

# PENS UNDER SIEGE

## *Violations of Press Freedom and Freedom of Expression in Sudan*

August 2011 – December 2012



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3 May 2013

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**Report on the Status of Freedom of the Press in Sudan**

**August 2011 - December 2012**

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### ***Acknowledgement:***

*To the soul of my teacher: Al-Tijani El-Tayeb Babiker;*

*And to colleagues;the Sudanese journalists, in recognition and appreciation of  
their struggle for the freedom of the press...*

*Abdelgadir*

*(...At its core, the media's role in empowerment and citizenship is to understand that freedom of the press is not solely the freedom of journalists to report and comment; it is, also, deeply connected to the public's right to freely access information and knowledge and to take an active part in political life. (UNESCO, 2009)*

**Executive Summary / Prelude:**

The post-South Sudan independence period has ushered in a wave of political instability and economic crisis, mainly in North Sudan. These conditions have prompted widespread protests, which the government has confronted with repression and violence. These actions have resulted in serious human rights violations and the suppression of public freedoms, such as the freedom of the press and freedom of expression.

Human rights violations have increased in the wake of student protests against the anti-austerity measures announced by the Ministry of Finance and National Economy on 18 June 2012. The mass media and journalists are also frequent targets for security forces and the police violence.

The types of press freedom violations varied during the period covered by this report (August 2011 - December 2012). Violations included “public” actions in the form of: newspaper closures, temporary suspensions of newspapers’ legal issuances, withholding and confiscations of newspaper editions at the printing press, arrests of journalists, torture, harassment, legal actions, deportations of foreign journalists, and physical intimidation. Less public violations included “economic wars” against newspapers and the withholding of government advertisements in media outlets critical of the regime, along with the censorship of newspapers and the Internet.

The Comprehensive Peace Agreement (CPA) between the North-ruling National Congress Party (NCP) and the South-ruling Sudan People’s Liberation Movement (SPLM) officially ended their political partnership. That agreement (also known as the Naivasha Agreement) paved the way for an interim constitution, which guaranteed freedom of expression and freedom of the press. The Interim Constitution, however, was jeopardized by violations committed during the transitional period, 2005-2011. (For further details concerning press freedom violations during the

transitional period, please refer to “Walls of Silence: Systematic Practices to Repress Press Freedoms, Freedom of Opinion and Expression in Sudan,” which is available in both the Arabic and English languages)<sup>1</sup>.

***Timeframe:***

The birth of Southern Sudan signified a turning point in the history of modern Sudan. This report documents the state of press freedom in Sudan from *August 2011 to December 2012*.

***Methodology:***

For the purposes of this report I made multiple visits to the offices of various newspapers. I conducted numerous interviews with male and female reporters, writers, subeditors, and editors at daily and weekly newspapers in Khartoum.

To assess the state of press freedom in Sudan, this report documented six main types of violations, including: censorship of newspapers, the confiscation of newspapers, the closure of newspapers, arrests and harassment of journalists, legal actions restricting press freedom, and administrative restrictions on newspapers.

***Censorship of Newspapers:***

The Sudanese government has imposed censorship and control over newspapers and media outlets via the National Intelligence and Security Service (NISS). The NISS imposes preprint,

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<sup>1</sup>Book Available online at :

[http://www.freemedia.at/fileadmin/media/Fences\\_of\\_Silence-AbdelgadirMAAbdelgadir-3.pdf](http://www.freemedia.at/fileadmin/media/Fences_of_Silence-AbdelgadirMAAbdelgadir-3.pdf)

post-print, direct censorship (security agents appear at newspapers' offices), and indirect censorship (over the phone), as well as security directives to editors-in-chief to restrict journalistic access relating to topics they consider "sensitive."

Since February 2008, the NISS has imposed prepublication censorship by sending security officers to the newspaper offices and asking editors-in-chief or managing editors to show them full articles before printing. Whereas security officers used to censor some content prior to publication, or else substitute content with alternative material, they have since begun to prevent some publications altogether. Moreover, security officers have restricted the publication of banned material in other locations, such as on the Internet<sup>2</sup>.

We observed that the Sudanese government resorted to other methods of control besides prepublication censorship. Security forces also practiced post-printing censorship (post-publication censorship). In this case, officers would visit printing presses after newspapers had completely printed their editions in order to obstruct distribution and would confiscate all printed copies. Security forces performed post-publication censorship under the pretext that they needed to see its contents ahead of distribution, or that the newspaper had disobeyed security directives not to discuss sensitive subjects. On other occasions, censorship took place after distribution in the market. Specifically, security forces would confiscate newspapers as a form of discipline or punishment in order to economically undermine the newspapers. As a result, newspapers incurred heavy financial losses in three ways; through the forfeiture of printing costs, through the loss of profits; and through the loss of the value of the advertisements.

The Sudanese press is prohibited from covering certain topics (these are called "redlines"). If a newspaper discussed these topics, it would be confiscated. The instances of this were numerous, everchanging, and not governed by a specific law or based on a court order. The rules, for example, did not apply to all newspapers. The NISS, for example, required newspapers to refrain from covering topics such as the International Criminal Court (ICC), government corruption, human rights violations, the conflict in Darfur, the war in South Kordofan and the Blue Nile, the news of the armed rebel movements, popular protests and demonstrations, and other issues

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<sup>2</sup>fences of Silence: Systematic Practices to Repress Press Freedoms, Freedom of Opinion and Expression in Sudan

which they felt compromised national security. These practices occurred both without a legal basis and were in violation of the 2005 Interim Constitution of the Republic of Sudan.

