



THE CHAINS REMAIN

RESTRICTIONS ON FREEDOM OF
EXPRESSION IN SUDAN

**AMNESTY
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‘THE CENSORSHIP GETS LIFTED AND THE CHAINS REMAIN’

Sudanese journalist, 10 August 2010

The right to freedom of expression is under attack in Sudan. Journalists are regularly arrested and detained for carrying out their work. Some have been tortured, tried on politically motivated charges and imprisoned as prisoners of conscience.

In northern Sudan, the National Intelligence and Security Services (NISS) has at various times controlled the press through strict pre-print censorship. Even when pre-print censorship is not being used, restrictions on freedom of expression by the authorities continue.

Journalists can be prosecuted for their work under several broad and imprecise provisions of Sudanese law. Defying the censorship rules places journalists and editors at risk of torture and other ill-treatment. One journalist told Amnesty International that it was almost impossible to publish articles on human rights in national newspapers, because of self-imposed censorship.

In southern Sudan too, press freedom has been subject to unwarranted interference by the authorities. During nationwide elections in April 2010, authorities in southern Sudan harassed a number of journalists for writing articles critical of the government, hosting debates on the election or interviewing independent candidates. Some were detained by the southern Sudanese security forces before being released without charge.

CONTINUING CONSTRAINTS

Restrictions on freedom of expression are not new in Sudan.

In the north, the Comprehensive Peace Agreement, signed in 2005, brought an end to the practice of censorship which had emerged in the 1990s. This short-lived period of relative freedom for the press ended in February 2008 following an attack by Chadian opposition groups on N'Djamena, the capital of Chad. Following the attack, some Sudanese newspapers published articles alleging that the Chadian armed groups were supported by the Sudanese government. Sudan's government responded by imposing strict press censorship. NISS agents visited newspaper offices daily, stopping the publication of articles they deemed critical of the government or that covered sensitive subjects. This direct pre-print censorship lasted until 27 September 2009, when Sudanese President Omar Al Bashir announced its suspension.

Between February 2008 and September 2009, opposition newspapers such as *Ajras Al Hurriya* were unable to publish on several occasions. At times they decided to suspend publication in protest against the pre-print censorship. *Al Midan*, a newspaper affiliated to the Sudanese Communist Party, was also suspended by the NISS on a number of occasions. In the period before the International Criminal Court (ICC) issued an arrest warrant against President Al Bashir in March 2009, 20 articles that discussed the ICC investigations were reportedly removed from *Al Midan* and *Ajras Al Hurriya*.



When he announced the suspension of pre-print censorship in September 2009, President Al Bashir called on journalists to commit to a “code of journalistic honour”, a document through which the government expects newspapers, and editors-in-chief in particular, to practise self-imposed censorship. He also called on journalists to avoid subjects that are “destructive to the nation, sovereignty, security, values and its morality”.

The lifting of censorship did not bring about freedom of expression.



PRE-PRINT CENSORSHIP

On 18 May 2010, following general elections in April, pre-print censorship was reinstated by the NISS. Between 18 May and 7 August 2010, the NISS imposed strict censorship on newspapers in Sudan and restricted the freedom of journalists to express their opinions and carry out their work. On 7 August 2010, pre-print censorship was once more lifted.

Censorship was carried out in three main ways. NISS agents visited newspaper offices and removed articles covering banned issues. They visited printing houses and prevented publications from going to print. NISS agents also reportedly phoned editors, a practice referred to by journalists as

remote control censorship, to tell them which subjects were forbidden and to let them know they were expected to refrain from publishing any articles relating to these topics.

In June 2010, banned subjects included a doctors' strike calling for improved working conditions and salaries, the arrest of six members of the strike organizing committee, the ICC's Review Conference in Kampala and the detention of journalists from *Rai Al Shaab* newspaper.

At first, the newspapers targeted by the NISS were those linked to opposition parties, but the censorship reportedly spread to other media.

Cover: Journalists hold copies of the last issue of *Rai Al Shaab* newspaper to be published before it was closed, as they take part in a protest against censorship in Khartoum, 20 May 2010.

Above: Sudanese newspaper vendors at a bus station in Khartoum. The independent press is a vital source of information in a country facing political change and uncertainty.

Ajras Al Hurriya suspended publication for one week in June 2010. Editors refused to go to print after NISS agents had removed numerous articles from each day's publication, sometimes making it impossible to publish.

Al Midan is usually published three times a week. On 6 June, that day's issue was removed from the printing house by the NISS. *Al Midan* was unable to print until August.

Several other newspapers, including *Al Ayyam*, were subjected to regular visits by the NISS to monitor their content.

