translators not to translate fully evidence which may be used against the government. Sudanese journalists working for local media have to practise self-censorship while those working for international media are told to avoid unfavourable questions including questions about human rights violations. If they report on killings and rape they may be harassed, threatened and told they are traitors to Sudan. One translator who worked for a short time for diplomats in West Darfur State is reported as saying that: "*Nineteen security officers jumped down from two trucks and threatened me with weapons. They took me back to the headquarters and threatened me saying that they had scorpions and snakes and accusing me of mistranslating for the diplomats*"⁸.

- One Sudanese journalist who wrote about army attacks was threatened with prosecution under Article 25 of the Press Law which forbids any news about the armed forces without authorization. The journalist said that when UN Secretary General Kofi Annan was about to visit the country there was pressure on Sudanese journalists to write favourably about Sudan.
- On 30 June 2004, when US Secretary of State Colin Powell visited Abu Shouk camp near al-Fasher, a heavy security presence was in place. Colin Powell was accompanied by a large number of journalists. There seems to have been some attempt by security men within the camp to intimidate people and tell them not to speak out. Nevertheless, people did speak out. After his visit to the camp, allegedly on the same day, 15 people were arrested. Those who were arrested from Abu Shouk camp include **Mohamed Adam Khamis, Abdel Latif Suleiman, Mohamedain Mohamed Hussein, Ahmed Adam Abdel Majid, Al-Sheikh Yahya Mohamed Adam, al-Faki Mohamed Faki and Abdel Mun'em Ahmed**. They remain in incommunicado detention in the Al-Fashir national security centre. Others were arrested the same day in Kabkabiya; four of them, **Ahmed Issa Ishaq, al-Tayeb Ali Adam, Al-Sadeq Abdallah and Mohamed Harun Abdallah** are in Kabkabiya Prison and two of them, Omda (the title of a local leader) **Ahmed Suleiman** and Omda **Khidder Ahmed Abdel Rahman** are allegedly held in Mustariha, a camp of the *Janjawid* near Kabkabiya.
- Five displaced people, **Adel Mohamed Basi, Abdel Hakam Adam Ishaq, Abdel Ghani Ahmedai Abdel Rusul, Mohamed Ahmed Abdallah and Mohamed Adam Khamis** were reportedly arrested at Abu Shouk IDP camp after a visit by a delegation by the French Foreign Minister, Michel Barnier, on 27 July. They were

⁸ *Darfuris say jailed for talking to foreigners*, Reuters, 10/08/04

held at the national security centre in al-Fasher. Two of the five, Adel Mohamed Basi and Abdel Hakam Adam Ishaq, were released after about two weeks.

The detention of some of those who talk to journalists and to foreign missions can not stop the outflow of information, but it helps to create an atmosphere of fear and intimidate some who would otherwise speak out. Amnesty International has also received reports that civilians who report cases of rape are particularly targeted for intimidation by security agents in displaced camps in Darfur. The Sudanese authorities are said to have alleged that the displaced falsely report cases of rape in order to get more humanitarian aid and that, if the displaced were really raped, they would not report it because it is a taboo in the culture of Sudan. As one journalist working in Darfur said, "People police themselves".

In its attempts to control criticism, Sudan even seems prepared to threaten the UN. On 12 August 2004 Foreign Minister Mustafa Osman Ismail argued that the UN should control its statements "if it really wants security to prevail in Darfur, otherwise the government will reconsider its commitments."⁹

Arrests for talking to monitors

The introduction of the ceasefire commission to monitor the 8 April Humanitarian Ceasefire has been extremely slow. It was only in July, three months after the ceasefire agreement that the AU monitors were in place. Sudan has accepted a team of 120 AU ceasefire monitors to be stationed in Darfur, based in al-Fasher, al-Jeneina, Nyala and Kabkabiya. It later accepted an armed force of 300 troops from Rwanda and Nigeria but only to protect the monitors. The government is still resisting the expansion of the AU force to up to 3,000 troops and rejected statements by AU members that the force could be used to protect civilians. By 15 August their investigations of six incidents, involving attacks by *Janjawid*, bombing of villages, and rapes by government soldiers, had been made public. AU monitors are accompanied by representatives of the government of Sudan, the SLA, the JEM, and the European Union (EU). The first batch of 155 Rwandan troops arrived in Darfur on 14 August.

