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Tribute to Abdelsalam Hassan Abdelsalam

The African Centre for Justice and Peace Studies is dedicating this issue of the Sudan Human Rights Monitor to our dear friend and colleague, Abdelsalam Hassan Abdelsalam, who was tragically killed in London on 13 March 2010. A memorial celebrating Abdelsalam's life was hosted by Redress Trust, where he worked as Sudan Legal Advisor, and Abdelsalam's family and friends in London on 16 October. Over 200 people attended and expressed admiration for Abdelsalam's work and love for his character. The memorial featured speeches by Abdelsalam's family, friends, and colleagues, and poetry, music, and video of him speaking in conferences and public symposia. Copies of his publications and booklets of [tribute messages](#) written to him after his untimely death on Redress' website and Sudanese Online were distributed.



Although he had lived in London for many years, Abdelsalam grew up and was educated in Wadi Halfa, Sudan and dedicated his life to the cause of human rights in his motherland. He worked as a private attorney from 1982 to 1989 in Khartoum, playing an active role in defending human rights, democracy, and the rule of law under the auspices of the Sudan Bar Association, and spent a few years imprisoned in the mid-80's due to his work. Following the 1989 coup, Abdelsalam left with his wife and daughter for the United Kingdom, where he obtained refugee status. In 1991, he worked to reestablish the Sudan Human Rights Network in exile. Later, he worked with Human Rights Watch and Justice Africa. He predicted the end of the civil war years ahead of his time and the need to establish grounds for social integration, peace, justice, and human rights. He was an organiser of the groundbreaking 1999 Kampala conference which brought together Northerners and Southerners. In 2001, he co-authored the book Phoenix State: Civil Society, and the Future of Sudan.



Abdelsalam was a good man who cared deeply for his friends and the people around him. He lived his life without pretence and with absolute honesty, and was a model of courage and integrity. Unfailingly brave, convivial, brilliant, and kind, Abdelsalam committed his life's work and passion to the defence of human rights in Sudan. An intellectual that was curious to the core, Abdelsalam sought to understand the social and political complexities of his homeland, and the context in which they occurred. Abdelsalam was a poet who studied law; a secularist who fought fervently for the right to freedom of religion and belief; and a Northerner who strove for equity in race relations and African identity for South Sudan. His memorial reflected the many aspects of Abdelsalam's life, and included sessions on his political commitments, role as a human rights activist, work as a creative intellectual, and as a family man and friend. Many speeches were made by Abdelsalam's friends and family, including his widow and daughter, colleagues at Redress Trust, and friends. Osman Hummada, director of the African Centre for Justice and Peace Studies, spoke about their friendship and Abdelsalam's intellectual contributions and legal expertise to advance democracy and human rights in Sudan. A poem written for Abdelsalam called "A Two Way Crimson Ticket for Abdulsalam (A Requiem of Love)" was read by its author, Rashid Sidahmed Elsheikh,¹ and video messages from Sudan were played.

For over 30 years and against almost insurmountable odds, Abdelsalam continued to struggle for freedom, democracy, legal reform, and the rights of the victims of torture in Sudan. He was a beacon of hope to many and a leader in the Sudanese human rights movement. Abdelsalam was one of the founders of the African Centre, and author of the Centre's vision and mission to "bring about a Sudan committed to all human rights, the rule of law, and peace in which the rights and freedoms of individuals are honoured and where all persons, groups, and communities are granted their rights to non-discrimination, equality, and justice". His presence will be greatly missed, but we aspire to honour his vision and his mission in all our work.

¹ Available online at Redress Trust: http://www.redress.org/Crimson_Ticket_For_Abdulsalam.pdf

Arrangements for the Referenda and Beyond in Jeopardy

Less than 100 days remain until 9 January 2011, the scheduled date of the referenda on self determination for South Sudan and on the status of the disputed Abyei territory. However, a number of critical referendum arrangements have yet to be made. A tight schedule has been released for the logistical and technical elements of preparations for the referendum, highlighting the difficulty of organising a process which is both free and fair, and on time. However, the referendum on the status of Abyei is even more desperately stalled. The Abyei referendum commission has not even been established and negotiations on a range of related issues remain deadlocked.

The Referendum on Southern independence

Months behind schedule due to tense debate between the National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM) over the composition of the Southern Sudan Referendum Commission (SSRC), critical preparations for the conduct of the referendum have begun. The SSRC recently released a timetable for the registration, campaigning, voting, and tabulation, a process which will cost roughly \$370 million. The schedule includes the following key dates:

- **17 October:** Beginning of accreditation of observers, advocates, and the media
- **1 November:** Publication of the list of referendum polling centres
- **14 November to 4 December:** voter registration
- **5-12 December:** Provisional referendum register accessible for inspection at referendum voting centres
- **7 December:** start of official advocacy campaign for referendum
- **12-19 December:** Consideration committees, tasked with hearing objections or additions to the referendum register, are present in each referendum polling centre
- **17-24 December:** decisions made by the consideration committee shall be posted at each referendum voting centre for display
- **24-29 December:** individuals unsatisfied with the decisions by the consideration committee may appeal to local courts, who will make final judgments on the referendum register
- **31 December:** the final referendum register will be completed and displayed
- **9 January:** the referendum will take place
- **31 January:** referendum results will be announced

