



Sudan Law Reform Update

May-July 2010

Welcome to the eighth 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 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. This issue covers developments up to 19 July 2010.

Yours,

Lutz Oette

For further information, please visit our website at www.pclrs.org. Please contact Lutz Oette (REDRESS) at 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. PCLRS NEWS

REDRESS would like to express its appreciation to SORD and Khansaa al-Karib for their valuable contribution to the PCLRS and look forward to further collaboration in a different format.

PCLRS welcomes Najlaa Ahmed as the new Project Coordinator. Najlaa Ahmed will be the main focal point for our continuing work with communities, civil society, human rights lawyers, legal experts and officials throughout Sudan. Our main goal for this year is to retain the momentum on law reform, to continue advocating for key changes, such as the laws on rape, sexual violence and public order, to campaign for a new National Security Act in line with the CPA requirements, and to address other areas of the law incompatible with binding international human rights standards.

We would like to invite you to use our new blog facility on our website www.pclrs.org to share your views and news on criminal law reform and human rights in Sudan. Please email lutz@redress.org to post a blog or comment directly on any blogs posted.

II. COMMENT

Referendum and Law Reform

Following the elections and the inauguration of the new government, all eyes are turning towards the referendum on the status of Southern Sudan scheduled for January 2011 as the next and final milestone of the Comprehensive Peace Agreement (CPA). The CPA set out a vision and embodied a promise of a country that all its members wish to live in, reflected in its goal to “make unity attractive”. Reforming legislation and taking other measures to protect human rights and to strengthen the rule of law were an integral part of the CPA process. This instrumental value is set out in the CPA’s Chapeau where “The Parties Further Acknowledge that the successful implementation of the CPA shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive and therefore undertake to fully adhere to the letter and the spirit of the CPA so as to guarantee lasting peace, security for all, justice and equality in the Sudan.”

Observers report high levels of support for an independent South Sudan amongst Southerners. While strong national sentiments can be found worldwide, this preference appears to attest to a failure to make unity attractive. Indeed, the CPA implementation period has not witnessed an end to a number of conflicts in Sudan and serious violations of human rights continue to be reported, even more so following the elections. In addition, legislative reforms have fallen short of CPA requirements. Some new or amended laws, such as the Child Law, have resulted in greater protection in its field of application. However, other pieces of legislation, such as the Armed Forces Act and the Police Act, have retained immunities provisions that are incompatible with Sudan’s human rights obligations (that are part of the Bill of Rights as stipulated in article 27 (3) of the Interim National Constitution). The National Security Act, passed in early 2010 in the face of widespread opposition, retains immunities, notwithstanding the recommendations made by the Mbeki Panel on Darfur in October 2009 to repeal such provisions. It also grants the security services extraordinarily broad powers of arrest and detention. Rather than providing “security for all” as set out in the CPA, the National Security Act reinforces a system

that fosters arbitrariness and violations in a climate of impunity. The reform of a number of other laws, including those relating to sexual violence and public order, is overdue.

Attempts are reportedly being made to make unity attractive through economic development. Such development is undoubtedly important; it is also in its own right an obligation of the state of Sudan to respect, protect and fulfil economic, social and cultural rights to all living within its territory. However, economic development alone will not be sufficient. The political system also has to attend to structural deficiencies and the lack of the rule of law that have resulted in conflict, violations and injustices. The period remaining before the referendum provides a final opportunity to make a concerted effort within the CPA framework to genuinely address these fundamental issues, beginning with a wholesale reform of the national security law and others laws facilitating impunity for serious violations. As the history of Sudan amply demonstrates, unity built on fear will not guarantee lasting peace, security, justice and equality. If there is one last chance to make unity attractive, it is now.