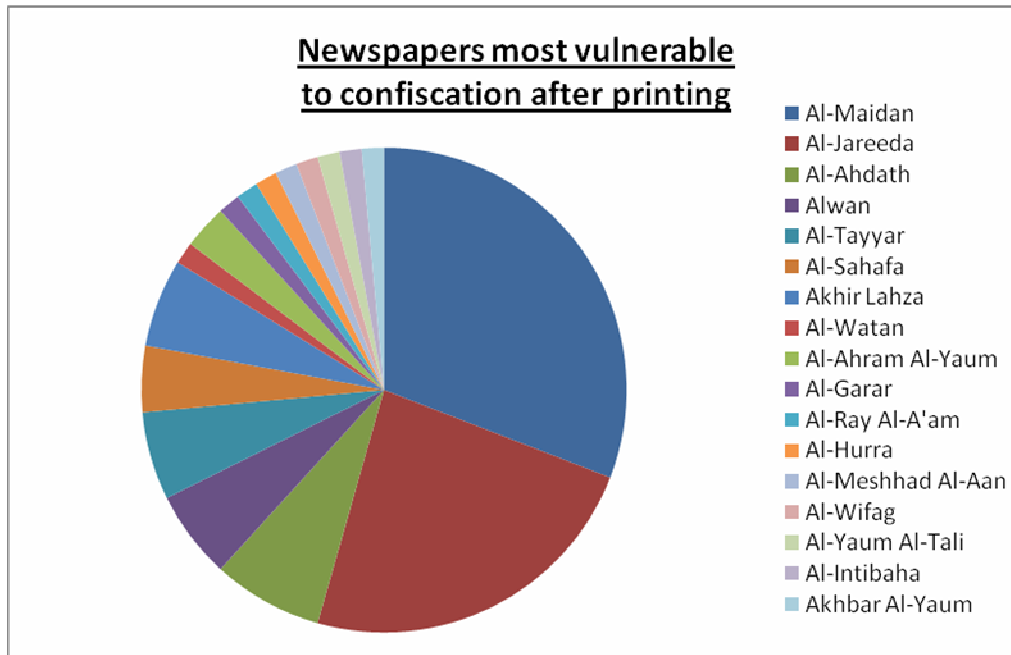
***Confiscation and seizure of Newspapers:***

Security forces used several methods to confiscate and disrupt the publication of newspapers. They sometimes confiscated newspapers after printing or banned printing through direct instructions to publishers or distribution companies.

The main objective behind confiscation and disruption - as mentioned before - is to financially cripple the newspapers. The Sudanese government's systematic removal of newspapers' advertising and distribution revenue demonstrates their intent to silence critical voices and instead create a propaganda tool

Historically the Sudanese press has played an important role in raising awareness and informing the public. In our view, recent government actions demonstrate a desire to completely abolish the traditional role of the press. This has occurred in two main ways; by withholding information relating to government corruption and human rights violations, and by impoverishing newspapers, which has the effect of turning the media into a tool to blur rather than a tool to raise awareness and inform.

In the period between August 2011 - December 2012, - the timeframe of the report - the National Intelligence and Security Service (NISS) confiscated around (74) printed editions of various newspapers and deliberately disrupted some of them through various methods of censorship. As a result of after-printing confiscation and security disruptions, a number of newspapers incurred crippling financial losses.



A diagram showing the newspapers most vulnerable to confiscation after printing

On 7 and 8 August 2011 a squad of the National Intelligence and Security Service (NISS) seized “Al-Ahdath” daily newspaper at the printing press and blocked its distribution without giving any reasons.

On 20, 21, 22 August 2011, authorities impounded the daily newspaper Al-Jareeda at the printing press and banned its distribution.

On September 4, 2011, the National Intelligence and Security Service (NISS) seized all printed copies of Al-Maidan newspaper at the printing press and prevented its distribution.

On the same day, Al-Jareeda newspaper was denied distribution and seized at the printing press after it was printed.

On 6 September 2011, government security forces impounded Al-Maidan newspaper at the printing press and blocked its distribution for the second time in one week.

On September 8, 2011, the National Intelligence and Security Service (NISS) seized the two independent daily newspapers of Al-Maidan and Al-Sahafa at the printing press. No clear reasons were given for the distribution bans.

On 11 September 2011, Al-Maidan newspaper was banned from distribution and was impounded at the printing press.

On 13 September 2011, the National Intelligence and Security Service (NISS) seized two newspapers, Akhbar Al-Yaum and Al-Maidan at the printing press, and banned their distribution without giving any reasons.

On 11 October 2011, the National Intelligence and Security Service (NISS) confiscated Al-Sahafa newspaper after printing.

On 23 October 2011, Alwan newspaper was confiscated from the printing press after printing.

On 2 January 2012, the National Intelligence and Security Service (NISS) confiscated Ray Al-Sha'ab newspaper.

On 12 January 2012, the National Intelligence and Security Service (NISS) seized all the printed copies of (Alwan) newspaper at the printing press and blocked its distribution. On 13 January 2013, the National Intelligence and Security Service (NISS) Director issued a suspension of Alwan newspaper and a withholding of its properties.