While progress on the creation of the commission and the release of the schedule is positive, the tight timeframe will make thorough observation and full transparency more challenging. The importance of the legitimacy of the process cannot be overstated. If the process is not viewed as credible, it will add fuel to the fires started by those opposed to the outcome. Senior members of the National Congress Party have already started sending signals that this is the case. Vice President of the Government of National Unity (GoNU) Ali Osman Taha² stated that while the referendum was possible to be held on time in spite of logistical and political challenges, it would have to be perceived by the NCP as “credible and transparent” to be recognised. For his part, President Omar al-Bashir stated that if the referendum

² There have been reports of an internal rift developing in the NCP, in which Taha has fallen increasingly out of favour, while Nafie Ali Nafie, a hardliner and Islamic ideologue, has gained more power. Nafie Ali Nafie was appointed to Bashir's cabinet following presidential elections.

is undertaken in a free and fair manner, the South would vote for unity. During his inaugural speech following the elections, President Bashir stated that “the next battle will be for the unity of Sudan”.³ In this context, the participation of national and international observers in ensuring credibility is imperative. National and international actors must redouble their efforts to ensure that referendum processes are fair and include sufficient safeguards to avoid both the reality and the possible perception of manipulation.

One area in which the tight timeline will potentially be problematic is registration. Diaspora members will be registered through Southern Sudanese civil society entities. Though the Referendum Act originally stipulated that registration should take in July, it was postponed to October, and finally to November. Registration will conclude on 4 December. In comparison, registration for the elections took place from 1 November to 7 December, after a one week extension to allow for a more inclusive process and allowing five months between the registration and the voting. Despite the longer time frame, there were significant irregularities related to voter lists and polling places. Documentation of the registration procedures revealed that a number of practices and procedures functioned to exclude individuals from the process. Voter registration in the South was extremely high; with 98% of the electorate registering to vote.⁴ While the experience of the elections registration will undoubtedly be useful, a new registration process will have to be undertaken as required by the 2009 Southern Sudan Referendum Act.

Procedures for the audit of the voter’s list are crucial to build public confidence. Indeed, this is recognised in the Referendum Act, which directs that the voters’ list be posted for auditing for at least 90 days prior to the vote; under the current timetable, this requirement will not be met. Of this discrepancy, the Chairman of the Referendum Commission, Justice Chan Reec, stated that “laws are made to save the interests of the people, but can be modified to suit any given socio-political situation. In any case, this is not the first time we have gone behind schedule in such national preparations”.⁵

Also troubling is that the day immediately following the registration period, lists are expected to be available for public audit, raising concerns about the accuracy of the compilation process. Additionally, the start of the official advocacy campaign begins halfway through the week in which the provisional register is posted, limiting the extent to which the public and other actors who may also be engaged in advocacy can engage in the audit.

Other logistical issues will also need to be addressed. For example, the ballots will be produced by a US based firm, but it is unclear when these materials were ordered, and when the process of delivering them to South Sudan’s ten states will begin. The first batch of materials and equipment, estimated at around \$7 million, arrived on 15 October and was delivered by the United Nations Integrated Referendum and Electoral Division to an UNMIS warehouse in Juba. The equipment includes computers, printers, motorbikes, generators, registration kits, and other items to be distributed amongst the

³ Lavallo, Guillaume, “After Sudan vote, battle for unity begins,” 28 April 2010.

⁴ Registration was likely so high as many citizens thought that they were registering for the referendum, and also to dispute the 5th Population and Housing Exercise Census of 2008. In some areas, registration in comparison with the census results was over 100%. For more information on the registration, please see [“Building on a Cracked Foundation: An Analysis on the Registration Process in Sudan and its Impact on the Potential for Fair and Free Elections”](#).

⁵ [“South Sudan Snubs Khartoum, Hires US Firm to South Sudan referendum commission”](#), *Sudan Tribune*, 5 October 2010

Southern State High Referendum Committees, state bodies responsible for administering the referendum in their constituencies.⁶ With few paved roads and many migrant communities, this will be a logistically difficult task that will require ample time and coordination.

The Abyei Referendum: Negotiations in Addis Ababa Stall

As challenging as the preparation of the referendum in the south appears, the process in Abyei is even more contentious and stalled. The Comprehensive Peace Agreement provided for a referendum for Abyei to be held on the same day as the southern referendum in order to determine whether Abyei will join the north or the south. A border area particularly rich in natural resources, Abyei is a crucible of the conflict between the North and South. Procedural delays are occurring against a backdrop of ethnic tensions and economic interests. Bitter negotiations between the NCP and SPLM over issues of border demarcation, citizenship, and wealth sharing have placed Abyei as a future battleground between the North and South.

