



SILENCING DISSENT

RESTRICTIONS ON FREEDOM
OF OPINION AND EXPRESSION
PERSIST IN SUDAN

AMNESTY
INTERNATIONAL



The Sudanese authorities are using new forms of censorship in an effort to silence freedom of expression in Sudan. In previous years, pre-print censorship was periodically invoked to control the press. However, since early 2011 the government has controlled the media by confiscating newspapers after they have been printed. Vendors have been prevented from distributing copies and financial losses have caused some newspapers to close down. In a clear crackdown by the authorities on all forms of dissent, many activists have also been harassed for participating in peaceful demonstrations and speaking out against the government.

Journalists, writers and others who voice their opinions have faced arrests, torture and other ill-treatment by members of the National Intelligence and Security Service (NISS) and other security agents in Sudan. Many have faced criminal charges and have had their equipment confiscated, preventing them from carrying out their media work.

These measures are believed to be used to pressure editors and newspaper owners not to publish material considered controversial or critical of the government. Although the Sudanese authorities have long suppressed the right to freedom of opinion and expression, this intensified pattern of harassment and intimidation of vocal critics of the government since January 2011 marks a new development.

CLAMPDOWNS SINCE SOUTH SUDAN INDEPENDENCE

Sudan has been going through a period of major transformation since South Sudan

became independent on 9 July 2011 following an overwhelming vote in January 2011 for self-determination. The Sudanese authorities clamped down further on freedom of opinion and expression at this time of change by shutting down six newspapers in Sudan on 8 July that were partly owned by South Sudanese.

The Secretary General of the National Council for Press and Publications (NCPP) stated that the titles were closed in line with Article 28 of the 2009 Press and Publications Act, which states that “Publishers shall be Sudanese nationals...”. This action was taken ahead (and thereby in violation) of a six months transitional period set by the NCPP to adjust media licences following South Sudan’s independence.

NEWSPAPER CLOSURES IN 2012

In the first two months of 2012 alone, the Sudanese government suspended three opposition newspapers:

Rai Al Shaab, a newspaper affiliated with the opposition Popular Congress Party, was closed on 2 January, only months after it had resumed printing following an earlier shutdown. NISS agents arrived at the offices, took an inventory of *Rai Al Shaab*’s property, ordered staff to leave the premises and informed the editor-in-chief that the newspaper would be suspended indefinitely.

Rai Al Shaab was previously shut down in May 2010 and a number of staff were arrested, reportedly in relation to several published articles. One of the articles included reference to the April 2010 presidential and parliamentary elections, and another suggested that an Iranian weapons factory had been built in Sudan.

Alwan, one of Sudan’s oldest newspapers, was shut down on 13 January under Articles 24 and 25 of the 2010 National Security Act, which allow the NISS to ban any publication containing information considered a threat to national security.



On 8 March, the NISS summoned the editor-in-chief and warned him that they were dissatisfied with the work of a number of journalists.

The newspaper was reinstated on 19 March. On the evening of 20 March, the NISS raided *Alwan's* headquarters, ordered the suspension of journalists Mujahid Abdallah and Isam Jaafar, and banned them from writing for *Alwan* and any other Sudanese newspaper.

The daily newspaper *Al Tayar* was suspended indefinitely on 21 February, shortly after it published an article by Professor Mohamed Zain Al-abideen, Dean of the College of Higher Education at the University of Al Zaiem Al Azhari in Omdurman, in which he criticized President Omar al-Bashir for government corruption and nepotism. Printed copies of the newspaper were confiscated on 20 February and it was suspended by the NISS on the following day.

Professor Zain Al-abideen was arrested on 20 February after leaving his office at the university and held for 15 days in incommunicado detention without access to a lawyer or his family. He was released on 4 March without charge.

It is believed that both *Rai Al Shaab* and *Alwan* were closed for reporting on the death of Khalil Ibrahim, former leader of the Justice and Equality Movement, one of the main Darfuri armed opposition groups. No official reasons were provided by the government for any of the closures.