On 29 January 2012, the National Intelligence and Security Service (NISS) impounded Al-Jareeda newspaper at the printing press after printing and banned its distribution.

20 February 2012, the National Intelligence and Security Service (NISS) confiscated Al-Ahdath, Al-Tayyar, and Al-Yaum Al-Tali from the printing press after printing.

On 21 February 2012, the National Intelligence and Security Service (NISS) confiscated Al-Maidan, Al-Tayyar, Al-Yaum, and Al-Tali for publishing statements by the Secretary-General of the opposition Popular Congress Party (PCP), Hassan al-Turabi. Al-Turabi had accused the Sudanese security force of planting eavesdropping devices in his office.

On 13, 15, 17 and 18 March 2012 the National Intelligence and Security Service (NISS) confiscated all printed copies of Al-Maidan newspaper without giving any reasons.

On 20 February 2012, the two newspapers of Al-Ahdath and Al-Tayyar were confiscated from the printing press after printing.



On 27 and 29 March 2012, the National Intelligence and Security Service (NISS) confiscated Al-Jareeda newspaper from the printing press after printing for including an article by columnist Zuhair Al-Saraj. The newspaper management said in a statement that it had received a phone call from the National Intelligence and Security Service (NISS) expressing its desire to remove the work of Dr. Zuhair Sarraj, which was critical of the Sudanese government. Al-Jareeda's management requested official documentation of the order from the NISS, which they declined to supply.

On April 24, 2012, the National Intelligence and Security Service (NISS) confiscated Al-Maidan newspaper from the printing press after printing without giving any reasons.

On 1 and 2 May 2012, the National Intelligence and Security Service (NISS) confiscated Al-Jareeda newspaper from the printing press.

On 3 May 2012, the National Intelligence and Security Service (NISS) confiscated Al-Maidan newspaper from the printing press after printing.

On 6 May 2012, the National Intelligence and Security Service (NISS) confiscated Al-Maidan and Al-Jareeda newspapers from the printing press after printing.

On 7 May 2012, the National Intelligence and Security Service (NISS) confiscated Al-Tayyar newspaper from the printing press after printing.

On May 8, 10, 13 and 15 the National Intelligence and Security Service (NISS) confiscated Al-Maidan newspaper from the printing press after printing. It then issued instructions to the printing press not to print Al-Maidan newspaper. As a result, the printing of Al-Maidan remained illegal from 15 May 2012 until the date of issuance of this report. The National Intelligence and Security Service (NISS) did not provide the newspaper with a written order banning it from printing, but was decreed through a verbal order.

On 11, 12 and 14 May 2012, the National Intelligence and Security Service (NISS) confiscated Al-Jareeda newspaper after printing.

On May 18, 2012, the National Intelligence and Security Service (NISS) confiscated Akhir Lahza newspaper from the printing press.

On 4 June 2012, the National Intelligence and Security Service (NISS) banned the distribution of the Monday edition of Al-Intibaha daily newspaper.

On 5 June 2012, the National Intelligence and Security Service (NISS) confiscated Al-Jareeda newspaper without giving any reasons.

On 12 June 2012, the National Intelligence and Security Service (NISS) confiscated all the printed copies of Al-Ahram Al-Yaum newspaper without giving reasons.

June 14, 2012, the National Intelligence and Security Service (NISS) confiscated Akhir Lahza newspapers.

On 17 June 2012, the National Intelligence and Security Service (NISS) confiscated Al-Jareeda, Al-Ahdath, and Al-Watan newspapers after printing.

On 9 July 2012, the National Intelligence and Security Service (NISS) confiscated Al-Watan newspaper from the printing press after printing.

On 10 July 2012, the National Intelligence and Security Service (NISS) banned the distribution of the pro-government newspaper Al-Ray Al-A'am for discussing rising bread prices.

On 11 July 2012, the National Intelligence and Security Service (NISS) confiscated Al-Hurra daily newspapers.

On 2 September 2012, the National Intelligence and Security Service (NISS) confiscated Al-Sahafa, Al-Jareeda, and Akhir Lahza newspapers after printing.

On 05 November 2012, the National Intelligence and Security Service (NISS) confiscated Alwan newspaper.

On 26 November 2012, the National Intelligence and Security Service (NISS) confiscated three political newspapers: Al-Meshhad Al-Aan, Al-Wifag, and Akhir Lahza. It also suspended the distribution of the sports newspaper, Habeeb Al-Balad.

On 30 November 2012, the National Intelligence and Security Service (NISS) confiscated Al-Wifag newspaper after printing.

On 27 December 2012, the National Intelligence and Security Service (NISS) confiscated Al-Garar newspaper.