The US Special Envoy for Sudan Scott Gration hosted talks in Addis Ababa on the disputed region, but these were suspended in mid-October in a deadlock. Talks are to resume later this month and include former South African President Thabo Mbeki as a mediator on behalf of the African Union's High Level Implementation Panel, but time to reach a negotiated solution is running out. In the meantime, the rhetoric is heating up with the National Congress Party pushing for delay and a representative from the disputed region declaring that no delay will be tolerated.

The appointment of the Abyei Referendum Commission has still not taken place due to conflict over its composition. The most contentious issue, however, is who exactly will be allowed to vote in the referendum. The population of Abyei is made up mostly of two ethnic groups – the Ngok Dinka and the Misseriya. Although the Misseriya are a traditional part of the landscape in Abyei, many migrate through the area seasonally. The SPLM has reportedly argued that the Misseriya should not vote in the referendum because they were not part of the nine Ngok Dinka kingdoms that form the core of Abyei. Misseriya leaders have contested the SPLM position and insisted that they should be allowed to participate in the vote.

Several leaders in the community have suggested that the core disputes could be resolved if NCP and SPLM engagement were removed. All-Misseriya leader Mohamed Khatir stated that the problem of Abyei should be left to the two Misseriya communities and the Dinka Ngok to negotiate.⁷ Chairman of the Misseriya Forum Hussein Jalal-Aldin stated that “what we need is for the SPLM and the NCP to take their hands away. They have distorted everything. They have caused so many unnecessary problems. The people of Abyei were living amicably”. Vice President Ali Osman Taha has stated that a referendum could not be conducted without agreement between the tribes, and that the NCP would likely reject the US' proposal in Addis. Chief Administrator of Abyei Deng Arop Kuol, a member of the SPLM, said that while talks are ongoing, the vice president should have withheld his statement, and the SPLM's chairperson Yien Matthew Chol stated that Taha's comments underscored the unwillingness of the NCP leadership to fully implement the Comprehensive Peace Agreement (CPA).

⁶ “UN Delivers Referendum Equipment to Juba”, Radio Miraya, 16 October.

⁷ Al-Ahram Al-Youm, 6 October 2010

The Defence Minister of the NCP, General Abdul Rahim Mohamed Hussein has pledged that the rights of the Misseriya will never be compromised due to their role in fighting with the Sudanese Armed Forces (SAF) during the civil war. Exclusion of the Misseriya would only serve to transfer the war to the North.

A senior official of the NCP, Didiri Mohammad Ahmad, stated that it was not possible to hold the Abyei referendum on time, and that the status of Abyei would need to be addressed either through a delayed referendum or through an alternative mechanism. The administrator of Abyei and member of the SPLM, Deng Arop Kuol, stated that the region's residents would not accept a delay and may hold their own vote without the central government's approval, declaring that "A delayed vote is unacceptable. The people of Abyei are still holding out for the referendum to be held on 9 January. If the government does not give them that option, we can have a self-run referendum".

Post-referendum arrangements

As the logistical challenges of implementing the referendum and the details of an Abyei agreement have come to the fore, preparations for post-referendum arrangements have stalled. Post-referendum arrangements will have to be negotiated to prevent against conflict reigniting between the two CPA partners.

Speaking to local leaders in Kassala, Presidential Advisor Mustafa Osman Ismail urged Sudanese youth to begin arming themselves. The NCP "are peace lovers and we are working for it. We hold the olive branch in the same hand that carries a weapon. For those who come to us with peace we will extend the hand that carries the olive branch, and for those who want to stab us in the back we will confront him face to face".⁸ Other threatening statements have involved the status of southerners in the north. Information Minister Kamal Obeid remarked on national radio that Southern IDPs would immediately lose their citizenship rights in the North should the South vote for secession. "They will not enjoy citizenship rights, jobs, or benefits, they will not be allowed to buy or sell in Khartoum market and they will not be treated in hospitals. We will not even give them a needle in the hospital".⁹

Legal Developments: Drafting the Legal Aid Bill

A legal aid bill has been drafted by the government of Sudan and circulated for discussion. Though not yet tabled in the National Assembly, consultations took place with the American Bar Association (ABA) and the UNDP during a workshop in El Fashir, North Darfur. Drafted by the Ministry of Justice, initial analysis shows ample discrepancies between the Arabic and English versions of the bill.

The bill requires lawyers providing legal aid to report their work to a monitoring commission. The government-regulated commission licenses only particular lawyers to provide legal aid, enhancing the probability that only pro-NCP lawyers will be able to openly accept legal aid cases, and independent lawyers may run serious risks if they join the commission.

⁸ Akhir Laza, 30 September.

⁹ United Nations Office for the Coordination of Humanitarian Affairs Integrated Regional Information Network (IRIN), "Sudan: Analysis: Referendum raises expulsion fears," 27 September 2010.

