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## Sudan Law Reform Update

January-March 2011

Welcome to the twelfth issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS) provides 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 comment on recent developments as well as a summary of the news (largely based on English language media sources) on law reform and other developments. It 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. This issue covers developments up to 17 March 2011.

Yours,

Lutz Oette

For further information, please visit our website at [www.pclrs.org](http://www.pclrs.org)

Please contact Lutz Oette (REDRESS) at [lutz@redress.org](mailto:lutz@redress.org) (Tel +44 20 7793177) if you wish to share information or submit your comments for consideration, or if you do not wish to receive any further issues of the update.

## **I. The Constitutional Review Process and the Effective Protection of Human Rights**

The Southern Sudanese, in exercising their right to self-determination, voted overwhelmingly in favour of independence, which will, according to the envisaged timetable, come into effect in July 2011. As a result, Sudan will be divided into two states, a situation that necessitates a constitutional review both in the North and the South. First steps have already been taken to this end but there are concerns about both process and substance. Will the process enable broad based and democratic participation in the formulation of the new constitution so as to be based on sufficient consensus that reflects popular will? Will the Constitution benefit from the contribution of available Sudanese expertise? In terms of its contents, some of the key questions are whether it: provides for a mode of governance that reduces the scope for repression, states of emergencies and armed conflict; effectively guarantees the protection of human rights, as provided for in international treaties and customary international law binding on Sudan; enshrines the principles of equality before the law and non-discrimination, also to reduce the scope for abuse of power; ensures transparency and accountability of official bodies, in particular law enforcement agencies and security services; and puts in place effective institutions vested with the protection of human rights, including by providing persons alleging a violation of their rights with an effective remedy.

The constitutional review process is an important building block for broader reforms that implement constitutional provisions in statutory law. This includes a range of laws, including those that have been the focus of the Project for Criminal Law Reform in Sudan. Steps to be taken comprise a review of repressive legislation, particularly offences against the state and anti-terrorism legislation; as well as inhuman, cruel and degrading punishments, such as corporal punishment; a reform of criminal procedures to ensure effective protection against arbitrary arrest and detention and the right to a fair trial, including genuine independence of the judiciary; measures to ensure accountability and justice for serious human rights violations, including the repeal of provisions granting immunity to officials; and gender-based justice, particularly reform of legislation pertaining to rape and sexual violence and public order laws.

The Project for Criminal Law Reform in Sudan has engaged in preliminary debates on the constitutional review process and invites contributions to generate a public debate on priority issues relating to the process and substance of constitutional reforms. Please share updates about relevant developments and/or any comments you may have on the PCLRS listserv at [http://groups.yahoo.com/group/criminal\\_law\\_reform\\_in\\_sudan](http://groups.yahoo.com/group/criminal_law_reform_in_sudan) or email [lutz@redress.org](mailto:lutz@redress.org) for it to be posted on the [www.pclrs.org](http://www.pclrs.org) blog.

