



Sudan Law Reform Update

September 2009

Welcome to the first issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS), a joint initiative of SORD and REDRESS, will be providing this regular service with a view to informing those working on, and interested in, law reform and human rights of relevant developments. The update includes a summary of the news (largely based on English language media sources) on law reform, jurisprudence and other developments. It also aims to serve as a platform for sharing of information, comments and opinions on any issues related to law reform and human rights in Sudan.

The first issue covers developments in September 2009 up to 5 October 2009. It features news concerning discussions on the National Security Bill adopted on 11th September 2009 and on the draft referendum bill. It also covers the case of Lubna Hussein, the Sudanese journalist tried for 'indecentcy', which has attracted much local and international attention and prompted renewed calls for revision of Sudan's Public Order Act and provisions pertaining to public morality and women's rights in the Criminal Act.

The release of this issue coincides with the opening of the parliament in Sudan, with a series of crucial reforms pending, such as the national security law. The success of these reforms will serve as a crucial indicator for the implementation of the Comprehensive Peace Agreement and any progress made towards the holding of free and fair elections in April 2010.

Yours,
Lutz Oette

For further information, please visit our website at www.pclrs.org.

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I. PCLRS NEWS

New Report, 30 September 2009

'Security for All-Reforming Sudan's National Security Laws'

<http://www.pclrs.org/Resources/Security%20for%20all%20FinalENG.pdf>

<http://www.pclrs.org/Resources/Security%20for%20all%20Final%20AR.pdf>

Press Release, 30 September 2009

Time for genuine reform of Sudanese Security Laws

[http://www.pclrs.org/Resources/Press_Release_Security_Act_30_Sep_09%20\(2\).pdf](http://www.pclrs.org/Resources/Press_Release_Security_Act_30_Sep_09%20(2).pdf)

[http://www.pclrs.org/Resources/Arabic_Press_Release_Security_Act_30_Sep_09_\(2\).pdf](http://www.pclrs.org/Resources/Arabic_Press_Release_Security_Act_30_Sep_09_(2).pdf)

II. LAW REFORM

1. *National Security Laws*

12th September

The SPLM distanced itself from a National Security Bill adopted on the 11^h September by the Sudanese Cabinet arguing the version was different from that which had been jointly discussed.

<http://www.sudantribune.com/spip.php?article32432>

2. *Constitutional Law and Elections*

3rd September

Delegations from the NCP and the SPLM agreed on six of the nine points on the agenda of negotiation on the referenda law.

<http://www.sudantribune.com/spip.php?article32327>

7th September

President Bashir offers concessions to the South on the referendum.

<http://www.sudantribune.com/spip.php?article32371>

8th September

The SPLM expressed a willingness to discuss the pending issues on the implementation of the 2005 peace agreement but warned it would not make any concession on the referendum bill.

<http://www.sudantribune.com/spip.php?article32381>

9th September

The leader of the Sudan African National Union Party, SANU, called on peace partners to conclude discussions on referendum and security laws before elections in April 2010.

<http://www.sudantribune.com/spip.php?article32392>

11th September

The SPLM blames the NCP for the breakdown of the Comprehensive Peace Agreement talks. Two issues are failing to reach a consensus between the two parties; the referendum law and the census results used to determine the geographical constituencies.

<http://www.sudantribune.com/spip.php?article32422>

14th September

Sudan's ruling NCP indicated no change in their position on the referendum law. The Sudanese presidential adviser Ghazi Salah Al-Deen also dismissed international mediation as an option on the referendum dispute.

<http://www.sudantribune.com/spip.php?article32452>

15th September

Minister of Legal Affairs and Constitutional Development, Government of Southern Sudan, Michael Makuei Lueth, comments that discussions on referendum law should be honest.

<http://www.sudantribune.com/spip.php?article32470>

16th September

The SPLM hints at a breakthrough on referendum law currently under heated discussion with the National Congress Party

<http://www.sudantribune.com/spip.php?article32480>

19th September 2009

Sudan's dominant National Congress Party (NCP) said the conduct of general elections scheduled to take place in April next year is an imperative to implement the remaining issues in the Comprehensive Peace Agreement (CPA) including the referendum for the south.