Political Developments

Negotiations on the future of South Sudan described above dominated Sudanese political space in the past few months. Nonetheless, there has also been movement on efforts to address the situation in Darfur. In September, the Presidential Advisor on Darfur, Dr. Ghazi Salaheldin, released the government's latest strategy paper on Darfur. The paper outlines a new approach to Sudan from a "peace from within" perspective.¹⁰ The new strategy claims to take a radically different approach, addressing root causes of insecurity rather than dealing mainly with fragmented rebel factions. The new solution will "re-orient" humanitarian activity in Darfur towards the resettlement of IDPs after providing security in those areas. The paper expresses concern about the implications of the referendum on southern independence in Darfur, most significantly the potential threat of separatist tendencies and derailing the Darfur peace process. Dr. Salaheldin stated that "as the North and South pursue negotiations on post-referendum issues, Darfur may be a source of tension; likewise, tense negotiations between the North and South will likely complicate a resolution in Darfur".¹¹ A Darfur Consultation Forum will be set up to complement negotiations. The consultations will address five main elements: security, development, resettlement, reconciliation, and negotiations.

The SPLM and rebel groups have rejected the new strategy. Sudan commentator Eric Reeves has sharply criticized the policy as a cover for increasing repression:

there can be little doubt about what the "New Strategy" entails: massive, forced relocation of Internally Displaced Persons (IDPs); denial of the need for a continuing international humanitarian presence in Darfur; refusal to participate seriously in an internationally mediated peace process; and the establishment of a more robust "security" presence that will eventually compel the withdrawal of the current UN peacekeeping mission in Darfur.¹²

In parallel with the new strategy, Doha talks resumed on 5 October between the Liberation and Justice Movement (LJM) and the Sudanese Government. The mediation has indicated that a draft agreement has been prepared and will be presented in this round of talks. Rebels agreed to discuss the draft but expressed dissatisfaction with the government's refusal to engage on its new Darfur policy.

International Engagement

On 24 September, the United Nations convened a high level meeting on Sudan. US President Barack Obama addressed the session, which was attended by regional powers and Security Council members. The session produced a communiqué intended to refocus international partners on promoting peace in Sudan. The same day, the African Union publicly released a letter calling on the United Nations Security Council to formally delay the proceedings of the International Criminal Court. The African Union's U.N. observer, Tete Antonio, justified the request saying "the processes under way in the Sudan are too critical to the future of the country and the stability of the region and the continent as a whole to be

¹⁰ Early analysis suggests that the new government policy towards Darfur mirrors the peace process in the Nuba Mountains during the 90s, in which the conflict took on very specific racial dimensions and used forced relocation and famine in an attempt to diminish SPLA support.

¹¹ Office of the Presidential Advisor, *Towards a New Strategy for Achieving Comprehensive Peace, Security and Development in Darfur*.

¹² Reeves, Eric, "International response to Sudan's 'New Strategy for Darfur'," *Sudan Tribune*, 11 October 2010.

allowed to fail".¹³ On 1 October, the UN Human Rights Council in Geneva adopted by a narrow majority a resolution to renew the mandate of the Independent Expert on the human rights situation in Sudan.

The United Nations Security Council (UNSC) visited Sudan from 5 – 9 October. The delegation arrived in Juba first, where they were greeted by crowds waving signs in support of the referendum being held on time. While in the South, the UNSC met with Southern President Salva Kiir, and visited the Al-Rajaf area outside of Juba where police officers responsible for maintaining security during the referendum are currently being trained. The UNSC's visit to Juba was in stark contrast to their trip to El Fashir, North Darfur, where pro-Bashir demonstrators attempted to prevent them from leaving the airport. Their two days in El Fashir included meetings with UNAMID, local authorities, and IDPs in Abu Shouk, Al Salaam, and Abashed camps. During the course of their visit, two UNAMID staffers were kidnapped. Following the delegation's visit to the camps, the NISS began searches for IDPs who spoke to the UNSC. On 8 October, National Intelligence and Security Services unsuccessfully attempted to arrest 16 IDPs. On 10 October, 2 IDPs were arrested, who remain in custody at the time of writing.¹⁴ The UNSC's last segment of their trip was to Khartoum, where the delegation met with the Southern Sudan Referendum Commission, Foreign Minister Ali Karti, and Vice President Ali Osman Taha.

The UN Secretary General's Panel on the Referenda visited Sudan for the first time on 10 October. The three member panel (comprised by Benjamin Mkapa, former president of Tanzania and chairman of the Panel, António Monteiro, former minister of foreign affairs of Portugal, and Bhojraj Pokharel, former Chairman of the Election Commission of Nepal) visited Juba, Abyei, and Khartoum, meeting with President Omar al-Bashir. The panel stated that it was possible to hold the Abyei and Southern referenda on-time, provided that both parties urgently increase efforts and funding to the referendum. The panel was established by Secretary General Ban ki-Moon following requests from both the NCP and SPLM to form an independent UN monitoring body to assist in enhancing the credibility of the referendum.