In July, the list of banned subjects expanded to include the potential secession of southern Sudan following the referendum scheduled for January 2011. More newspapers were subjected to censorship, including pro-government newspapers which closed for a day on 6 June 2010. On the same day, *Al Intibaha*, a newspaper affiliated to the ruling National Congress Party, was suspended indefinitely after trying to publish an article supporting the secession of southern Sudan. Other newspapers also continued to be suspended.

JOURNALISTS TREATED AS CRIMINALS

Journalists in Sudan are at risk of criminal prosecutions in relation to their work. In the north, journalists have been taken to court for their writings. Some have faced charges punishable by death and some have been sentenced to prison terms.

The 2009 Press and Publications Act allows unwarranted restrictions on freedom of expression. It gives the National Press Council powers to license newspapers, register journalists and suspend newspapers for up to three days.

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Sudanese journalists protest against censorship in Khartoum, 4 November 2008. More than 150 Sudanese journalists and support staff went on a 24-hour hunger strike to protest against censorship by state security services.

In addition to the restrictions set out in the Press and Publications Act, the 2010 National Security Act provides the NISS with extensive powers of arrest, detention, search and seizure. Detainees can be held for up to four and a half months without judicial review and NISS agents have immunity for any human rights violations carried out as part of their work. These powers have been used to arbitrarily arrest, detain, torture and otherwise ill-treat journalists with impunity.

The “code of journalistic honour” established in September 2009 requires journalists to “defend the interest of the nation” and its institutions. This concept – “the interest of the nation” – has been used by the NISS and the authorities to criminalize the exercise of freedom of expression in the north of Sudan.

The 1991 Criminal Act has also been used to prosecute journalists. Article 50 bans “any act with the intention of undermining the constitutional system of the country, or exposing to danger the unity and independence thereof”. Article 51 prohibits “waging war against the state”. Article 53 prohibits espionage and article 66 forbids the publication or broadcasting of false news.

The vague rules contained in the “code of journalistic honour” and the provisions of the 1991 Criminal Act have been used by the authorities to interpret articles published by journalists as breaches of the law or the code. This has resulted in restrictions on

THE 2009 PRESS AND PUBLICATIONS ACT

The 2009 Press and Publications Act unduly restricts freedom of expression. Severely criticized by national and international human rights organizations, it was passed by the National Assembly on 8 June 2009. The Act maintains the National Press Council, a regulatory body for the press in Sudan.

The Act provides for special courts for the press that can impose unlimited fines. They can also suspend newspapers indefinitely, ban print houses, suspend editors, journalists and publishers and cancel or suspend journalists' registration. The Act states that: "no restrictions will be imposed on freedom of the press except what is envisaged by law in relation to the protection of national security, order and public health". By doing so, it leaves decisions on censorship to the discretion of the NISS and the National Press Council.

Although the Act goes on to say: "newspapers shall not be confiscated, [their] offices will not be shut, and journalists and publishers shall not be detained for exercising their profession except in accordance with the law", these protections are not observed in practice as they are undermined by other provisions in Sudanese law. Both the 2010 National Security Act and the 1991 Criminal Act have been used to undermine the work of journalists.

the right to freedom of expression as well as arbitrary arrests and detentions in violation of Sudan's international human rights obligations and commitments.

On 15 March 2010, journalist Alhaj Warrag and Faiz Al Slik, deputy editor of the newspaper *Ajras Al Hurriya*, were interrogated over an article published in *Ajras Al Hurriya* on 6 March. The NISS had filed a complaint against the journalists, claiming that the article promoted false news and was offensive to the state.

Alhaj Warrag was charged by the National Press Council under article 51 of the 1991 Criminal Act with "waging war against the state". Fayez Al Slik was charged under article 51 of the 1991 Criminal Act and article 26 of the 2009 Press and Publications Act, as editors bear primary responsibility for the content of their newspapers. The complaint was reportedly lodged in response to a report of ill-treatment by the NISS of a young member of the civil society movement Girifna.

NEWSPAPER CLOSED, JOURNALISTS IMPRISONED

The reinstatement of pre-print censorship followed the closure of *Rai Al Shaab*, a newspaper affiliated to the opposition Popular Congress Party, and the arrest of a number of the newspaper's staff.

On 16 May 2010, three staff members of the newspaper were arrested from their homes in Khartoum. Abuzar Al Amin,

deputy editor-in-chief, Ashraf Abdelaziz, one of the newspaper's editors, and Nagi Dahab, an administrator, were arrested by NISS agents and held in incommunicado detention. These arrests followed the arrest of Hassan Al Turabi, leader of the Popular Congress Party, who was taken from his house on 15 May by the NISS and held without charge until 30 June. Printer Abu Baker Al Sammani was reportedly also arrested and held for a few days.

In the following days, two other staff members were arrested. Al Tahir Abu Jawhara, head of the political news desk, was arrested on 16 May 2010. Ramadan Mahjoub, an editor at the newspaper, was arrested on 27 May.