## II. LAW REFORM

**15<sup>th</sup> March 2011**

Sudanese Security Officer slammed for remarks on Islamic Shari'ah law

<http://www.sudantribune.com/Sudanese-security-officer-slammed,38299>

**8<sup>th</sup> March 2011**

Nine South Sudanese political parties pull out from constitutional review

<http://www.sudantribune.com/Nine-South-Sudanese-political,38226>

**27<sup>th</sup> February 2011**

Constitution review process would exclude nobody – NCP

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2027%20Feb%2011.pdf>

**22<sup>nd</sup> February 2011**

South Sudan plans law against gender-based violence

<http://www.sudantribune.com/South-Sudan-plans-law-against,38077>

**21<sup>st</sup> February 2011**

Sudan's parliament drops membership of Southern MPs

<http://www.sudantribune.com/Sudan-s-parliament-drops,38074>

**20<sup>th</sup> February 2011**

GoSS forms constitution review committee

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2020%20Feb%2011.pdf>

Vice-president, Islamic scholars review implementation of Shari'ah in Sudan

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2020%20Feb%2011.pdf>

**3<sup>rd</sup> February 2011**

Lakes state governor: we need more judges to pursue cases in court

<http://www.sudantribune.com/Lakes-state-governor-we-need-more,37869>

**2<sup>nd</sup> February 2011**

Sudan's NCP wants to involve all parties and NGO's in constitutional amendments

<http://www.sudantribune.com/Sudan-s-NCP-wants-to-involve-all,37862>

**22<sup>nd</sup> January 2011**

President Kiir forms constitutional review committee

<http://www.sudantribune.com/President-Kiir-forms,37719>

**2<sup>nd</sup> January 2011**

Sudan's constitutional court lacking quorum to decide on referendum challenge

<http://www.sudantribune.com/Sudan-s-constitutional-court,37473>

## III. OTHER NEWS

### Human Rights Situation

**14<sup>th</sup> March 2011**

UN rights expert to Sudan warns against fallout of Abyei tension, raises multiple concerns  
<http://www.sudantribune.com/UN-human-rights-envoy-to-Sudan,38288>

**7<sup>th</sup> March 2011**

Justice Chande starts visit to Sudan with questions on freedom of expression  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2007%20Mar%2011.pdf>

**4<sup>th</sup> March 2011**

Amnesty criticizes Sudan's record in bringing justice to Darfur  
<http://www.sudantribune.com/Amnesty-criticizes-Sudan-s-record,38184>

Sudan: Protesters Describe Torture by Security Officers

<http://www.hrw.org/en/news/2011/03/04/sudan-protesters-describe-torture-security-officers>

Sudan: UN human rights expert to study post-referendum situation in South Sudan

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10803&LangID=E>

Sudan: Amnesty calls for release of 16 seized during newspaper raid

[http://www.amnesty.org.uk/news\\_details.asp?NewsID=19228](http://www.amnesty.org.uk/news_details.asp?NewsID=19228)

**26<sup>th</sup> February 2011**

Sudan calls for ending the mandate of UN human rights expert  
<http://www.sudantribune.com/Sudan-calls-for-ending-the-mandate,38119>

**24<sup>th</sup> February 2011**

Sudanese female activist claims to be gang-raped by security men  
<http://www.sudantribune.com/Sudanese-female-activist-claims-to,38100>

**23<sup>rd</sup> February 2011**

Authorities release two detained journalists  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2023%20Feb%2011.pdf>

**17<sup>th</sup> February 2011**

Female opposition activists claim abused by Sudan security agents  
<http://www.sudantribune.com/Female-opposition-activists-claim,38018>

**13<sup>th</sup> February 2011**

Human rights body condemns Jonglei killings, calls for urgent action  
<http://www.sudantribune.com/Human-rights-body-condemns-Jonglei,37980>

**3<sup>rd</sup> February 2011**

HRW -Sudan: Violent Response to Peaceful Protests  
<http://www.hrw.org/en/news/2011/02/03/sudan-violent-response-peaceful-protests>

**27<sup>th</sup> January 2011**

Sudanese official admits Darfur war crimes probe a fiasco  
<http://www.sudantribune.com/Sudanese-official-admits-Darfur,37771>