Monitoring Report

Freedom of Expression and Association

- On 1 August, the Central Council of Journalists Union, a government-affiliated organisation, directed the Union to cancel the membership of any journalist affiliated with any other unions, whom they perceive as being illegitimate and illegal. There are two other journalist's bodies, both of who are very active in working for journalist's rights and protection of the freedom of expression. For example, the Journalists' Network and Journalists for Human Rights demonstrated peacefully in June to release the *Rai Alshaab* journalists during the pre-print censorship period. Dr. Mohiuddin Tetaoi, the chairman of the Union of Journalists, affirmed to the Centre Sudanese Press Services that the unity of journalists is a red line that cannot be crossed by any person or political party, saying that the Union of Journalists will take all necessary measures in accordance with national laws (as trade unions in Sudan must be established in accordance with local laws) to establish and elect officers to preserve the integrity of the organisation and its members.¹⁵

¹³ Lederer, Edith M., "Africans ask UN to delay al-Bashir prosecution," 24 September 2010.

¹⁴ For more information, see "[Arrests and Intimidation in El Fashir Town and IDP Camps Following the UN Security Council's Visit](#)", (14 October 2010)

¹⁵ <http://www.alsahafa.sd/details.php?articleid=11305#11305>

- On 5 August, National Intelligence and Security Services (NISS) authorities issued a letter to the Employers' Federation Hall in Khartoum, warning them not to host a meeting the following day of the Sudan Women's Solidarity for Darfuri Women Forum. The Humanitarian Aid Commission cancelled the registration of the forum the following week.
- On 8 August, the head of the NISS, Mohammed Atta, lifted the stringent pre-print censorship policy that was active from May – August. During that time, several newspapers were subject to pre-print censorship, and the arrest and torture of their respective staff. Mr. Atta also affirmed that the NISS "reserves its constitutional right to reinstate censorship whenever the necessity arises".¹⁶
- On 9 August, BBC News Arabic was prevented from broadcasting in northern Sudan due to allegations that they had obtained broadcasting equipment without following all national legal procedures. The government of Sudan issued a statement accusing the BBC of smuggling live television broadcasting equipment into the country through the British Embassy and the BBC Trust of conducting media activities in Sudan before obtaining permission from authorities. The BBC also allegedly broadcast from South Sudan without first obtaining permission from the Central Government. BBC currently covers northern Sudan from Alobied in West Sudan, to Port Sudan in the East, Wad Medani in the Centre, and Khartoum.
- On 1 September, the NISS prevented the Doctors' Strike Committee from holding a Ramadan Breakfast with the Medical Student Association of Khartoum University. The NISS summoned the chairman of the Doctors' Strike Committee, Dr. Ahmed Alubauabi, and the deputy chairman, Dr. Abdaziz Ali, and ordered them to stop preparations for the Ramadan Breakfast on the pretext that it was a political rather than social event.

Arbitrary Arrest and Incommunicado Detention

- On 2 August, Khartoum North Court acquitted Nahla Bashir, and released her from prison. Ms. Bashir is a prominent human rights defender and advocate for the freedom of expression. She had been arrested on 16 December 2008 from Aldein City in South Kordofan on allegations by the NISS that she had assisted in the kidnapping of Chinese contractors in Heglig, an oil field outside Abyei. She was imprisoned in Omdurman Women's Prison for almost a year, before being released on bail on 27 October 2010. The person who granted her release was threatened by NISS that if Ms. Bashir escaped or moved he will be held responsible and arrested. Ms. Bashir suffers from poor health, and her condition worsened in prison. The NISS have appealed the Court's judgement.
- On 4 August, agents alleged to be NISS officers arrested three students in Medani, Gezira state, on their way to the Nesheshiba campus. The NISS ordered the bus they were travelling on to be stopped so that officers could remove the group. They were held for four hours before they were released. The names of the three students are:
 - Amin Mohamed Ali
 - Osman Mohamed Omer
 - Yasir Abd Algadir
- On 14 August, *Alshrooq's* television crew was released from prison after their arrest on 14 July by SPLM special security forces in Aweil. They were neither charged with any criminal offense nor tried. Their equipment was seized and confiscated after they covered the visit of the Vice President of the GoNU, Ali Osman Taha, to South Sudan. The names of those arrested are:
 - Mohamed Almack, editor and correspondent

¹⁶ ["ACJPS Welcomes End to Pre-Print Censorship in Sudan; Calls for Greater Protection of Freedom of Expression"](#), 10 August 2010