<http://www.sudantribune.com/spip.php?article32508>

22nd September 2009

CPA partners in new drive to overcome differences over referenda

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2022%20September%2009.pdf>

SPLM calls on NCP to stop obstructing the draft referendum bill

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2022%20September%2009.pdf>

28th September 2009

Speaker says Referendum Bill to be endorsed in next parliamentary session (Al-Ayyam)

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2028%20September%2009.pdf>

1st October 2009

Juba conference threatens to boycott Sudan's election

The parties at the Juba conference link legislative reforms to their participation in elections

<http://www.sudantribune.com/spip.php?article32637>

III. JURISPRUDENCE

1. *Lubna Hussein trial*

4th September

In a piece titled 'When I think of my trial, I pray my fight won't be in vain', Lubna Hussein writes in *The Guardian* the week before she faces trial in Sudanese Court

<http://www.guardian.co.uk/commentisfree/2009/sep/04/sudan-woman-trousers-trial>

9th September

Lubna Hussein, the 'indecent' female journalist and former employee of UNMIS was freed unexpectedly and ordered to pay a fine of £500

<http://www.sudantribune.com/spip.php?article32401>

Having been found guilty of 'indecentcy' and sentenced to pay SDG 500 fine, Lubna Hussein said she would not pay and would take a month in prison instead to protest Sudan's morality laws.

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2014%20Sept%2009.pdf>

11th September

Khaled al-Mubarak media counsellor at the Sudan embassy in London comments 'Lubna Hussein's trial has nothing to do with trousers'.

<http://www.guardian.co.uk/commentisfree/2009/sep/11/lubna-hussein-sudan-embassy-response>

14th September 2009

Lubna Hussein is found guilty by a Sudanese judge Hussein to be guilty under Article 152 of Sudan's 1991 penal code and ordered to pay a fine of 500 pounds (\$200) or alternatively be jailed for a month.

<http://www.sudantribune.com/spip.php?article32446>

Legal sources have criticized what they described as "negative coverage" of journalist Lubna Hussein. The sources said the case received far more coverage than it deserved.

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2014%20Sept%2009.pdf>

17th September

Following the case of Lubna Hussein the Sudan Government delegation has categorically rejected allegations by the Office of the High Commissioner for Human Rights that women are being discriminated against in the Sudan

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2017%20September%2009.pdf>

2. *Constitutional Court judgments and decisions*

10th September

The Constitutional Court has dismissed a lawsuit by media practitioners against National Security and Intelligence Services related to pre-print censorship.

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2010-September-09.pdf>

IV. OTHER NEWS

12th September

In April 2010 South Sudanese women will be able to participate in a general election for the first time. The excitement is tempered by concerns over the major obstacles women face in exercising their democratic rights. This article discusses such obstacles as literacy, voter education and the high cost of entry.

<http://allafrica.com/stories/200909140979.html>

18th September

The Chairperson of the Government of Southern Sudan's Human Rights Commission called on states and law enforcement agencies to promote and protect civilians from human rights abuses.

<http://www.sudantribune.com/spip.php?article32498>

Civil society network submitted a petition to the Presidency on the formation of the national human rights commission.

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20Sept%2009.pdf>

The editors-in-chief of daily newspapers yesterday signed a press charter of honour formulated by a group of editors in order to pave the way for lifting the pre-press censorship imposed on the newspapers since February 2008.

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20Sept%2009.pdf>

28th September

Sudan president lifts press censorship but warns from 'exceeding red line'

<http://www.sudantribune.com/spip.php?article32594>

V. DOCUMENTS

National Security Bill (in Arabic) (September 2009)

<http://www.pclrs.org/bills/Institutional%20Law/National%20Security%20Bill%202009-%20September%2009.pdf>

Juba Declaration on Dialogue and National Consensus (2 October 2009)

<http://www.sudantribune.com/spip.php?article32640>