In addition, again after much delay caused largely by difficulties in obtaining visas even after the commitment to allow deployment of human rights monitors in the 3 July joint communiqué, eight human rights monitors from OHCHR arrived in Khartoum on 14 August 2004 and are due to be deployed to Darfur on 21 August. There are also protection officers in the UN Office of the Coordinator for Humanitarian Affairs (OCHA) and the UN High Commissioner for Refugees (UNHCR) while the International Committee of the Red Cross (ICRC) also has a presence in Darfur. None of these organizations have been allowed to visit detainees in Darfur.

The government of Sudan has been unable or unwilling to keep its ceasefire commitments to stop violence and abuses, and therefore some government authorities in

⁹ *Sudan demands single voice for UN, to avoid 'bad image' in Darfur*, AFP, 11 August

Darfur appear to have tried to prevent the international community from recording this failure by using intimidation. After the AU monitoring of the ceasefire started in earnest in July 2004 some of the internally displaced who gave information to the AU monitors were arrested. Others have been and are being intimidated to prevent them from giving information; as one observer said “Sometimes the information only comes in secretly”. The AU monitors have investigated cases of reported continuing attacks on villages by the *Janjawid* and government bombing as well as reported ceasefire violations by the SLA.

At least 25 people were reportedly arrested in North Darfur State between 15 July and 3 August 2004 allegedly for giving information on human rights and ceasefire violations to members of the AU Ceasefire Commission in al-Fasher.

- Seven people were said to have been arrested in Abu Dereja, near al-Fasher in July: **Yaqub Khater**, the omda of Abu Jereda, **Abdel Aziz Yaqub Khater**, his son and **Beshir Harun Hassan**, arrested on 15 July and **Beshir al-Juma Arabi**, **Yaqub Khater Arabi**, **Ahmed Ishaq** and **Abdel Majid Mohamed Bush**, arrested on 17 July. All are said to be still detained in the national security centre in al-Fasher as of 19 August.
- Three men and a woman, **Sabri Adam Nurain**, **Hamad Siddiq**, **Siddiq Abdallah Abdallah** and **Maryam** (f), were allegedly arrested in Mellit on 3 August, allegedly after talking to the Ceasefire Commission. They are said to remain in detention.

5. Arrests of people for speaking out and calling for a peaceful solution in Darfur

Several persons have been arrested after publicly speaking, or attempting to speak about how to solve the crisis in Darfur. This suggests that the Sudanese government is not ready to accept a frank dialogue about Darfur, that it may still consider a military solution to the conflict, and that Sudanese citizens are denied the right to engage in meaningful discussions and activities for a solution for Darfur.

- **Abazer Ahmad Abu al-Bashir**, a human rights lawyer, was arrested by the National Security and Intelligence Agency in the town of Nyala on 24 July after submitting a petition supported by a number of leaders of ethnic groups urging an end to the conflict to the South Darfur State Governor, and this is believed to have been a factor in his arrest. He is still held in the national security centre where conditions are said to be appalling; prisoners lie on the floor in narrow cells and there are said to be frequent beatings and insufficient food. He has not been charged and his lawyer has only been allowed to see him twice; since then he has been without access to the outside world (as of 19 August).

- **Buthayna Mohamed Ahmed**, a teacher and a member of the Sudanese Women's Union who has carried out activities for peace and the disarming of the *Janjawid* was arrested by national security officers on 29 July after a conference in al-Fasher when she spoke about government involvement in the conflict. She is detained in Nyala Prison with women detainees held on criminal charges. Conditions in the prison are reportedly extremely poor, with insects, almost no sanitation, and widespread malaria. She has not been charged with any offence but now receives family visits.
- On 1 August, five members of different political parties who had formed a coalition called the "Darfur Call" (*Nida Darfur*) were arrested by the national security forces, after announcing and obtaining legal authorization to hold a public meeting on ways to support national and international efforts to the humanitarian crisis in Darfur. The names of those arrested are: **Hassan Abdel Gader Hilal** (Democratic Unionist Party), **Yusuf Hussein** (Communist Party), **Ibrahim al-Sheikh** (Congress Party), **Sati' Mohamed al-Hajj** (Nasserist Unionist Party) and **Yunis Siddiq Yunis** (Abdel Magid Cultural Center). They were interrogated at the office of the security forces in Khartoum North and subsequently released. Three of them were re-arrested at their homes by the national security forces a few days later and sent to Kober Prison in Khartoum North. Two were subsequently released. More than two weeks later, Yusuf Hussein of the Communist Party remains in detention without charge.