- Omer Atak, photographer
- On 4 September, NISS agents in Gedarif state in Eastern Sudan arrested two members of the Communist party distributing statements objecting to the increase of food prices in Eastern Sudan. They were released the following day. One reported that he had been tortured in custody. The two men are:
 - Abdalafif Aldaw
 - Emad Alkhatim
- On 19 September, two police officers and an NISS agent arrested businessman Esam Mohamed Shabo. They threatened him and forced him to enter a small bus en route to Hai Alzihor in Central Khartoum. They arrived at the station over an hour later, and during the course of time in the bus ride Mr. Shabo reported being tortured and bitten by the authorities. When they arrived, the Central police station refused to receive him due to his health condition and directed the same agents to take him to a hospital.
- On 21 September, the NISS in North Darfur arrested Awatif Ishag Ahmed, a women’s rights activist and editor of *Alrahil* magazine, a local magazine in El Fashir. Ms. Ahmed was arrested at 8 AM and detained until 4 PM. During her detention, she was not allowed food, water, or to use the washroom. She was questioned extensively about her relationship with the ICC and told to report immediately to security if summoned. She was ordered to not report that she had been arrested.
- On 20 September, Harun Imam Hassan, a senior *Nazir* (tribal leader) of the Misseriya was arrested in Kass, South Darfur, under direct orders by Governor Abdel Hamid Musa Kasha. He allegedly refused to react positively to the state’s mediation of the conflict between the Misseriya and Riezegat.
- On 12 May, 71 Gimr tribesmen were detained in Halilat, South Darfur for supporting the rebel Justice and Equality Movement (JEM). Most were released, but 17 remain in custody as of October. The arrests are surprising in that the Gimr are generally known for supporting the government, not the JEM.

Freedom of Religion

The Commission for Non-Muslim Rights proposed a set of amendments to the law to exempt non-Muslims from restrictions on civil liberties in the North. The Commission for Non-Muslim Rights was established as a body under the CPA to regulate the usage of *Sharia* law in the North. Though *Sharia* is not supposed to apply to Southerners and non-Muslims in the North under the CPA, a 1996 local order bans the activities of non-Muslims in Khartoum. Additionally, public order police are empowered under *Sharia* law. The amendments requested that:

- Celebrations be allowed to go up to midnight, rather than 10 PM
- During Ramadan, local restaurants should not be closed. Those owned by Christians should be allowed to operate under their normal schedules, rather than being charged extra fees as they often are by local authorities to stay open.
- Local shops should be open during prayers or on Fridays

Of the proposed amendments, the Muslim Scholars Authority accused the Commission of attempting to spread “chaos and insecurity”.¹⁷ The Muslim Scholars Authority issued a fatwa last year forbidding Muslims from attending demonstrations planned by the SPLM and opposition groups to protest on stonewalling of the referendum law, labelling the organisers as “the enemies of Islam”. Despite this the Muslim Community in South Sudan, for its part, has voiced support for independence.

¹⁷Sudan Radio Service, “Non-Muslim Rights Commission to Amend Laws”, 3 September 2010

Corruption

On 3 September 2009, local authorities in Red Sea State, eastern Sudan, issued Resolution No. 3 confiscating a building on municipal plot 48B/z/4 in Port Sudan. The building was owned by an NGO, the Environmental Protection Society. The Society was not notified of the confiscation until 3 October 2010.

The resolution was legal under the Sudanese Land Law of 1930, which empowers authorities to confiscate property when in the public interest. The Environmental Protection Society submitted an appeal to an Administrative Court, which dropped the appeal as the matter was brought to court after the appeal period had ended. The Administrative Court stated that the Environmental Protection Society should have known of the resolution, as it had been in the papers since 28 December 2009. The Environmental Protection Society appealed the decision once again, and the Appeals Court confirmed the decision of the Administration Court.

Before the decision of the Appeals Court became final with the end of the appeal period, which is 15 days under Sudanese law, the Court informed the Environmental Protection Society at the end of the week on 30 October that the building would be razed on 3 October. The Environmental Protection Society's building was replaced by a garden.

Security Conditions and Humanitarian Access

Security conditions in Nyala, South Darfur, have deteriorated rapidly in the past few weeks amongst the presence of the increasingly uncontrollable Popular Defence Forces and "border guards". The "border guards" are former *janjawid* militias initially integrated into the SAF to combat rebel groups such as the JEM and the Sudan Liberation Movement/Abdul Wahid Al Nur (SLA/AW). The proliferation of armed groups in Darfur has created a climate of fear and insecurity in Nyala and contributed to a general culture of lawlessness. Civilians are often unable to tell which armed actors belong to different factions, as the border guards frequently change uniforms or patrol in plain clothes. A curfew of 7 PM has been imposed. UNAMID and the government recently partnered to dig a security trench in Nyala to protect the city from carjackings and bandits, but the project so far has appropriated 1500 residential plots and killed a child who fell into it. Restrictions on humanitarian aid in Kalma continue, with aid delivered only in the evening.

A SAF fact-finding mission suggested that the border guards constituted the greatest security threat apart from the JEM and SLA/AW, though they are formally integrated into the SAF. Of a bank robbery that occurred the 29 September, the Deputy Governor of South Darfur Abdul Kareem Musa stated that "there was some evidence" that the border guards and Popular Defence Forces were involved, but a formal investigation could not be made until more evidence materialised.