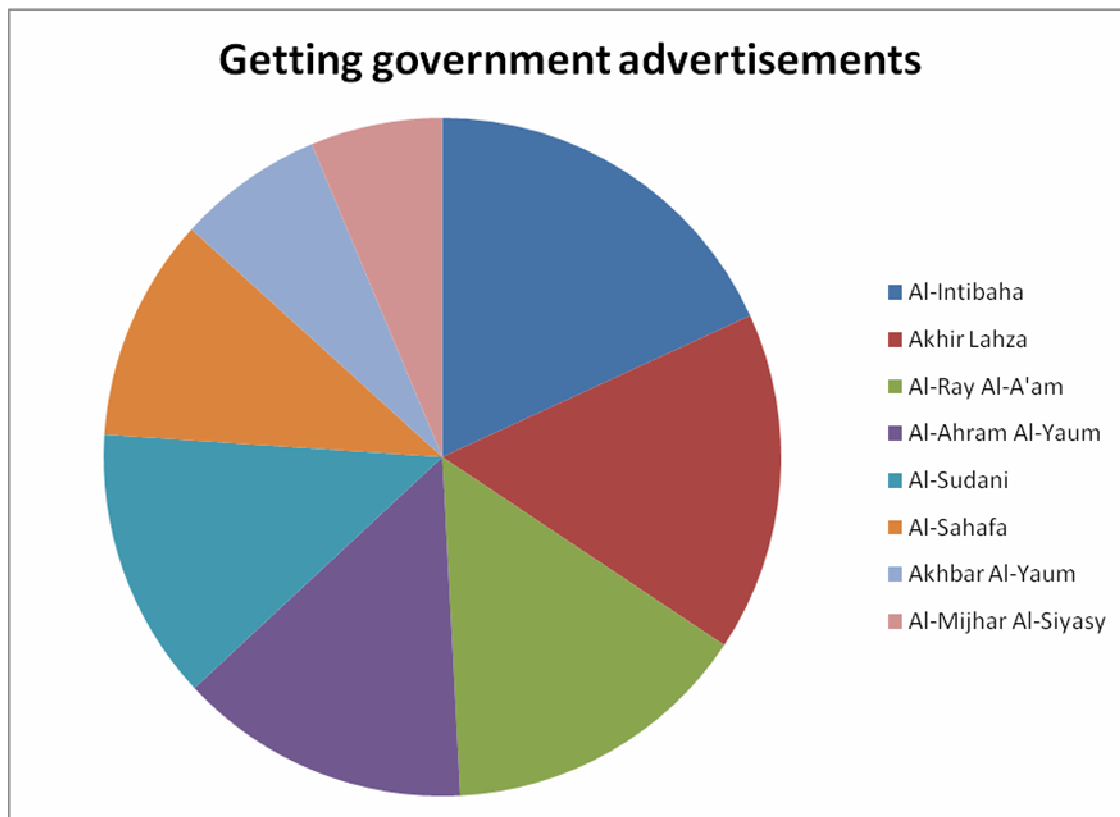
It is notable that newspaper disruptions varied in degree, from confiscation after printing, to seizure of the printing press, and distribution bans. The post-printing confiscation inflicts significant financial losses on newspaper, so we noted that newspapers critical of the government were more subject to after printing confiscation. On the other hand, pro-government newspapers faced printing bans and the other methods of disruption that inflict less severe penalties. The newspaper Al-Intibaha (known for its support to the ruling party), for example, faced printing bans without confiscation, whilst on the other hand, the newspapers that criticized the regime, such as Al-Maidan and Al-Sahafa, faced confiscation after printing. Others, such as Al-Tayyar, faced publishing suspensions, or even, in the case of Ray Al-Sh'ab ("The Opinion of the People") permanent closures.

A newspaper loses between ten and 15,000 Sudanese pounds (equivalent to about 2000 - 4000 U.S. dollars) in printing costs as a result of post-publication confiscation. This loss does not take into account other operational costs (including rent, staff wages, travel expenses, or the costs of advertisements), nor does it incorporate the moral impact of the loss of reader confidence when a newspaper becomes unavailable and cannot even explain the reasons for its ban.

During the period covered by the report, four newspapers (Al-Ahdath, Al-Yaum Al-Tali, Al-Shahid, and Al-Hurra) announced closures for economic reasons. The NISS closed four others (Al-Tayyar, Ray Al-Sha'ab, Alwan, Al-Jareeda), though Alwan and Al-Jareeda newspapers resumed issuance. Ray Al-Sha'ab, and Al-Tayyar newspapers remained closed, and Al-Maidan remains banned under instructions by the security force.

Other newspapers have incurred heavy financial losses. Al-Sahafa newspaper, for example, said that it had lost 23 thousand Sudanese pounds (about 4,600 U.S. dollars) as a result of the confiscation of one edition, while the editor-in-chief of Al-Jareeda said his newspaper had sustained financial losses of around 13 thousand pounds (about 2,600 U.S. dollars) for a one-day confiscation. Al-Ahdath lost 9000 Sudanese pounds for the confiscation of one edition, according to an official at the newspaper. Finally, Al-Watan incurred eight thousand pounds in losses for confiscation, according to its editor-in-chief.

Sudanese newspapers cover their operating costs through advertising. Through directives and instructions, however, the government dominates and controls the advertising market in Sudan. In addition, a newspaper's ability to attract advertising is based on its political position. Newspapers critical to the regime are generally deprived of advertisements, while pro-government newspapers are rewarded with advertisements. According to a study by the National Council for Press and Publications (a governmental body), the newspapers topping the list of government and commercial advertisements are: Al-Intibaha, AkhirLahza, Al-Ray Al-A'am, Al-Ahram Al-Yaum, Al-Sudani, Al-Sahafa, Akhbar Al-Yaum, Al-Mijhar Al-Siyasy, Al-Watan, Al-Tayyar, Alwan, and Al-Wifag. On the other hand, Al-Maidan, which is critical of the regime and supportive of the Sudanese Communist Party (SCP), did not receive more than two advertisements from when it obtained issuance in 2007 until its printing ban in May 2012.