IMPACT OF CRIMINAL CHARGES ON JOURNALISTS

Journalists facing criminal charges as a result of their work experience serious constraints. Court cases may be pending for many months, with very slow progress. As a result, affected journalists are severely restricted in their movements and their work.

above: Journalists demonstrate outside the National Press Council in Khartoum on 7 February 2012 against the closure of two newspapers, *Alwan* and *Rai Al Shaab*.

cover: Journalists from *Al Tayar* newspaper protest on 20 February 2012 in front of the National Press Council in Khartoum at the confiscation by security agents of that day's issue. The banner reads "We are not afraid". © Reuters/Mohamed Nureldin Abdallah

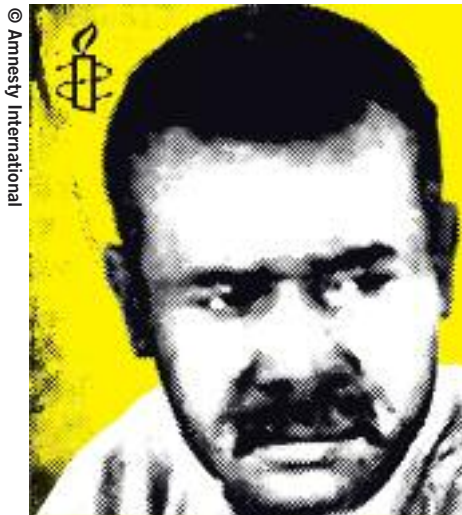
right: Safia Ishaag, art student and activist with Girifna.

below: Poster of Abuzar Al Amin produced by Amnesty International Germany for Amnesty International's 50th birthday celebrations.



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ABUZAR AL AMIN



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Abuzar Al Amin, former deputy editor-in-chief of *Rai Al Shaab*, was among those arrested in May 2010. He was sentenced under Articles 50 and 66 of the 1991 Criminal Act to five years' imprisonment for "undermining the constitutional system" and "the publication of false news".

In May 2011, the Supreme Court reduced Abuzar Al Amin's sentence to one year and he was due to be released on 3 July. Two weeks earlier, in June, the NISS brought a further two charges against him, one related to an alleged

assault of an NISS agent, and the second to an article he had written for *Rai Al Shaab*. Both the alleged assault and the article predate the original trial.

Abuzar Al Amin was finally released on bail on 22 August 2011 although the charges against him have not been dropped. One of these is "undermining the constitutional system", punishable by death.

Abuzar Al Amin was considered a prisoner of conscience at the time of his detention. Amnesty International calls for all charges against him to be dropped, including the new charges of June 2011, which are believed to be politically motivated.

"I feel at risk, because the charges against me have not been dropped and my case could be opened at any time. I could end up in jail without any notice... I am unemployed and can't write for my newspaper anymore."

Abuzar Al Amin

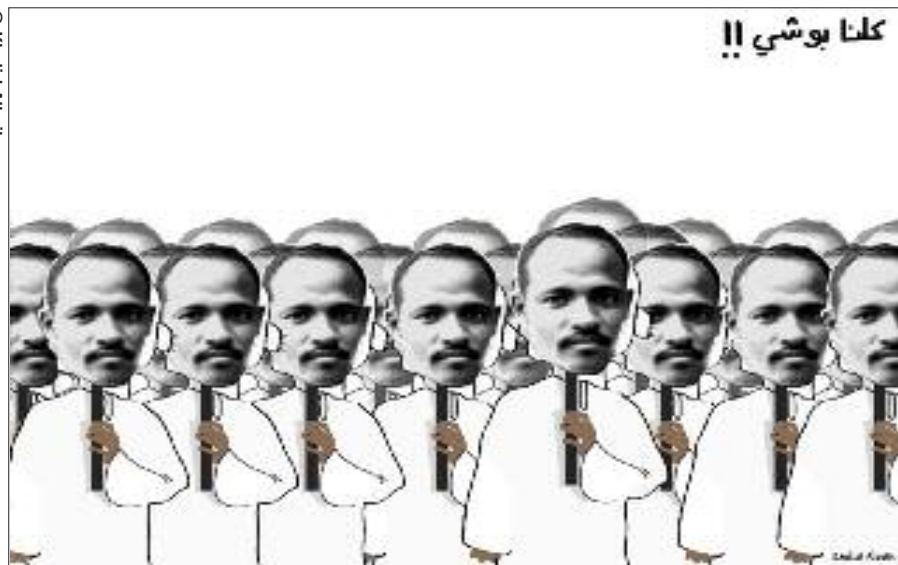
JOURNALISTS ARRESTED FOR REPORTING ON RAPE