The men were reportedly arrested in relation to several articles published in *Rai Al Shaab*, including an analysis of the results of the April 2010 election and an article suggesting that an Iranian weapons factory had been built in Sudan.

The newspaper was closed down at the time of the initial arrests. When employees of *Rai Al Shaab* arrived for work on 16 May 2010, the office was closed and guarded by the NISS. The Press and Publications prosecution issued a final order in July 2010 to close down *Rai Al Shaab* and confiscate its assets.

Abuzar Al Amin, Ashraf Abdelaziz, Nagi Dahab and Al Tahir Abu Jawhara were transferred to the Crimes against the State prosecution office in Khartoum on 19 May 2010.

Abuzar Al Amin, the deputy editor of *Rai Al Shaab* newspaper, shows the bruises left after he was tortured and ill-treated following his arrest on 15 May 2010. He was later sentenced to five years' imprisonment because of articles his newspaper published – he is a prisoner of conscience.

While Abuzar Al Amin was held in incommunicado detention, he was tortured and otherwise ill-treated. He was reportedly interrogated about his work as a journalist. His family was not allowed to visit him until 20 May 2010, when they found him covered in bruises and complaining of back pain, blood in his urine and insomnia.

Al Tahir Abu Jawhara was also reportedly tortured and otherwise ill-treated.

On 2 June 2010 Nagi Dahab was released. The remaining four men were charged with several criminal offences and brought to trial on 9 June. During the trial, the prosecution and the judge rejected four defence witnesses. On 16 June, the lawyers defending the *Rai Al Shaab* staff resigned in protest, with the consent of the defendants.

The trial resumed on 21 June 2010 with a new legal team. On 14 July, Abuzar Al Amin was sentenced to five years' imprisonment under articles 50 and 66 of the 1991 Criminal Act for undermining the constitutional system and publishing false news. Ashraf Abdelaziz and Al Tahir Abu Jawhara were sentenced to two years' imprisonment under article 26 of the 2009 Press and Publications Act and article 66 of the 1991 Criminal Act, for publishing false news. Ramadan Mahjoub was acquitted.

Abuzar Al Amin, Ashraf Abdelaziz and Al Tahir Abu Jawhara are prisoners of conscience, detained solely for exercising their right to freedom of expression.



CENSORSHIP PERSISTS

On 7 August 2010, the NISS director announced the suspension of pre-print censorship of newspapers in Sudan. Journalists welcomed the news, although not without reservations. The NISS director reminded journalists that they had to follow the “code of journalistic honour” and warned them against breaches. He reportedly stated that the NISS has the constitutional right to reinstate censorship and that it could be brought back, partly or fully, at any time.

Censorship goes beyond newspapers. Internet-based newspapers and websites have also been blocked by the government. These include the website of censored newspaper *Al Midan*. Access to YouTube was also reportedly blocked following the elections, after a video was posted apparently showing election rigging.

The BBC Arabic radio service was suspended on 9 August 2010 in four northern cities including Khartoum for allegedly having breached its agreement with the government.

In July 2010, before it suspended pre-print censorship, the NISS distributed an

administrative form to all newspapers, requiring all journalists to fill it in. The form asks for personal information including bank account details and home addresses. The form ends with a map where the journalists are asked to pinpoint their exact home address. This measure is intensifying fear among journalists in Sudan.

GOVERNMENT ACTION NEEDED

As the January 2011 referendum on the status of southern Sudan draws closer, freedom of expression may be subject to further restrictions. The government must reform the laws and procedures that impose undue restrictions on freedom of expression in violation of Sudan's international human rights obligations and commitments.

The upcoming referendum will bring new challenges and political uncertainty to Sudan. To ensure that human rights are respected, protected and promoted during the referendum and in any future transition, the government must ensure freedom of the press and allow journalists to voice their opinions and engage in debates about the future of the country.

Amnesty International Burkina Faso participates in the Global Day of Action for Sudan, raising awareness and campaigning for human rights.



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TAKE ACTION NOW

Call on the government of Sudan to:

- Immediately end the harassment and intimidation of newspapers and journalists in Sudan.
- Reinstatement *Rai Al Shaab* and all other suspended newspapers.
- Immediately and unconditionally release Abuzar Al Amin, Ashraf Abdelaziz, and Al Tahir Abu Jawhara.

■ Reform the 2009 Press and Publications Act in line with Sudan's international human rights obligations and commitments.

■ Repeal the 2010 National Security Act.

Please write to:

Omar Al Bashir
Office of the President
People's Palace, PO Box 281
Khartoum, Sudan
Fax: +249 183 774 339

Kamal Mohamed Obeid
Minister of Information
Ministry of Information
Jam'aa Street
Khartoum
Sudan
Fax: +249 183 772 555

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