**26<sup>th</sup> January 2011**

South Sudan mulls joining the ICC after secession

<http://www.sudantribune.com/South-Sudan-mulls-joining-the-ICC,37777>

**25<sup>th</sup> January 2011**

Sudan frees human rights activist Mudawi

<http://www.sudantribune.com/Sudan-frees-human-rights-activist,37760>

**24<sup>th</sup> January 2011**

Darfur rebel group says Sudan torturing its captives

<http://www.sudantribune.com/Darfur-rebel-group-says-Sudan,37754>

Southern Sudanese reportedly burn southerners returning North

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2024%20Jan%2011.pdf>

**Referendum and post-referendum**

**16<sup>th</sup> March 2011**

Sudanese presidency convenes today as North-South rift widens

<http://www.sudantribune.com/Sudanese-presidency-convenes-today,38306>

**23<sup>rd</sup> February 2011**

Parliament demands clear position on UN forces in the country

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2023%20Feb%2011.pdf>

**15<sup>th</sup> February 2011**

South Sudan rules out sharing oil revenue with North

<http://www.sudantribune.com/South-Sudan-rules-out-sharing-oil,38009>

UNMIS's mandate will not be extended beyond July, Sudan says

<http://www.sudantribune.com/UNMIS-s-mandate-will-not-be,38010>

**7<sup>th</sup> February 2011**

President Bashir officially endorses South Sudan independence

<http://www.sudantribune.com/South-Sudan-officially-voted,37905>

**30<sup>th</sup> January 2011**

Southern Sudanese vote overwhelmingly for independence: SSRC

<http://www.sudantribune.com/Southern-Sudanese-vote,37811>

**Conflict**

**9<sup>th</sup> March 2011**

Abyei youths accuse SAF of using chemical weapons

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%209%20March%2011.pdf>

**8<sup>th</sup> March 2011**

South Sudan army clashes with rebel group, over 100 dead

<http://www.sudantribune.com/South-Sudan-army-clashes-with,38227>

**5<sup>th</sup> March 2011**

Scores flee Abyei violence as Misseriya threatens to enter area "by force"

<http://www.sudantribune.com/Scores-flee-Abyei-violence-as,38195>

**4<sup>th</sup> March 2011**

Jonglei: At least 14 killed and 37 injured in land dispute in Twic East County

<http://www.sudantribune.com/Jonglei-At-least-14-killed-and-37,38178>

**2<sup>nd</sup> March 2011**

Clashes in Abyei kill 30

<http://www.sudantribune.com/Clashes-in-Abyei-kill-30,38150>

**28<sup>th</sup> February 2011**

South Sudan army clashes with renegade General Athor kills 92

<http://www.sudantribune.com/South-Sudan-army-clashes-with,38151>

**27<sup>th</sup> February 2011**

Darfur rebels say will only sign applicable peace agreement

<http://www.sudantribune.com/Darfur-rebels-say-will-only-sign,38126>

**16<sup>th</sup> February 2011**

20,000 displaced and 1,000 missing after Jonglei attacks – officials

<http://www.sudantribune.com/Jonglei-s-Pangak-county-fearful-of,38011>

**11<sup>th</sup> February 2011**

Death toll in Jonglei clashes reaches over 105 – officials

<http://www.sudantribune.com/Death-toll-in-Jonglei-clashes,37966>

**10<sup>th</sup> February 2011**

South Sudan army retakes Fangak from Athor forces –SPLA

<http://www.sudantribune.com/South-Sudan-army-retake-Fangak,37955>

**9<sup>th</sup> February 2011**

Murle armed youth carry out deadly attacks on Lou-Nuer in Jonglei

<http://www.sudantribune.com/Murle-armed-youth-carry-out-deadly,37931>

20 killed in fresh armed clashes with Athor's rebels in South Sudan

<http://www.sudantribune.com/20-killed-in-fresh-armed-clashes,37942>

**27<sup>th</sup> January 2011**

Sudan army bombs north Darfur, threatens to burn down UNAMID base

<http://www.sudantribune.com/Sudan-army-bombs-north-Darfur,37787>

**22<sup>nd</sup> January 2011**

13 rebels killed during fresh clashes in Darfur - Sudanese army

<http://www.sudantribune.com/13-rebels-killed-during-fresh,37723>

**11<sup>th</sup> January 2011**

About 60 killed in Sudan's Abyei clashes: referendum official

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2011%20Jan%2011.pdf>

#### **IV. DOCUMENTS**

Open Society Foundations

International Law and the Right to a Nationality in Sudan

February 2011

[http://www.soros.org/initiatives/justice/articles\\_publications/publications/sudan-nationality-20110218/sudan-nationality-20110218.pdf](http://www.soros.org/initiatives/justice/articles_publications/publications/sudan-nationality-20110218/sudan-nationality-20110218.pdf)