

SECTION I:

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SECTION II:

Language(s): ENGLISH ONLY

SECTION III:

HUMAN RIGHTS COUNCIL

Eleventh session

SECTION IV:

Written statement submitted by the ARTICLE 19 a non-governmental organization on the Roster

SECTION V:

Title: The situation of human rights in Sudan¹

SECTION VI:

Text:

1. On the occasion of the eleventh session of the UN Human Rights Council (on 2 – 18 June 2009), ARTICLE 19, supported by the Khartoum Center for Human Rights and Environmental Development (KCHRED),² expresses serious concern about the situation of human rights in Sudan which has seriously deteriorated in the past year.
2. We support the work of the Special Rapporteur on the situation of human rights in Sudan, Ms Sima Samar, who is due to present the report of her most recent visit to Sudan at the eleventh session. However, we draw the Human Rights Council's particular attention to the increasing violations of the rights to freedom of expression and access to information, as well as as liberty and freedom of association.
3. We are especially concerned about several issues. *First*, we are concerned that, despite some positive changes, the draft Press Act retains many of the problematic

¹ The Khartoum Center for Human Rights and Environmental Development (KCHRED) also shares the views expressed in this statement.

² See for example ARTICLE 19, "Sudan: Urgent Action Required From Governments and Stakeholders to Mitigate Repression of the Press and Human Rights Defenders" 26 November 2008

<http://www.article19.org/pdfs/press/sudan-urgent-action-required-from-governments-and-stakeholders-to-help-mitig.pdf>

provisions of the 2004 Press Act.³ More specifically, under the current draft of the press law: print press organizations continue to be subject to a licensing regime; journalists are obliged to register with the Press Council before practicing their profession; restrictions on eligibility of chief editors exist; the Press Council is controlled by the President; and the Press Council has powers to impose criminal sanctions for violations of the law.

4. *Second*, we note that existing legislation, combined with arguments based on the current political context of Sudan, has been used by the Government of National Unity to suppress a broad range of human rights in the country, including the right to freedom of expression, in relation to issues of international justice and domestic legal reform. Notably, the 1999 National Security Forces Act, which is also due to be revised, has been used to suppress media coverage of developments in Darfur through the arrest and detention of journalists and human rights defenders. Furthermore, the Khartoum Center for Human Rights and Environmental Development has been targeted for supporting media law reform, for being an outspoken critic of the government on its poor record of justice and legislative reform and for its persistent abuses of the right to freedom of expression, among others.⁴ The newspapers *Ajras al-Hurriya* and *Al-Midan* have both been censored for their actual or intended publication of discussions on the draft press law.
5. *Third*, we note that the past year has seen a much broader campaign to restrict the right to freedom of expression in Sudan. Over recent months, Sudanese authorities have increased their harassment, intimidation and arrest of journalists for publishing articles critical of the government. The Secretary-General in his January 2009 report on Sudan indicated: “restrictions on freedom of expression and the media, including daily press censorship, continue unabated. On 17 November about 74 journalists were briefly detained during a peaceful protest against press censorship”.⁵
6. In response to these human rights challenges in Sudan, we recommend that the Human Rights Council to:
 - a. Renew the mandate of the Special Rapporteur on the situation of human rights in Sudan and urges the Government of National Unity to support her visits to the country;
 - b. Urge the Government of National Unity to protect the rights to freedom of expression and access to information for representatives of political parties,

³See ARTICLE 19, “Sudan: ARTICLE 19 Voices Serious Concerns on the Draft Press Law”, 14 April 2009 <http://www.article19.org/pdfs/press/sudan-article-19-voices-serious-concerns-on-the-draft-press-law.pdf>

⁴ See ARTICLE 19, “Sudan: Respect for Human Rights Plummets Further” 27 February 2009 <http://www.article19.org/pdfs/press/sudan-respect-for-human-rights-plummets-further.pdf>

⁵ See Report of the Secretary General on Sudan 30 January 2009, S/2009/61.

voters, human rights defenders and media workers in the run-up to the national elections in 2010;

- c. Urge the Government of National Unity to significantly revise the draft press law in line with international human rights law and standards on freedom of expression so that it provides for an independent regulatory body (instead of one controlled by the Presidency), does not establish a licensing regime for print organizations and does not require journalists to register in order to practice their profession;
- d. Urge the Government of National Unity to amend the 1999 National Security Forces Act in line with international human rights law on the rights to freedom of expression, liberty and fair trial;
- e. Urge the Government of National Unity to ensure an immediate halt to all media censorship, including the suspension of newspapers, and an end to intimidation, harassment, arrest and detention of journalists and human rights defenders (including the Khartoum Center for Human Rights and Environmental Development) – especially when such acts are connected with coverage of debates on domestic legal reform, developments on the human rights situation in the region of Darfur and the proceedings of the International Criminal Court.