- On 29 August, unknown armed men kidnapped three Russian pilots working with a private aviation company, Badar, in Sudan. The incident took place in Nyala at 11 PM in the central area near the cinema. On 31 August, authorities announced that they had negotiated with the kidnappers and brought the pilots back to Nyala.
- On 13 September, border guards attacked and threatened to kill Salah Mohamed Ibrahim in Sm Alnseem area of Nyala. He was able to bribe the group with his cell phone and escape.
- On 17 September at 10 PM, an armed group believed to be border guards attacked and killed two sons of Ahmed Koko at their government-issued home adjacent to Nyala High School while Mr. Koko was not home. Mr. Koko recently had brokered a peace deal between the Misseriya and Reizegat tribes. In the weeks leading up to the attack, he had been threatened several times.

- On 20 September, gunmen attacked two Sudanese staff of UNAMID in Mujaheria in their home.
- On 28 September at 9 PM, a militia group hijacked Engineer Abdelgader Osman Ahmed's vehicle at gunpoint. The group then drove straight to Nyala's Ministry of Agriculture. Following the hijacking, they were not stopped by any local authorities.
- On 28 September, an unknown assailant killed an IDP community leader, Abdalla Hamad, aged 57, inside of Al Salaam camp in Nyala. The perpetrators fled before they could be identified.
- On 29 September at 3 PM, Arab militiamen believed to be affiliated with the border guards robbed the Tadamon Islamic Bank in Nyala during office hours and fled the city in a Landcruiser. Security forces shot at each other, as the border guards robbed the bank in plainclothes and then changed into military uniforms. They stole the entirety of the bank's safe, approximately 250 million Sudanese pounds.

The previous Human Rights Monitor included an analysis of the humanitarian blockade on Kalma camp and the clashes that occurred there, and in Almahidia camp, in late July. In recent weeks, there have been reports that plans are being made to dismantle Kalma as soon as possible, likely as part of the government's new strategy to organise returns of IDPs to their communities of origin. It remains unclear where the camp's residents (82,000 according to an assessment from the World Food Programme in September, confirming suspicions that a large portion of the residents had fled) will end up. A new site has been constructed in Belail, a few kilometers away. It will have room for approximately 15,000 people. 2,000 households have registered to move there, while another 2,000 have taken part in a verification exercise to potentially return to their original communities.¹⁸ Among the new government strategy paper's recommendations is that "the voluntary, safe, and orderly return of the displaced people of Darfur to their homes would be the ultimate indicator of a successful resolution to the conflict in the region." While return is certainly an indicator of recovery, a hasty process which forces premature return will only undermine long term stability. Though the new strategy paper on Darfur and Governor Kasha of South Darfur stated that all returns were to be voluntary, residents of Kalma must be given the option to remain in the camp under the Guiding Principles on Internal Displacement.

In South Sudan, aid groups reported on 31 August that SPLA soldiers had looted convoys of humanitarian assistance and were becoming increasingly violent. Aid groups said that they had documented 80 cases of obstruction, hijackings, or harassment of aid officials since February. In the case of Tearfund aid workers beaten in Upper Nile state, SPLA officials said that the workers were supplying food and medication to hostile militias. The SPLA chief of staff, General James Hoth Mai, stated that they would expel aid workers if they were outwardly hostile, stating that "I said please don't be harsh to us like that because tomorrow we can tell you to quit this country and you can go," Mai said. "But now, for you to continue with your work, you come tell us your problems in a polite way so that you continue with us."¹⁹

Darfur Attacks

- On 2 September at 11 AM, the SAF and local militias attacked Tabra, a Fur village in North Darfur. Tabra is approximately 80 km outside of El Fashir. UNAMID's nearest base is in Tawilla area, roughly 25 km away. Survivors of the attack reported seeing members of the SAF in uniform fighting alongside Arab

¹⁸"Sudan: What Next for IDPs as Darfur Camp Faces Closure?" IRIN, 14 October 2010.

¹⁹ Sudanese Media Centre, 6 September 2010.

tribal militias. Despite insecurity, much of the community in Tabra is only able to farm immediately outside of the village during the rainy season. The reasons for the attack are unclear, but are likely connected to perceived support to the SLA/AW and to seize land for local militias. 86 individuals injured in the attack were taken to a small clinic in Tawilla area, despite the clinic not having the capacity to treat the severity of injuries from the attack and such a large group.