III. LAW REFORM

30th June 2010

Sudanese lawmakers agree to drop fine from press law

<http://www.sudantribune.com/spip.php?article31323>

19th June 2010

South Sudan Police institutes new reforms

<http://www.sudantribune.com/spip.php?article35436>

2nd June 2010

South Sudan Police institutes new reforms

<http://www.sudantribune.com/spip.php?article35261>

24th May 2010

Parliament convenes today

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2024%20May%202010.pdf>

IV. JURISPRUDENCE

10th May 2010

Legal battle rages on over the powers of the justice minister

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%2010%20May%2010.pdf>

4th May 2010

Journalist Lubna Hussein demands repeal of criminal law provisions

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%204%20May%2010.pdf>

V. OTHER NEWS

New Government and Convening of Parliament

15th June 2010

New Government formed

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20June%2010.pdf>

30th May 2010

Presidency approves formation on new Government of National Unity

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2030%20May%2010.pdf>

24th May 2010

Parliament convenes today

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2024%20May%202010.pdf>

Referendum

19th July 2010

Head of Sudan's referendum commission says process well behind schedule

<http://www.sudantribune.com/spip.php?article35700>

18th July 2010

UN pledges to assist Sudan's referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2018%20July%2010.pdf>

14th July 2010

Sudan unprepared for 2011 referendum: report

<http://www.sudantribune.com/spip.php?article35660>

8th July 2010

South Sudan Referendum Taskforce begins to strategize on its responsibilities

<http://www.sudantribune.com/spip.php?article35597>

6th July 2010

NCP, SPLM and UN reach agreement on referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%206%20July%2010.pdf>

4th July 2010

SPLM & NCP hold preliminary meeting on post-referendum issues

<http://www.sudantribune.com/spip.php?article35562>

29th June 2010

Sudan's CPA partners hand post referendum arrangements to AU

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2030%20June%2010.pdf>

29th June 2010

Sudanese parliament endorses members of referendum body

<http://www.sudantribune.com/spip.php?article35521>

26th June 2010

Sudan's SPLM & NCP sign MOU on post-referendum arrangements

<http://www.sudantribune.com/spip.php?article35494>

19th June 2010

South Sudan parliament says referendum should be held on time

<http://www.sudantribune.com/spip.php?article35432>

17th June 2010

Donors pledge commitment to support post-referendum south
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202017%20Jun%2010.pdf>

16th June 2010

A Sudanese minister warned that Sudan may witness new war if parties disagree over referendum results
<http://www.sudantribune.com/spip.php?article35404>

15th June 2010

Sudanese Parliament postpones approval of Referendum Commission members
<http://www.sudantribune.com/spip.php?article35395>

11th June 2010

Civil society call for independent referendum commission
<http://www.sudantribune.com/spip.php?article35350>

10th June 2010

Machar claims the referendum can be conducted without demarcated borders
<http://www.sudantribune.com/spip.php?article35342>

8th June 2010

South Sudan Youth launch mass campaign for separation
<http://www.sudantribune.com/spip.php?article35322>

6th June 2010

Bashir says unity of country is in best interest of North & South
<http://www.sudantribune.com/spip.php?article35304>

2nd June 2010

Athor says SPLM "ruling clique" can rig referendum against people's choice
<http://www.sudantribune.com/spip.php?article35260>

1st June 2010

US urged to intervene in Sudan's 2011 referendum
<http://www.sudantribune.com/spip.php?article35250>

25th May

South Sudan independence "major problem": AU Chief
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2027%20May%2010.pdf>

24th May

Parliament would not be impartial on the referendum-speaker
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202025%20May%2010.pdf>

18th May 2010

"It is too late to talk about unity of Sudan"- SPLM official
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2018%20May%2010.pdf>

10th May 2010

South Sudan wants quick resumption of referendum talks
<http://www.sudantribune.com/spip.php?article35032>

10th May 2010

The issue of unity concerns all the Sudanese

<http://www.sudantribune.com/spip.php?article35028>

9th May 2010

SPLM calls for new alliance to support South Sudan referendum

<http://www.sudantribune.com/spip.php?article35019>

9th May 2010

NCP says unity is a strategic objective

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202009%20May%2010.pdf>

7th May 2010

SPLM's Amum accuses NCP of dragging its feet on South Sudan referendum

<http://www.sudantribune.com/spip.php?article35005>

6th May 2010

US urge speedy referendum arrangements as lawmaker calls for replacing Sudan envoy