Safia Ishaag, aged 26, an art student and activist with the youth movement Girifna (We're fed up), was tortured by three NISS agents after they arrested her in Khartoum on 13 February 2011. The agents raped her as well as beat and kicked her repeatedly, to the point of unconsciousness. Following her release, Safia Ishaag publicly recounted her experience in a video which went viral on the internet. The authorities denied all allegations of torture and sexual assault, and intimidated and harassed Safia Ishaag and her family.

The outspoken video inspired a number of journalists and writers to call on the Sudanese authorities to investigate the allegations. The government responded by arresting and charging the journalists and writers who were sympathetic to Safia Ishaag's cause.

Among those was Faisal Mohamed Salih, a journalist for *Al Akhbar* newspaper and a university media lecturer. His article "Communication to the Public", published on 1 March 2011, described Safia Ishaag's ordeal and that faced by other Sudanese women in NISS custody and stated that the National Security Act allows immunity for NISS agents. On 12 March 2011, Faisal Mohamed Salih was charged with criminal defamation and accused of ruining the reputation of the NISS. His case was referred to the Press Court – courts which

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Cartoon by Sudanese artist Khalid Albaih in support of Mohamed Hassan Alim Boshi. It reads, “We are all Boshi”, referring to the Egyptian Facebook campaign “We are all Khaled Said”. (CC BY 2.0)

are granted jurisdiction under the 2009 Press and Publications Act to prosecute “publishing crimes” – in Khartoum North; he continues to await trial.

“A young Sudanese woman and activist’s weapons are demonstrating and writing, giving speeches in her university and nothing more.”

Faisal Mohamed Salih, speaking of Safia Ishaag

Fatima Ghazali, a journalist from *Aljazeera* newspaper, was fined 2,000 Sudanese pounds (around US\$740) by the Press Court for writing about Safia Ishaag and calling for an investigation into her treatment. She was charged under Article 66 of the 1991 Criminal Code with “harmful publishing” and under Articles 26 and 28 of the 2009 Press and Publications Act. The newspaper’s editor-in-chief, Saad Eddin Ibrahim, was fined 5,000 Sudanese pounds (around US\$1,860) in relation to the article. Fatima Ghazali initially refused to pay the fine and was detained for two days.

On 29 August 2011, President al-Bashir declared an amnesty for all journalists detained by the NISS and called for their immediate release. Despite this presidential ruling, several journalists and writers in Sudan who were detained at the time remain in detention or have charges pending against them.

HARASSED FOR SPEAKING OUT

It is not only journalists who are being targeted by the authorities. Peaceful political activists who speak out against the government are also faced with constant harassment and arbitrary detention.

On 26 December, seven armed NISS agents arrested Mohamed Hassan Alim Boshi, a political activist and engineer, at his home. He was held incommunicado without access to a lawyer or his family for 22 days before being released without charge.

Mohamed Hassan Alim Boshi believes his arrest was linked to his public criticism of Nafie Ali Nafie, deputy chairman of Sudan’s ruling National Congress Party (NCP). A video showing Mohamed Hassan Alim Boshi challenging the official at a symposium held at the University of Khartoum in December 2011 was posted on YouTube and widely circulated on online forums and media outlets.

