



Concerns
on
Respect for Freedom of Expression in
Sudan

Submission to the United Nations Human Rights
Committee

June 2007

1. Introduction

This Submission summarises ARTICLE 19's main concerns regarding respect for the right to freedom of expression in Sudan, in the context of the consideration by the United Nations Human Rights Committee of the Third Periodic Report of Sudan on the implementation of the *International Covenant on Civil and Political Rights* (ICCPR).¹ At its 90th Session, in July 2007, the Committee will meet to consider the above-mentioned report; this Submission is intended to assist the Committee in that task.

We call on the Committee to take up the following issues with the Sudanese government:

- Harassment and violence against journalists and others who voice unpopular opinions;
- The restrictive regime for regulation of print media and the journalistic profession under the Journalism and Press Publications Act 2004; and
- Government control over the broadcast sector, and the lack of the free, independent and pluralistic broadcast media.

The following paragraphs elaborate on our concerns under these three headings.

2. Harassment and violence against journalists

We are very concerned by the high incidence of harassment and violence against journalists. Over the last year, at least one journalist has been killed and several have been harassed, including by arresting them and bringing unmeritorious charges and law suits that have the effect of impeding them in their work. Both foreign and Sudanese journalists have been affected. In 2006 and beginning of 2007 alone, the following incidents have been reported:²

- On 5 September 2006, the editor-in-chief of *Al-Wafaq*, Mohamed Taha Mohamed Ahmed, was kidnapped from his home in Khartoum and killed. He had earlier been charged for republishing an article regarding the origins of the Prophet Muhammad, and a court had ordered a three month suspension for *Al-Wafaq*. A number of suspects have since been arrested but the government has banned all reporting of the case. Various journalists were interrogated in the course of the investigation and one, working with daily *Al-Rai al-Aam*, was held for two weeks at the end of October, 2006. Another reporter, of *Al-Sahafa*, was held for 12 days in December, 2006, for the same reasons. In February, 2007, the *Al Sudani* daily newspaper was suspended indefinitely for publishing on the investigation of Mr. Akhmed's murder in violation of the ban, and its publisher and editor were briefly imprisoned in May 2007.
- On 13 April 2006, the editor of the *Khartoum Monitor* was arrested and held overnight for publishing a report that accused police of beating students during a protest.
- On 17 June 2006, the editor of *Al Sudani* was held and questioned about an article he had published on the alleged torture of university students. He was later charged with publishing false news and breaching his duties as editor, and released on bail.
- On 22 November 2006, an *Al-Sahafa* reporter was detained and held incommunicado for 12 days without charge.
- Several foreign reporters have been arrested in connection with their work in Darfur. In August 2006, journalist and human rights activist Tomo Kriznar was convicted of

¹ UN doc. CCPR/C/SDN/3, 10 January 2007

² All incidents have been reported through the International Freedom of Expression Exchange, www.ifex.org.

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espionage after he entered the country without a visa from Chad. He was sentenced to two years in prison and a fine, but was later pardoned by the President and deported. Also in August, American journalist Paul Salopek and his two assistants were arrested in Darfur and charged with espionage and publishing false news. A court later dropped the charges and ordered the three men to leave the country immediately.

- On 15 August 2006, four journalists working with the privately-owned dailies *Al-Rai al-Shab*, *Alowan*, *Al-Adwaa* and *Al-Sudani* were arrested and held in detention for several hours in the town of Marawi in the northern part of Sudan while investigating the plight of residents of Amri region who had been displaced by the construction of a dam there.
- On 16 August 2006, journalists with the privately-owned daily *Al-Ayam* were arrested and held in police detention overnight while investigating the expulsion of displaced persons from land in Algazera province, to the south from Khartoum. They were beaten, and their equipment was confiscated by the authorities.
- In early June, 2006, Zuhayr al-Sarraj, reporter with the privately-owned daily *Al-Sahafa* spent 60 hours in detention for allegedly “insulting the president”.
- On 7 February 2007, Adil Sid Ahmed, deputy editor-in-chief of the daily *Al-Watan*, was summoned to attend the office of security services in Khartoum and interrogated for several hours by four security officers in relation to an interview published in his newspaper that day. He was subsequently arrested and sent to jail. On 9 February 2007, another editor of the same newspaper, Ahmed al-Sharif, was also interrogated and arrested by security officers. On 11 February 2007, both journalists were transferred to the state prosecutor’s office and accused of sedition and breaching public peace. They were subsequently released, but a two-day suspension was imposed upon *Al-Watan* by the National Press Council.
- In December, 2006, two journalists were convicted in connection with a column critical of government perks. A criminal court in Khartoum ordered Zuhayr al-Sarraj, a former columnist for the privately-owned daily *Al-Sahafa* to pay a fine or spend one year in jail. The former editor of *Al-Sahafa*, Nouredin Madani, was also convicted and ordered to pay a fine or spend six months in prison.