<http://www.sudantribune.com/spip.php?article34994>

6th May 2010

Sudan's Machar says referendum polling may take place in December 2010

<http://www.sudantribune.com/spip.php?article34993>

5th May 2010

Sudan says 80% of North-South border demarcation is complete

<http://www.sudantribune.com/spip.php?article34980>

Human Rights situation**16th July 2010**

Sudanese court sentences three opposition journalists to jail time

<http://www.sudantribune.com/spip.php?article35679>

8th July 2010

Sudan releases members of 'Girifna' amid reports of torture

<http://www.sudantribune.com/spip.php?article35602>

7th July 2010

Sudan security conducts major crackdown on newspapers accused of promoting secession

<http://www.sudantribune.com/spip.php?article35590>

5th July 2010

Activists campaign against domestic violence targeting women

<http://www.sudantribune.com/spip.php?article35565>

4th July 2010

South Sudan army rejects Human Right report

<http://www.sudantribune.com/spip.php?article35555>

2nd July 2010

Rights body tells Sudan to investigate election-related abuses

<http://www.sudantribune.com/spip.php?article35546>

1st July 2010

Turabi freed from jail upon orders from Sudanese president

<http://www.sudantribune.com/spip.php?article35543>

29th June 2010

Government and opposition supporting students confront at university in Omdurman

<http://www.sudantribune.com/spip.php?article35520>

27th June 2010

Sudanese doctors released after end of their strike

<http://www.sudantribune.com/spip.php?article35501>

26th June 2010

Police arrests Sudanese models after fashion show in Khartoum

<http://www.sudantribune.com/spip.php?article35493>

16th June 2010

State official disputes allegations of arrests

<http://www.sudantribune.com/spip.php?article35401>

16th June 2010

Sudan bars rights activist from travelling abroad

<http://www.sudantribune.com/spip.php?article35405>

9th June 2010

US slams 'political repression' by Sudanese authorities

<http://www.sudantribune.com/spip.php?article35334>

27th May 2010

Rights groups say detained Sudanese journalists were tortured

<http://www.sudantribune.com/spip.php?article35202>

20th May 2010

Sudan resumes pre-publication censorship of newspapers

<http://www.sudantribune.com/spip.php?article35135>

19th May 2010

Focus on human rights violation, media urged

<http://www.sudantribune.com/spip.php?article35118>

15th May 2010

60 killed in Darfur after clashes between Sudanese police and JEM rebels

<http://www.sudantribune.com/spip.php?article35082>

14th May 2010

Unity State fires Radio FM journalist after 13 days of detention

<http://www.sudantribune.com/spip.php?article35068>

13th May 2010

Murder, rape and defilement practices still continue to dominate reported cases of conflict in Magwi County

<http://www.sudantribune.com/spip.php?article35055>

2nd May 2010

Angelina Terry raises concerns about the humanitarian situation in Unity state

<http://www.sudantribune.com/spip.php?article34951>

2nd May 2010

Watchdog expresses concern on detained Ethiopian journalists

<http://www.sudantribune.com/spip.php?article34946>

VI. DOCUMENTS

Max-Planck-Institute for Comparative and Public International Law, Heidelberg and Peace Research Institute, University of Khartoum:
Heidelberg Darfur Dialogue Outcome Document, containing Draft Proposals for consideration in a future Darfur Peace Agreement, May 2010

http://www.mpil.de/shared/data/pdf/hdd_outcome_document.pdf

Report of the independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, 26 May 2010

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/136/48/PDF/G1013648.pdf?OpenElement>

Amnesty International: Agents of Fear- The National Security Service in Sudan

<http://www.amnesty.org/en/library/asset/AFR54/010/2010/en/7b11e50c-3a0b-4699-8b6f-08a27f751c6c/afr540102010en.pdf>