6. Khartoum in denial

The denial of the right of freedom of expression stems partly from the government of Sudan's continued denial of the seriousness of the situation and its part in causing it. Within little over a year of the formation of the SLA, hundreds of civilian villages over an area the size of France had been attacked, burnt and emptied of their population by the government-supported *Janjawid* militias and the army.¹⁰ More than one million refugees have fled to settle round towns in Darfur and more than 200,000 have sought refuge across the border into Chad. The UN in July 2004 assessed the number of people from the farming populations who had been killed as between 30,000 and 50,000. From mid-2003, attacks by *Janjawid* militias had been accompanied by rapes of women and girls. In a research mission to Chad refugee camps in May 2004, Amnesty International delegates collected the names of more than 250 women said to have been raped and they interviewed scores of women and men who had witnessed rapes. Rapes committed with impunity by the *Janjawid* are still being reported and the figure of women raped in the context of the conflict in Darfur must now reach thousands.

¹⁰ For further information, see *Sudan: At the mercy of killers – destruction of villages in Darfur* (AI Index: AFR 54/072/2004).

Yet the Sudanese government, instead of taking all necessary measures to protect the rights of the civilian population, has continued to deny the seriousness of the crisis in Darfur and downplayed the scale and gravity of the violations committed by its armed forces. Its denials smother freedom of expression within the country and attempt to manipulate public opinion both in Sudan and abroad. Only when the Sudanese government acknowledges its responsibility in the crisis in Darfur will it be able to take meaningful measures to end it.

Denying government participation

“At one IDP location, the mission interviewed a number of individuals who referred to themselves as Fursan. They were uniformed in military fatigues and were on horses. The Fursan said that they were all Arabs and that they had been armed and were paid by the Government”¹¹

The government has been faced with overwhelming evidence of its role in direct and indiscriminate attacks on civilians through aerial bombardments and ground attacks on villages together with government-supported *Janjawid* militias. However, it has consistently sought to deflect attention away from the issue of its responsibility for such attacks, choosing instead to focus on the fact that the origins of the hostilities were the attacks on government forces by the SLA and JEM. In doing so government spokespersons appear not to understand that these origins can never be used to justify direct or indiscriminate attacks on civilians.

The government has also refused to acknowledge its links with and support for the *Janjawid* militia who have been responsible for war crimes and crimes against humanity. The government says that the *Janjawid* are “outlaws” just like the two armed insurgent groups in the region. However it has admitted that it had called on several tribes in the region to help in the counter-insurgency against the SLA and the JEM. The continuing support for the militias and the incorporation of many of them in the Popular Defence Forces, a government paramilitary force, in the armed forces, or even reportedly in the police forces contradicts the commitments made by the Sudanese government to disarm the *Janjawid*.

- On 20 July 2004, after Human Rights Watch released government documents showing that Sudanese officials directed recruitment, arming and support of the *Janjawid*, Foreign Minister Mustafa Ismail said to the BBC Newshour programme that the documents were “90% false” and was quoted as saying: “It is easy to go to a typist and put a [letter] heading”. “The Sudanese government... never armed or encouraged the *Janjawid*,” he said.

¹¹ Report of the UN Acting High Commissioner on the human rights situation in Darfur, Office of the High Commissioner for Human Rights (OHCHR) 7 May 2004. Available at [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.2005.3.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.2005.3.En).

Impunity

The Sudanese government continues to allow impunity to the leaders of the *Janjawid*. Government authorities have spoken of various mechanisms of investigation but these mechanisms do not yet appear to be functioning. A Commission of Inquiry, set up by President Omer Hassan al-Bashir on 8 May has not yet issued any report.