The US State Department’s 2006 Human Rights Report states that in addition to these incidents, “[g]overnment security forces also harassed, intimidated, and arrested local journalists on numerous occasions.”³

We are extremely concerned by reports of direct governmental involvement in violence against or harassment of journalists, as well as by reports that the authorities fail to take sufficient action to prevent attacks or properly investigate attacks that have taken place. We are also concerned at the numerous occasions on which journalists have been arrested and charged with some wrongdoing, and where charges were later dropped: this form of harassment can silence the media as effectively as violence or official censorship. We respectfully request the Committee to recommend that the Sudanese government take real and effective steps to end all violence and harassment against journalists, that it investigates past attacks and incidents and brings to justice those responsible.

³ Country Reports on Human Rights Practices, 2006, released by the Bureau of Democracy, Human Rights, and Labor, 6 March 2007; accessible at: <http://www.state.gov/g/drl/rls/hrrpt/2006/78759.htm>

3. The restrictive regulatory regime for the print media

The current regulatory regime for the print media is set out in the Journalism and Press Publications Act of 2004. ARTICLE 19 is gravely concerned⁴ about the unduly strict regulatory regime set up by this Act, which repealed an earlier Press Act without improving legal protection for freedom of expression and without paying regard to recommendations made by the Committee in 1997, which doubted the independence of the Press Council and recommended that the entire regulatory regime be drastically reviewed.⁵

Instead of implementing the Committee's 1997 recommendations, the 2004 Act imposed tough new restrictions on the right to express oneself through the media. It introduced a harsh regime of sanctions and strengthened control by the executive branch of the government, especially the President of the Republic. The Act set up the Press and Printed Press Materials National Council (Press Council), a body with sweeping regulatory powers whose independence is inadequately guaranteed. The Press Council issues licences for media organisations, imposes penalties, including the suspension of newspapers, and also acts as the gatekeeper to the journalistic profession, organising and holding professional examinations and administering a national register of journalists.

Lack of independence

We strongly dispute the Sudanese government's contention that the Press Council set up under the 2004 Act constitutes a 'self-regulatory' regime.⁶ Of the Council's 21 members, 12 come from sources that are government-controlled or political in nature: 7 are appointed by the President of the Republic and 5 by the government-controlled National Assembly. Furthermore, the 7 elected members representing the print media have to be approved by the Work Organisations Registrar General, which is itself government-appointed.⁷ Furthermore, the Press Council is established under the supervision of the Minister for Information and Communications, and its budget is controlled by the government. All of this means that in practice, the government exercises significant control over the Press Council.

Unduly restrictive licensing and registration regime

The lack of independence of the Press Council is particularly problematic given its sweeping powers and functions. The Council's main task is to issue and suspend or revoke licenses for both media houses and individual journalists. Chapter III of the Act gives the Council broad discretion in both of these tasks, and sets strict conditions for individuals as well as companies who want to be active in the media sphere. Under Chapter III of the Act, only registered companies, legally registered political or social associations with a registered editor in chief and scientific institutions and government units may publish newspapers. Publishing must be the 'main activity' of the organisation, which makes it difficult for NGOs to publish newsletters or magazines, and all publishers must have a 'sufficient number' of registered journalists, an 'approved information centre' as well as 'an approved specialisation'. Further conditions require that all editors-in-chief be at least 40 years old, have at least 15 years of professional experience, possess a university degree and have not been convicted of an offence "inconsistent with honour, honesty" or any offence under the Press Act. The

⁴ ARTICLE 19's full analysis of the 2004 Act can be downloaded from our website, www.article19.org.

⁵ Concluding Observations on Sudan's Second Periodic Report, 19 November 1997, UN doc. CCPR/C/79/Add.85, para. 18

⁶ Note 1, para. 292.

⁷ 2004 Act, Section 10

requirements relating to experience and possession of a university degree may be waived if the applicant “satisfies the quality characteristics.”