Mohamed Alim Hassan Boshi is a well-known activist and member of the opposition Ba’ath party in Sudan. He was detained nine times between 2003 and 2012 for speaking out against the government, including by participating in peaceful protests. In January and February 2011 he was reportedly tortured while held in detention for 47 days.

Rising costs of living and lack of democracy in the country also provoked Sudanese activists to publicly voice their opinions and

take to the streets to demonstrate. Inspired by uprisings in neighbouring countries such as Tunisia and Egypt, peaceful protests took place from 30 January 2011 in Khartoum and surrounding towns and cities. Security forces responded with excessive force, including tear gas and batons.

Activists have been arbitrarily arrested, harassed and intimidated by the police and NISS, and subjected to torture and other ill-treatment in custody. Many were arrested before, during and after taking part in demonstrations.

SOCIAL MEDIA SITES INFILTRATED

Social media sites such as Facebook, Twitter and YouTube have been increasingly used by Sudanese activists to disseminate information and co-ordinate activities, including demonstrations.

The authorities have previously infiltrated sites used by youth groups such as Girifna and Youth for Change and used them to arrest activists. Activists told Amnesty International that during interrogation by the NISS, they were asked for their email and Facebook passwords.

NCP officials made statements in the national media in February and March 2011 stating that they were closely monitoring Facebook pages that they considered to be “anti-regime”.



KHALAF SAEED OMER

Khalaf Saeed Omer, aged 30, a member of the group Youth for Change (Shararah), was hosting a meeting on 27 January 2012 in his home in Omdurman to plan a silent protest in solidarity with political prisoners in Sudan. Five plain clothed NISS agents broke into the house and blindfolded Khalaf Saeed Omer and four other people. They were taken to a house in an unknown location where they were beaten while being interrogated and threatened by the agents.

Khalaf Saeed told Amnesty International: “I was forced to give [the] NISS my Facebook password. At first I refused, but after they told me ‘give it to us or you will suffer’, I gave it to them. They entered my account and sent messages to people.” Khalaf Saeed said that he was also forced to have what he called “an intellectual discussion” during the interrogation, in which the NISS asked him about “the books that had impacted my thoughts”.

During the five-day interrogation, Khalaf Saeed Omer was threatened with mock executions and made to wear a T-shirt depicting President al-Bashir before being released without charge. He said, “I was forced to sit in a courtyard during the night and someone from the NISS came from behind me holding a weapon. He said he was going to kill me. On another occasion, a winter scarf was wrapped around my neck violently. It was like being executed by hanging.”

The statements concluded that Facebook groups were being administered by “foreign intelligence bodies” from abroad and were not representative of Sudanese youth.

The 2010 National Security Act allows NISS agents to search and seize assets as well as to arrest and detain people for up to four and a half months without judicial oversight. Under the Act, NISS agents are also granted immunity from prosecution for any acts committed in the course of their work.

RESTRICTIONS ON INTERNATIONAL MEDIA

International media also face restrictions to their work. In early June 2011, a team from the Arabic-language news network Al Jazeera were threatened and attacked by Sudanese security forces on their way to Kadugli, the capital of Southern Kordofan state, where armed conflict erupted on 5 June between the Sudan Armed Forces and the armed opposition group, the Sudan People’s Liberation Movement-North.

The four Al Jazeera team members – a correspondent, a cameraman, an engineer and their driver – were travelling with a military convoy in accordance with arrangements made with the Sudanese authorities. They were stopped at a checkpoint under the pretext of entering a restricted area, made to get out of the vehicle and cornered and beaten with rifle butts. The driver suffered a

serious injury to his ear and their camera was confiscated. The Sudanese security forces followed their vehicle and fired at the team when they crossed into Alquaik in north Kadugli. They were once again forced out of the car, beaten and ordered to leave the area.

