



Advance Summary of Concerns
on
Respect for Freedom of Expression in
Sudan

Submission to the United Nations Human Rights
Committee

March 2007

1. Introduction

This Submission summarises ARTICLE 19's 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 (the Committee) of Sudan's Third Periodic Report on the implementation of the *International Covenant on Civil and Political Rights* (ICCPR).¹ At its 89th Session, in March 2007, the Committee will meet to draw up a list of issues of concern and this Submission is intended to assist the Committee in that task. We have focused on the freedom of expression situation in Sudan generally and, to the extent relevant, Southern Sudan. We have not investigated the human rights abuses taking place in Darfur and comment on the situation there only to the extent that journalists have been affected.

We call on the Human Rights Committee to pay particular attention to the following issues in its consideration of Sudan's report:

- 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 Press and Publications Act 2004; and
- Government control over the broadcast sector, and the lack of a free, independent and pluralistic broadcast media.

We respectfully request that the Human Rights Committee includes these matters on its list of concerns for the consideration of Sudan's Third Periodic Report.

We offer a brief introduction to our concerns in the following sections, below. We will provide a more detailed report in time for the Committee's 90th Session.

2. Summary of Concerns

Harassment and violence against journalists

We are concerned at the high incidence of harassment and violence against journalists. Over the last year, one journalist was 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 alone, the following incidents have been reported:

- On September 5, the editor-in-chief of *Al Wafaq*, Mohamed Taha Mohamed Ahmed, was kidnapped from his home in Khartoum and subsequently killed. He had earlier been charged for republishing an article regarding the origins of the Prophet Mohamed, 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. In February 2007, the *Al Sudani* daily newspaper was suspended indefinitely for publishing on the case in violation of the ban.
- On April 13, the editor of the *Khartoum Monitor* was arrested for publishing a report that accused police of beating students during a protest. He was released the following day.

¹ UN Doc CCPR/C/SDN/3, 27 July 2006, available for download at <http://www.ohchr.org/english/bodies/hrc/hracs89.htm>. Sudan acceded to the *International Covenant on Civil and Political Rights*, the United Nations' flagship human rights treaty, on 18 March 1986. As a State Party, it is required to submit periodic reports to the UN Human Rights Committee on how it has implemented the rights guaranteed in the ICCPR.

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- On June 17, 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 November 22, 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 espionage after he entered the country without a visa from Chad. He was sentenced to two years in prison, 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.

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."²

We are extremely concerned at reports of direct government 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 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 through official censorship. We respectfully urge the Committee to include these issues on its list of issues of concern.

The restrictive regulatory regime for the print media

The current regulatory regime for the print media is set out in the Press and Printed Materials Act, 2004. ARTICLE 19 is gravely concerned about the unduly strict regulatory regime set up by this Act, which repealed the earlier Press Act without improving legal protection for freedom of expression and without paying regard to recommendations made by the UN Human Rights Committee. In 1997, commenting on an earlier press law, the Committee questioned the independence of the Press Council and expressed strong concern at the licensing and registration system for the press, recommending: "Current laws and decrees should be revised so as to remove all disproportionate limitations on the media, which have the effect of jeopardizing freedom of expression itself."³

Instead of implementing these recommendations, the 2004 Act imposed tough restrictions on the right to express oneself through the media. It introduced a harsh regime of sanctions and strengthened the existing 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. Of the 21 members of the Council, 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 National Assembly. Furthermore, the 7 elected members representing the print media have to be approved by the Work Organisations Registrar General.⁴ The Press Council issues licences for media organisations, and also acts as the gatekeeper to the journalistic

² Country Reports on Human Rights Practices, 2006, released by the Bureau of Democracy, Human Rights, and Labor, 6 March 2007: <http://www.state.gov/g/drl/rls/hrrpt/2006/78759.htm>.

³ Concluding Observations on Sudan's Second Periodic Report, 19 November 1997, UN Doc. CCPR/C/79/Add.85, para. 18.

⁴ Section 10.

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profession, organising and holding professional examinations and administering a national register of journalists. Applicants for a licence are required to have professional qualifications and journalists and media institutions may have their licences revoked when they have been convicted of press offences more than once or when they breach standards of professional journalism, including a vague requirement to ‘respect chastity’.

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 this year after publishing an interview with religious militants;⁵ and the seizure of an entire daily print-run of *Ra'y Al-Shaab*, in September 2006.⁶ 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.⁷

Our information indicates that the 2004 Act is not enforced in Southern Sudan, which has autonomous competence in the area of media regulation.

As outlined above, we are concerned that the regulatory regime set up under the 2004 Act severely restricts media freedom, in violation of Article 19 ICCPR as well as of Sudan’s own new constitution. We are aware that a new press law is currently under discussion, in a pre-parliamentary stage – one of our partner organisations in Sudan has had some limited involvement in early discussions. While no official (or unofficial) draft has been published as yet, an early draft obtained by us showed a proposed new regime that would be as susceptible to government control and abuse as the current one. We therefore respectfully request the Committee to include both the 2004 regime and the proposed new legislation on its list of issues of concern.

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”.⁸ There are no privately-owned TV 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 operated 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. There is no independent broadcast regulator; and there is no policy to encourage private broadcasting or develop a pluralistic broadcast media. Bearing in mind that radio remains one of the most important sources of news and information in Sudan, this is an extremely serious issue. We are aware that legislation is being discussed to establish a new

⁵ As reported on <http://www.ifex.org/fr/content/view/full/81136/>.

⁶ As reported on <http://www.ifex.org/fr/content/view/full/77102/>.

⁷ As reported in the US Department of State Human Rights Report, note 2.

⁸ As reported by both the BBC, 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.

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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. We therefore respectfully request the Committee to include the lack of a free, independent and pluralistic broadcast media on its list of issues of concern.

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 request the Committee to take up this issue with the government and urge the establishment of a fully independent broadcast regulator.