Under the Act, a journalist's licence may be revoked or suspended when he or she has been convicted of a 'press offence' more than once, or for a breach of professional standards, including a vague requirement to ‘respect chastity’. Newspapers may have their licence suspended or revoked for “contravention of any of the conditions of granting the licence”. Since the introduction of the 2004 Act, numerous newspapers have been suspended. Examples include *Al Sudani*, which was suspended for an indefinite period after reporting on the beheading of a newspaper editor, as we report above; the suspension of *Al-Watan* in February, 2007, after publishing an interview with religious militants;⁸ and the seizure of an entire daily print-run of *Ra'y Al-Shaab*, in September 2006.⁹ There have also been reports of prejudice in the Press Council examinations against English speakers, with the result that many Anglophone journalists have not been able to gain accreditation.¹⁰

The Act also prohibits the free distribution of foreign publications, and requires non-Sudanese nationals to obtain a separate licence before being allowed to publish.

We do not believe that any of these restrictions can be considered “necessary” for the protection of a legitimate aim in the terms of Article 19(3) ICCPR. We are concerned that practice in the last few years has demonstrated that the primary purpose of the registration and licensing system has been to control the print media. We note that few truly democratic countries find it necessary to maintain a licensing or registration regime for the print media, and that official watchdog bodies including the UN Special Rapporteur on Freedom of Opinion and Expression have recommended their abolition.¹¹ We therefore strongly urge the Committee to recommend that the government of Sudan abolishes all licensing and registration laws for journalists and the print media, and that it reviews all existing restrictions on freedom of expression for compliance with Article 19(3) ICCPR.

While we are aware that new legislation is currently under consideration which would repeal the 2004 Act, draft versions of the new laws that we have seen do not show any improvement over the existing laws: the drafts envisage a 'new' Press Council which, like the existing one, would lack true independence, and which would retain sweeping powers and control over the media sector.¹²

4. The lack of a free, independent and pluralistic broadcast media

At present, Sudan does not have a free, independent and pluralistic broadcast media. The main TV and radio stations are run by the State and a military censor is reported to be in place to ensure that television news “reflects official views”.¹³ There are no privately-owned TV

⁸ As reported on <http://www.ifex.org/fr/content/view/full/81136/>

⁹ As reported on <http://www.ifex.org/fr/content/view/full/77102/>

¹⁰ As reported in the US Department of State Human Rights Report, Note 2

¹¹ See the 2003 Joint Declaration issued by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, available at <http://www.cidh.oas.org/Relatoria/showarticle.asp?artID=88&IID=1>.

¹² ARTICLE 19's analysis of the proposed regime can be downloaded from www.article19.org.

¹³ As reported by both the BBC,

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broadcasters, apart from a cable service jointly owned by the government and private investors. The few non-government radio broadcasters are limited to one private FM music station which has been in operation in Khartoum since 2004, and some international broadcasters, including the BBC and Radio Monte Carlo, which are relayed on FM in Khartoum. The State-owned Sudan Radio and Television Corporation (SRTC) is the only broadcaster with transmission facilities inside Sudan. The government maintains it is open to private broadcasting but has yet to issue any private broadcasting licences.

We are concerned that government control over the broadcast sector has deprived the public of an independent and pluralistic broadcast media that can provide it with information from a variety of viewpoints. Radio is one of the main sources of information for the people of Sudan, which has low literacy levels and a population that lives dispersed over large areas, beyond the reach of the written press. Yet there is no policy to encourage private broadcasting or develop a pluralistic broadcast media, nor is there an independent broadcast regulatory body.

We are aware that legislation is being discussed to establish a new regulatory framework for the broadcast media. Discussions are in the pre-parliamentary stage and no official draft has been published as yet. However, as with the draft press law, an early draft of the broadcasting legislation obtained by us showed a proposed new regime that would be as susceptible to government control and abuse as the current one.

The situation in Southern Sudan, which has autonomous competence in media regulation, is somewhat better but there, too, government censorship and interference has been reported. For example, the Government of the State of Bahr al-Jebel shut down the radio station, Liberty FM, in July 2006 following critical remarks of the government made during a phone-in show. State officials claimed the station was shut down for operating without a license; however, the station was fully licensed by the Government of Southern Sudan. We are also concerned that although there are some private broadcasters, the government of Southern Sudan has full control over the licensing process. We therefore respectfully request the Committee to take up this issue with the government and urge the establishment of a fully independent broadcast regulator.

http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/820864.stm, and in the US Department of State's Human Rights Report, Note 2