The Sudanese authorities have imposed severe restrictions on international agencies, including humanitarian and human rights organizations, since the conflict began in Southern Kordofan and Blue Nile states and national media have been prevented from reporting on internal armed conflicts in Sudan.

LEGAL FRAMEWORK – THE RIGHT TO FREEDOM OF EXPRESSION

The right to freedom of expression is integral to the realization of other human rights, including the right to freedom of association and peaceful assembly. Article



Members of the youth movement Girifna protest in favour of free and fair elections in April 2010. The authorities have a history of infiltrating social media sites visited by groups such as Girifna and using information to arrest activists.

39 of the 2005 Interim National Constitution of the Republic of Sudan enshrines the right to freedom of expression.

In addition, Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights provide for freedoms of opinion and expression. Sudan has ratified the Covenant and the Charter, thereby committing to uphold these rights.

CONTRADICTORY NATIONAL LAWS

Despite provisions in the Constitution and international treaties that Sudan has ratified, a number of national laws, including the 2009 Press and Publications Act, the 2009 Journalists' Code of Conduct and the 1991 Criminal Code, retain retrogressive or contradictory provisions which are often arbitrarily used by the Sudanese authorities.

Article 5(2) of the 2009 Press and Publications Act states that "No restrictions may be applied to the freedom of journalistic publishing save as maintained in this Act with regards to national security protection, public order and health; newspapers shall not be confiscated or shut down nor shall journalists and publishers be imprisoned on issues pertaining to their practice save under the provisions of this Act." This vague definition of what cannot be published gives extensive powers to the NCPP to suspend newspapers and publishers "if found in violation of the terms and conditions of the practice."

The Act further provides for special courts, such as the Press Court in Khartoum North where a number of journalists have been tried in 2011 and 2012. These courts have the power to impose unlimited fines, and to suspend newspapers, editors and journalists indefinitely.

The 2009 Journalists' Code of Conduct states that journalists must "defend the interest, unity, survival and integrity of the homeland". This stipulation has been used by NISS agents to criminalize freedom of expression, including restricting reporting on armed conflicts in Sudan.

The 1991 Criminal Act is also used to prosecute journalists, specifically under Articles 50, 51, 53 and 66 which have been used by the authorities to interpret articles published as violations of the law or code.

REFORMS NEEDED

The 2009 Press and Publications Act continues to be used along with other laws in Sudan to intimidate and criminalize journalists and others who voice opinions considered controversial. During the 18th Session of the UN Human Rights Council in September 2011, the Sudanese Minister of Justice publicly committed to amend the Act in accordance with Sudan's international obligations.

Sudan should respect, protect and promote freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds. The press and other media should be able to comment on public issues without censorship or restraint, the ability to inform public opinion and to criticize government policies.



A Sudanese woman reads a newspaper in Khartoum.

TAKE ACTION NOW

Write to the Sudan government, calling on them to:

- Immediately stop the harassment and intimidation of journalists, writers and activists in Sudan and respect their right to freedom of opinion and expression;
- Immediately and unconditionally drop all charges against Abuzar Al Amin and other journalists, writers and activists who have been charged after peacefully expressing their opinion;
- Reinstate *Rai Al Shaab*, *Alwan*, *Al Tayar* and all other suspended newspapers;

- Reform relevant laws, including the 2009 Press and Publications Act and 2010 National Security Act in accordance with Sudan's international human rights obligations and commitments.

PLEASE SEND APPEALS TO:

President Omar Hassan Ahmad al-Bashir
Office of the President
People's Palace
PO Box 281
Khartoum, Sudan
Email: info@sudan.gov.sd
Fax: +249 183 770 621
Salutation: Your Excellency

Mohammed Bushara Dousa
Ministry of Justice
PO Box 302
Al Nil Avenue
Khartoum, Sudan
Fax: +249 183 764 168
Salutation: Dear Minister

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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