- On 9 August, Sudanese First Vice-President, Ali Osman Taha, was interviewed by the BBC television programme Hard Talk. When asked why the government had not arrested alleged leaders of the *Janjawid*, including Musa Hilal, said to be leader of the *Janjawid* and a colonel in the Sudanese army, he answered: "Because we don't have anything. Nobody has come up with specific allegations against this very Musa Hilal ... We are talking about human rights. We can not just apprehend anybody or sentence him just on allegations."
- In July 2004, perhaps in response to discussions on a UN Security Council resolution, the Sudanese government announced that some ten members of the *Janjawid* had been arrested, tried by a Specialised Criminal Court in Nyala and sentenced to six years' imprisonment and cross-amputation (amputation of the right hand and left foot). The so-called *Janjawid* members were shown on Sudanese television saying that they had not been armed by the government. To date, however, the names, charges or crimes of these people have still not been specified by the government. Reports from the ground indicate that those shown on television are criminal suspects accused of *haraba* (armed robbery) who have been detained for several years in Nyala. No record of the trial was found at the Specialised Criminal Court in Nyala.

Denying large-scale rape

Allegations that numerous rapes were committed by government soldiers and the *Janjawid* in Darfur have been mounting since March 2004. However, the Sudanese government has failed to acknowledge the existence of rapes in the region and delayed taking action on such allegations. In January and April 2004, Amnesty International denounced the abductions and rapes that were increasingly reported in the region. In May 2004, the OHCHR fact-finding mission to Darfur reported that: "The mission told the Government that, in its opinion, such allegations [of widespread rape] were too frequent, too consistent and too credible to be dismissed." On 3 June, after a research mission to Sudanese refugee camps in Chad, Amnesty International held a press conference in Geneva in which it detailed the evidence it had found of systematic rape. However, it was only on 17 July 2004¹² that the Sudanese Justice Minister Ali Mohamed Osman Yasin announced that three committees, for each of Darfur's three states, to be composed of women judges, police officers and legal consultants, would investigate accusations of rape and help victims through criminal cases. Notwithstanding this

¹² Two days before the launch of the Amnesty International report *Sudan: Darfur: Rape as a weapon of war* (AI Index: AFR 54/076/2004) which was sent to the Sudanese government before publication on 19 July 2004.

tacit government acceptance of widespread rape, at the launch of Amnesty International's report in Beirut on 19 July 2004 Mohamed Bakhit, the Sudanese Ambassador to Lebanon denied the existence of rape in Darfur: "If there were cases of rape in Darfur they would not exceed two cases," he stated.

While the creation of committees to investigate allegations of rapes in Darfur is welcome, it remains unclear whether such investigations will be transparent and accountable. Women who have been raped are unlikely to trust government committees enough to report cases to them, and it is not clear how their safety and confidentiality will be guaranteed. In order for these committees to play a constructive role in ending impunity for rape it is essential that they have the expertise to deal with victims sensitively, in a manner that respects confidentiality and guarantees safety. The committees will need to consider how to carry out their work in an environment where cultural taboos on rape are strong. Victims must be able to trust them. Amnesty International continues to receive reports of rapes committed in the vicinity of displaced camps in Darfur. On 1 August seven girls were reportedly attacked and raped when venturing outside Suani in West Darfur, to collect firewood. All but one later escaped: the whereabouts of the abducted, newly married, 20 year old woman remain unknown.

Denying the death toll

In recent days, the Sudanese government has, on the one hand, publicly committed itself to implement demands by the UN Security Council¹³, and on the other hand continued to deny the scale of the Darfur crisis.

- On 9 August, AFP quoted the Sudanese Foreign Minister Mustafa Osman Ismail as strongly disputing UN figures (30,000-50,000) on the number of dead in Sudan's war-torn western region of Darfur, saying they were up to 10 times too high. "Ismail told a news conference in Cairo that according to government estimates the 17-month conflict between Khartoum's forces and its Arab militia allies and two main rebel groups in the region had cost no more than 5,000 lives. Of these, 486 were policemen, Ismail asserted. Ismail argued that [UN] figures were out of proportion and challenged the UN to "tell us their names or show us their graves" of those claimed to have died."¹⁴

The crisis as a conspiracy

Meanwhile the Sudanese government is trying to portray media reports about human rights violations in Darfur as a "conspiracy against Sudan".

¹³ See UN Security Council Resolution 1556 on the situation in Darfur, available at http://www.un.org/Docs/sc/unsc_resolutions04.html

¹⁴ *Sudan plays down death toll from Darfur conflict*, AFP, 9/8/2004

- President Omar Hasan al-Bashir stated on 14 August: “They [the West] kindled sedition in Darfur so as to ... deny Sudan the fruits of peace and of contribution by the international community in development of the regions affected by the war.”