*A diagram shows the newspapers that top the list of obtaining governmental and commercial advertisements (Source: Press Council's report)*

Fifty-nine newspapers are currently available in Sudan, according to the National Council for Press and Publications. These include 38 political papers, 11 sports newspapers, and 17 social commentary newspapers. Only the political newspapers face confiscation, disruption, and censorship. This suggests that the censorship aims to disrupt newspapers critical to the government.

***The closure of newspapers by the security force without a court order:***

The Sudanese security force has also resorted to the closure of the critical papers under questionable pretenses, citing on some occasions, “threats” to the national security. Security authorities closed a number of newspapers without a judicial or court order. Some instances of this include:

On 2 January 2012, the National Intelligence and Security Service (NISS) force ordered the closure of Ray Al-Sha’ab newspaper of the opposition Popular Congress Party (PCP) (an Islamist party and one-time regime partner). NISS ordered the closure of the newspaper and confiscation of its property.

The newspaper later resumed issuance on October 9, 2011, after the court overturned its suspension.

On January 13, 2012, the Director General of the National Intelligence and Security Service (NISS), Mohamed Attal Mawla Abbas, issued a decree to shut down Alwan newspaper and seize its properties and assets for interviewing a leading female Islamist opposition figure. The Director of the NISS Department of Information said that the decision conformed to articles 24 and 25d of the National Security Act of 2010. He also said that these laws authorize NISS to disrupt and seize any publication that publish content that threatens national security.

On 22 February 2012, General Mohamed Attal Mawla issued a suspension of Al-Tayyar newspaper’s issuance and sought other legal actions against the paper. Attal Mawla said again that the decision was based on articles 24 and 25d of the National Security Act of 2010.

Al-Tayyar resumed publishing, but received another suspension order on 11 June 2012, for an indefinite period. Al-Tayyar remained suspended during the writing of this report.

On 27 September 2011, Al-Jareeda newspaper was closed (PB) and its properties were seized, but it resumed publication on December 15, 2011. NISS said that it had decided to end the ban on Al-Jareeda after receiving a written apology from newspaper management. NISS subsequently ended the ban and returned its headquarters and properties<sup>3</sup>.

The closure of newspapers without a court order represents a clear violation of the freedom of the press and freedom of expression. It is notable that the NISS used national security concerns as a pretext for each of its newspaper closures, but that confiscations ultimately occurred for political reasons.

### ***Arrests and Harassment of Journalists:***

Journalists in Sudan have also been arrested and physically harassed by government security forces. Fear of arrest and torture among journalists is a daily reality for those working for Sudanese newspapers. The following are examples of arrests and harassment of journalists committed by the government in Sudan:

On 8 May 2012, the prominent journalist Faisal Mohamed Saleh, was arrested and later released after spending several hours at the offices of the security force. On May 15, 2012, Saleh was arrested again. The State Security Prosecution subsequently filed a lawsuit against him under Article "94" of the Sudan Penal Code for disobeying the orders of a lawman. The Prosecution then released Saleh on bail.

Saleh was summoned before the Security authority on an almost daily basis between 25 April and 11 May because of a comment he made to Al-Jazeera TV, in which he was critical of a speech by the President of the Republic.

Saleh was made to appear before these security authorities in Khartoum North (Bahri) for 11 consecutive days. On the 12th day, Saleh announced his intention to not appear before the authorities on a local website and was subsequently arrested. The next morning, he was forced to stay for nine hours in the security offices of the security without any investigation.

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<sup>3</sup>Sudan Media Center (SMC)

On 20 February 2012, the National Intelligence and Security Service (NISS) arrested writer and columnist Professor Mohamed Zine El Abidine (a lecturer at Al-Za'eem Al-Azhari University and Dean of the University's Faculty of Postgraduate Studies) because of an article he wrote that was critical of the President of the Republic. The article also discussed government corruption. The newspaper in which El Abidine's article appeared was confiscated and he was arrested. El Abidine spent 15 days in detention and spoke with investigators only once during his imprisonment. Zine El Abidine was released without charges or trial.

### ***Arrest of and Harassment on Journalists In Duty:***

With the escalation of the popular protests and demonstrations against the austerity measures announced by the government in June 2012, which turned into demonstrations demanding the departure of the regime, the rhythm of violations of human rights rose in general with the journalists being the immediate target of the Sudanese security authorities and police, especially the foreign journalists and the correspondents and photographers of international news agencies so the offices of some media forceizations and the homes of some journalists were raided and many of them were arrested and taken to detention centers and in police custody whereas some of them spent long periods of time behind bars, whilst a number of foreign journalists were deported. Although the demonstrations and protests as (events) are at the very core of the work of journalists, however the Sudanese government deliberately opted to disrupt the work of the journalists and arrested them to prevent the impartial coverage and news reporting of the protests and impose a media blackout on the anti-regime demonstrations, for example:

On June 9, 2012, police arrested the reporter of (Al-Jareeda) newspaper in Al-Obeid city in North Kordofan in western Sudan, Amr Abu Bakr while covering the protests of patients of Al-Obeid Hospital due to the lack of life-saving medicines at the hospital.