Approximately 58 civilians were killed in the attack. 41 male victims were buried in a mass grave in Tabra area. The known victims are:

1. Ahmed Mohamed Adam Rasheed, Male
2. Ab El Rasoul Abdel Mageed, Male
3. Abdu El Gabar Mohamed Adam, Male
4. Mubarak, Male Child
5. Khalid Adam Ahmed, Male
6. Abaker Adam Ahmed, Male
7. Adam Ibrahim, Male
8. Musa Abdu El Mawula, Male
9. Ismail Adam Mohamed Nour, Male
10. Mohamed Musa Hamedna Allah, Male
11. Adam Ishaq Yousif Adam, Male
12. Mohamed Abdu El Mawula, Male
13. Ibrahim Jema Mohamed, Male
14. Abu El Kareem Haroun Idris Hamid, Male
15. Abu El Kareem Ali Adam, Male
16. Mohamed Abdu El Mageed, Male
17. Abker Khareef, Male
18. Abu El Rasool Ahmed, Male
19. Gad El Kareem Ahmed Osman, Male
20. Mohamed Mustafa, Male
21. Adam Haroun Mohamed, Male
22. Abu El Kareem, Male
23. Adam Jaroun Ishaq, Male
24. El Rasheed Adouma Adam, Male
25. Younis Abdallah, Male
26. Ishaq Mohamed Ahmed, Male
27. Ali Adam, Male
28. Abaker Adam Arbab, Male
29. Abdu El Gabar Abdu El Kareem Ateam, Male
30. Osman Musa Salih, Male
31. Isa Abdallah Bakhor, Male
32. Abdu El Malik, Male
33. Adam Haroun Ramadan, Male
34. El Sheik Ahmed Adam, Male

The survivors of the attack were initially taken to Tawilla MSF hospital, which had little capacity to treat such a large group. Those treated in Tawilla hospital are:

1. Abdu El Kareem Adam, Male
2. Yahya Hassan Khamis, Male

3. Suliman Isa Mohamed, Male
4. Adam Suliman Mohamed, Male
5. Yahya Haroun Suliman, Male
6. Mohamed Ahmed Osman, Male
7. Sadiq Abdallah Ali, Male
8. Mohamed Hassan Yagoub, Male
9. Haitham Ismail, Male (member of the Government of Sudan's police)
10. Abdu El Kareem Abdu El Aziz, Male
11. Abdu El Malik Abdu El Mageed, Male
12. Abaker Salih, Male
13. Adam Abdallah Mohamed, Male
14. Mohamed Ahmed Suliman, Male
15. Mohamed Adam Adam, Male
16. Suliman Isa, Male
17. Mohamed Haroun Ishaq, Male
18. Salih Abdallah Rahma, Male
19. Zakaria Ahmed Jima, Male
20. Abu Baker Ahmed Mohamed, Male
21. Ali Ahmed Isa, Male
22. Isa Hassan Mohamed, Male
23. Husain Bakheit Ali, Male

Some of the men injured in the Tabra attack were later taken to El Fashir hospital. They are:

1. Abdu El Kareem Mohamed Kanabi, Male
2. Adam Isa Adam, Male
3. Yahya Younis Adam, Male
4. Abaker Ahmed Ishaq, Male
5. Ahmed Adam Imam, Male
6. Ahmed Mohamed Abdu El Kareem, Male
7. Idris Ali Idris, Male
8. Khalil Abdallah Hassan, Male
9. Adam Ishaq Abdu Al Rahman, Male
10. Bakheit Mohamed Ahmed, Male
11. Mohamed Abdallah Adam, Male
12. Adam Musa Edam, Male
13. Abaker Mohamed Mansour, Male
14. Abdallah Ahmed Adam, Male
15. Yahya Ishaq Arbab, Male

In the aftermath of the attacks, Presidential Advisor Dr. Ghazi Salaheldin visited Tabra and promised to investigate and fully prosecute the attackers (although many are presumably protected under the Armed Forces Act).

On 23 September, bombing of South and East Jebel Marra by the Sudanese Armed Forces began again. 18 people were killed, including three women and eight children. Harika village in North Deribat, South Darfur, was burnt. The Government of Sudan allowed UNICEF, WHO, and other aid group's access to Jebel Marra for the first time in six months, though not to areas of rebel control. The South Darfur

government allegedly offered a general amnesty to rebels in eastern Jebel Marra, however, it was rejected by many.

On 4-6 September, seven people were killed and 20 wounded in Almahidia IDP camp near Zelengei, West Darfur. On 7 September, an additional three people died of their injuries. UNAMID only arrived three hours after the attack. IDPs refused to let UNAMID and the Red Cross take those injured, arguing they would later be arrested. The incident was allegedly related to the clashes in July over the Doha process, and the five IDPs who instigated those clashes. Tribal leaders warned UNAMID they were expecting an attack, but neither UNAMID nor government forces intervened. In fact, the government allegedly backed the attackers. Three of the five were killed, and the attackers vowed to come back for the remaining two. On 8 September, Mukashfi Mohammed Salah admitted that he participated in the attacks along with thirteen others to eliminate seven people due to the attacks in July. The three IDPs killed were:

- Adam Ismail Bush, Zelengei camp coordinator
- Mohamed Abdullah Khater, Youth Chairman
- Mustafa Adam Khari

The government stated that fighting had taken place amongst the LJM and SLA. According to other sources, the attacks were carried out by leaders of the Popular Defence Force.