One month after the April 2004 Humanitarian Ceasefire signed in N’jamena, Chad, between the Sudanese government, the SLA and the JEM, the OHCHR report on Darfur set out succinctly and clearly the human rights violations in Darfur and the participation of the Sudanese government in these violations. After scores of reports since then by scores of other organizations and hundreds of articles by journalists and media reportages it is doubtful whether any mere words or facts, however well-attested, can wring a confession of fault or have any influence on the actions of the government of Sudan.

7. International Standards

The right to freedom of expression and the right to “seek, receive and impart information of all kinds” are laid down in international standards such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. Sudan is a state party to both these and has an obligation to ensure freedom of expression and information. The right to freedom of expression is important not only to allow individuals to be aware of their rights and the means of protecting their rights but also to enable them to expose and challenge violations of those rights.

Under Article 19 of the ICCPR, ratified by the Sudan in 1986:

- “1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”*

The ICCPR recognizes that the right to freedom of expression may only be restricted in exceptional circumstances, stating that:

“3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;*
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.”*

According to the Human Rights Committee, a committee of experts set up by the UN to monitor implementation of the ICCPR, the right to hold opinions without interference

permits no exception or restriction. Any restrictions that may be imposed on the right to freedom of expression must be provided by law and justified as being necessary for respect of the rights or reputations of others or for the protection of national security or public order. Such restrictions must be compatible with internationally recognized standards and must be strictly construed in order to advance the promotion and protection of the right, not to diminish or jeopardise it (General Comment 10).

The African Commission on Human and Peoples' Rights, the body charged with monitoring the implementation of the African Charter, adopted at its 32nd Session in October 2002 in Banjul, The Gambia a Declaration of Principles on Freedom of Expression in Africa, expanding the obligations of states parties to the African Charter regarding the right to freedom of expression. The Declaration asserts that the right to freedom of expression "is a fundamental and inalienable human right and an indispensable component of democracy" (Article 1). The Declaration provides that attacks such as "the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public." (Article 11). It also requires states to "take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies."

Sudan passed a State of Emergency Law in 1999 and has renewed it every year since then. Many actions against newspapers and journalists are brought under the State of Emergency Law. Although states may suspend certain rights during an emergency situation, the Human Rights Committee has stated that measures derogating from the provisions of the ICCPR must be of an exceptional and temporary nature.¹⁵ Even during an armed conflict, "measures derogating from the Covenant are allowed only if and to the extent that the situation constitutes a threat to the life of the nation"(para 3). In addition, such measures must be limited to the extent strictly required by the exigencies of the situation (para 4). The African Charter does not allow states parties to derogate from the rights of individuals, even during an armed conflict.¹⁶

8. Recommendations

To the Sudanese government:

- Guarantee the right to free expression, and lift controls on the media that are incompatible with its obligations under the International Covenant on Civil and Political Rights.

¹⁵ See General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001) para.1.

¹⁶ See Commission Nationale des Droits de l'Homme et des Libertés vs. Chad, African Comm. Hum. & Peoples' Rights, Comm. No. 74/92 (not dated).

- The rights of freedom of association and of movement should be maintained according to internationally recognized standards
- The security services should end detention, intimidation and harassment for giving information or expressing opinions;
- Fully integrate guarantees relating to the right of freedom of expression into peace and ceasefire talks on Darfur and the North-South peace process;
- Immediately and unconditionally release all prisoners of conscience, arrested solely for the non-violent expression of their opinions;
- All those arrested should have prompt access to family and lawyers and medical assistance;
- All those in detention should be humanely treated;
- All places of detention should be registered and be inspected by an inspectorate service under the Ministry of Justice. The International Committee of the Red Cross, and an inspectorate under the Ministry of Justice should have access to every detention centre in Darfur; investigate promptly and impartially cases of torture and other human rights abuses and bring perpetrators to justice;
- Give access to all detention centres, including security detention centres, to African Union ceasefire monitors, UN human rights monitors and the Sudanese Commission of Inquiry.

To the International Community :

- Stress the importance of the right to free expression and guarantees of safety for people in Darfur who speak to others, including those who speak to international delegations, journalists, and monitors.
- Ensure that restrictions on the right to free expression are monitored;
- Support efforts to increase the capacity of the African Union and the OHCHR monitors to report human rights violations in Darfur;
- Place the right to freedom of expression on the agenda of mediation for peace in Darfur and in Sudan;
- Support access of human rights organizations to Sudan.