On the same today, 9 June 2012, police forces assaulted and beat journalists at (AkhirLahza) newspaper Abdul Baqi Al-Zafir and Fatima Ahmedon during their coverage of popular protests in El-GeraifSharq suburb in eastern Khartoum, after the beating Al-Zafir was arrested among ten citizens and placed in custody in Al-Riyadh Police Station for some time and was then released

on the same day. Al-Zafir filed a complaint with the Human Rights Commission for his detention and beating.

On 16 June 2012, two female journalists -- Rashan Oshi, who works for Al-Tayyar newspaper, and Nahed Al-Baqir, who works for Al-Jareeda newspaper -- were beaten by police elements during their coverage of the students protests at the University of Khartoum.

On 19 June 2012, the Agence France Press (AFP) reporter in Khartoum, Simon Martelli was arrested while covering students' protests at the University of Khartoum and was released after 12 hours in detention without being charged or taken to prosecution.

On 21 June 2012, the National Intelligence and Security Service (NISS) arrested Egyptian female journalist Salma Al-Wardani who works for Bloomberg, accompanied by blogger Maha Al-Sanusi, near the vicinity of the University of Khartoum where the student demonstrations broke out. They were interrogated for five hours and released. On 26 June, the license of Salma Al-Wardani was revoked and she was deported finally from Sudan.

On 22 June 2012, photographer Mohammad Tom was arrested from Wad Nobawi Neighborhood in Omdurman while covering demonstrations.

On 22 June 2012, the National Intelligence and Security Service (NISS) arrested blogger Osama Mohammed from Khartoum Bahri (North) and was released in the middle of August.

On 22 June 2012, the police detained the two journalists Khalid Ahmed and Ibtihag Mutawakkil who work for (Al-Sudani) newspaper during their coverage of students' demonstrations in Khartoum and were badly treated during five hours of detention and were released without charge after the police elements erased the entire photos in their cameras.

On 23 June 2012, the police arrested female journalist, Sarah Daifallah, photographer Sari Awad and activist Karima Fathal Rahman who was in their company from Al-Geraif Sharq east of Khartoum and they also faced tough treatment and torture during detention and were released later without directing a charge to them and without taking them to the prosecution.



On 29 June 2012, a force from the National Intelligence and Security Service (NISS) arrested journalist Anwar Awad, who was subjected to torture and cruel treatment during detention. Awad was released two days later, but he is still suffering from serious health problems as a result of torture and is now living in exile.

On 29 June 2012, the police arrested journalist Talal Saad, who works for (Al-Tayyar) newspaper and contracts with Agence France-Presse (AFP), when the police stormed the AFP office in Khartoum after Saad had taken photos of the protests in Omdurman. He was forced to erase the photos from his camera.

On 3 July 2012, an officer of the National Intelligence and Security Service (NISS) detained Egyptian female journalist Shaimaa Adel and female journalist Marwa El-Tijani newspaper. Shaima was released two weeks later and deported to Egypt after the intervention of top quarters in both countries, while Marwa El-Tijani was released on 11 August 2012 without directing a charge or taking her to court.

On 12 July 2012, the National Intelligence and Security Service (NISS) arrested journalist Mohammad Al-Asbat, the managing editor of (Al-Ahram Al-Yaum) newspaper and was released on August 16 without directing any charges to him or taking him to court.

On 30 September 2012, (Al-Maidan) newspaper journalist, Adel Ibrahim was arrested at the Midwives Hospital in Omdurman for three hours by the Hospital security for interviewing some patients about their conditions and the medical services rendered at the hospital.

***Banning Journalists from Writing:***

After tightening its grip on newspapers through censorship and control of editors-in-chief, the National Intelligence and Security Service (NISS) pursued a new mechanism to silence critical voices, which is banning journalists from writing! For example, the National Intelligence and Security Service (NISS) often directs and instructs the officials in-charge of the newspapers, their managements, or editors-in-chief to ban some journalists from writing, and, if the newspapers do not comply with NISS orders, they were punished with confiscation and possibly suspension. Some newspapers' editors-in-chief said they received instructions from the security authorities to ban a number of journalists from writing in their newspapers, adding that they received threats to shut down the newspapers if they allow the banned journalists to continue working.

Renowned journalist and editing consultant of Al-Sahafa newspaper, Haider Al-Makashfi said: "On Tuesday, 25 April 2012 my article discussing the incident of burning a church in Khartoum by some Islamist extremists was blocked by the security force, and by midday I received a phone call from the National Intelligence and Security Service (NISS) asking me to come to their offices on the same day. I went and stayed the whole day in the security offices and I was questioned about the article and some other articles and verbally told me of a decision banning me from writing and when I returned to the newspaper, the editor-in-chief told me that my article will no longer be published on the orders of NISS which were conveyed by phone to ban me from writing."

During the period covered by this report, a number of journalists were arrested and banned from writing on the orders of the National Intelligence and Security Service (NISS), including, for example:

\_ Haider Al-Mkashfi, consultant editor of (Al-Sahafa).

\_ Zuhair Al-Saraj, a columnist at (Al-Jareeda) newspaper.

\_ Abdullah Al-Sheikh a former editor-in-chief.

\_ Abu Thar Ali Al-Amin, a writer at the suspended (Ray Al-Sha'ab) newspaper and (Al-Jareeda) newspaper.

- \_ Fayez Al-Selaik, (Al-Jareeda) newspaper.
- \_ AmalHabbani, (Al-Jareeda) newspaper.
- \_ Mujahid Abdullah, (Alwan) newspaper
- \_ EssamJaffer, (Alwan) newspaper
- \_ RashaAwad, (Al-Jareeda) newspaper.
- \_ Ashraf Abdel Aziz, (Al-Jareeda) newspaper.
- \_ Taher Abu Jawhara, (Al-Jareeda) newspaper.
- \_ Mohamed Mahmoud Al-Sobhi, (Al-Jareeda) newspaper.
- \_ Khalid Fadl, (Al-Jareeda) newspaper.
- \_ Abdel Salam Al-Garai, (Al-Jareeda) newspaper.

Although some these journalists have resumed writing, some of them remain banned from writing at the time of this report's release, with still no explanation as to the reasons for the ban or circumstances of their resumption of writing.

Every day, the National Intelligence and Security Service (NISS) sends a message to the editors-in-chief of newspapers in Khartoum containing a list of the topics banned to the press (taboos). "The redlines list is long and is renewed every day," says journalist Idris Al-Dooma, the managing editor of (Al-Jareeda) newspaper, adding: "We usually comply with the directives of the security (NISS), but they still disrupt the newspaper printing and we do not know the reason behind this deliberate disruption". Al-Dooma says: "We think (Al-Jareeda) newspaper is targeted by the security but we do not know the reasons for this targeting."<sup>4</sup>

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<sup>4</sup>Interview with journalist Idris Al-Dooma, the managing editor of (Al-Jareeda) newspaper 18 May 2012, Khartoum- Al-Dooma is currently the editor-in-chief of Al-Jareeda after the resignation of its former editor-in-chief Saadeddin Ibrahim

Madiha Abdullah, the editor-in-chief of (Al-Maidan) critical newspaper said in an interview: - "They told me over the phone that the newspaper should not include articles criticizing the performance of the security force, the armed forces and the police, and not to criticize the President of the Republic besides not addressing the situations of the public general freedoms and the freedoms of the press and refrain from talking about the problems in El-Gedaref State government and the sacking of its governor. " adding: "They earlier identified criticizing the performance of the army and violation and abuses by the police, the regular forces and the security within the list of the banned topics, but we usually do not comply with these directives for they are restrictive, too many and are violating our right to publish and the people's right to access to and receiving information".<sup>5</sup>

### ***Trials of Journalists:***

In addition to the policy of gagging and fastening lips and spreading a climate of fear among journalists and other methods, the Sudanese government resorted to filing criminal lawsuits

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<sup>5</sup>Interview on 17 May 2012 in Khartoum

against journalists and bringing them to trials described by some journalists as politicized and designed to intimidate the other journalists, for example:

On 13 December 2011, Judge Mudathir Al-Rasheed of Khartoum North Court sentenced the editor-in-chief of (Al-Jareeda) newspaper, Saad Eddin Ibrahim to pay a fine of 500 pounds and female journalist Maha Altilip a fine of 250 pounds in the case of the National Intelligence and Security Service (NISS) against (Al-Jareeda) newspaper. (Al-Jareeda) had closed the newspaper and seized its properties for accusing it of failure to maintain accuracy in publishing a news story on the withdrawal of the Sudanese army from Abyei area on the borders with South Sudan. The court judge considered the newspaper guilty of publishing the news story and in August 2012, the newspaper terminated the services of journalist Maha Altilip.

On 23 September 2012, the Press and Publications Court in El-Gezira State, central Sudan, sentenced the editor-in-chief of (Al-Jareeda) newspaper, Osman Shingir and female journalist at the newspaper, Shaza Al-Sheikh to pay a fine of 3,000 Sudanese pounds each (approximately \$ 680 ) or serve a jail term of four months in the case of non- payment for publishing an article accusing the former chairman of the People's Committee in Wad Medani of squandering the public money.

On 27 August 2012, the Press and Publications Court in Wad Medani fined correspondent journalist with (Al-Jareeda) newspaper, Amir Hussein – with jail time to be served in case of non-payment -- for publishing an article on corruption in land slots in Wad Medani four months ago, in which an MP is accused.

On 28 August 2012, the Press and Publications Court in Wad Medani sentenced journalist, Osman Shingir, the editor-in-chief of (Al-Jareeda) newspaper to pay a fine of three thousand pounds or serve a three-month jail term in case of non-payment.

On 6 June 2012, Khartoum Bahri (North) Criminal Court started looking in the case filed by the National Intelligence and Security Service (NISS) against (Al-Maidan) newspaper and its female editor-in-chief, Madiha Abdullah, and corresponding journalist, Hussein Saad for writing an article in memorial of one of the leaders of the Sudan People's Liberation Movement (SPLM) in Nuba Mountains, YousefKowa Mackie, but the Legal Department at the National Intelligence and Security Service (NISS) considered the article as (advocating violence against the state,

instigating hatred and stirring sedition among the religious sects and ethnic communities and violates Articles 63 and 64 of the Sudan Penal Code of 1991 and Articles 24 and 26 of the Press and Publications Act). However the court cancelled the lawsuit against the newspaper on 14 January 2013, after nearly six months of waiting in the courtroom, a matter considered by journalists as a victory to the freedom of expression in the face of the security persecutions and the climate of intimidation to stop criticism.

***Legislations and Press Freedom Restricting Laws:***

In spite of the existence of a special law of the press and publications and a special press prosecutions, the government nevertheless uses a number of laws to prosecute journalists. The Sudan Penal (Criminal) Code (1991) criminalizes some of the activities of journalists. Certain articles, especially those prohibiting "publishing false news", "defamation", "photography of military zones", "disturbing the public peace" and "instigating sedition", are used in a very

worrisome manner by the authorities to accuse the journalists and editors and criminalize them to intimidate them from criticizing the authorities or exposing corruption.<sup>6</sup>

The core problem is that Sudanese journalists are prosecuted under criminal law in cases of defamation and not under civil law. The Sudanese Penal (Criminal) Code – as an unspecialized body of law – is full of nonobjective paradoxes when used in the cases of publishing as it for example does not differentiate between a "news story" and "opinion", ync the authorities in their quest to muzzle journalists have greatly benefited from these legislative glitches and paradoxes to widen the prospects of conviction. For example, some journalists were prosecuted and tried on charges of "publishing false news", when the topic subject of the complaint was "an opinion", in flagrant violation of the right to the freedom of opinion and expression protected under Sudanese law.<sup>7</sup>

Besides the Sudanese Penal (Criminal) Code, the National Security Forces Act of the year 2010 also grants the National Intelligence and Security Service (NISS) vast powers in the areas of censorship, control, investigation, inspection and detention of people, seizure of money, confiscation of properties and summoning people, questioning and interrogating them and requiring them to provide information, data and documents while NISS performs its task. Article (25) of the Law grants the security forces broad powers such as requiring subjects to provide information, data, documents or any things to review, keep them or take what it deems necessary or required thereon; and to summon people, questioning them and taking their testimonies statements; besides the control, censorship, investigation and inspection; seizing funds; arresting and detaining individuals, whereas based on this article Ray Al-Sha'ab, Alwan, Al-Tayyar and Al-Jareeda newspapers were closed.

The Law also assigns the National Intelligence and Security Service (NISS) the vague task of protecting the national security of Sudan and its constitution, social fabric and the safety of its citizens from any internal or external threat and to collect the information relating to the internal and external security of Sudan, analyze and evaluate them and recommend the necessary preventive measures; and conduct the necessary research and investigation to detect and uncover

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<sup>6</sup>Fences of Silence: Systematic Practices to Repress Press Freedoms, Freedom of Opinion and Expression in Sudan 2012

<sup>7</sup>Fences of Silence: Systematic Practices to Repress Press Freedoms, Freedom of Opinion and Expression in Sudan

any conditions, situations, facts, activities or elements that might compromise the national security of Sudan, safety and integrity; and disclose the risks arising from destructive activities and actions in the spheres of espionage, terrorism, extremism, conspiracy, plotting and sabotage; detecting and fighting the subversive activities by forceizations, groups or individuals or foreign countries or Sudanese groups inside and outside Sudan<sup>8</sup> ..

All these elastic and vague tasks have no clear legal definition and are used to curb the activities of journalists and prosecute and intimidate them.

The law grants the members of and collaborators with the security forces immunities and impunity from legal accountability<sup>9</sup>.

Based on these vast powers, immunities and impunity the National Intelligence and Security Service (NISS) is prosecuting and intimidating journalists under malicious complaints and lawsuits, arrests, torture and banning from writing, and the confiscation and closure of their newspapers.

***The Press and Publications Act (2009):***

On 10 June 2009, the National Assembly (Parliament) passed the Press and Publications Act of the year 2009. The law remained in effect throughout the period covered by this report.

At the end of the period covered by the report, a manuscript of the draft of a Press and Publications Act of the year 2012 was in exchange among the journalists, but it has not been passed or approved yet. This law draft is largely similar to the law in force. We will focus our observations here on the Press and Publications Act of the year 2009.

The Act in entirety is inconsistent with international standards of the freedom of expression and with Sudan's obligations under international law. It is also inconsistent with the Interim Constitution of the Republic of Sudan of the year 2005.

In analysing the content of the Press and Publications Act of the year 2009, we find that it restricts the ownership of newspapers; puts certain restrictions for the issuance of newspapers,

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<sup>8</sup>National Security Forces Act of Year 2010

<sup>9</sup>Article (52) of Security Act



and requires the newspaper to be issued by a company registered in accordance with the provisions of the Companies Act of the year 1925 or any legally registered political forceization or any social forceization, a scientific foundation or a governmental unit for the development of the scientific or specialized activity<sup>10</sup>.

This restriction imposed on the right to issue newspapers is inconsistent with the right to the freedoms of the press, expression and opinion. It is also inconsistent with the right to receive and access to information and the right to knowledge.

The law also makes it a condition for the operation of any newspaper, bulletin or any publication that it obtain the approval of the Council of the Press and Publications, pay the issuance approval fees and renew the said approval annually after paying the prescribed fees<sup>11</sup>.

It is impermissible for any entity to produce a newspaper or a publication without obtaining a prior license to accordingly complete the approval process for issuance, which also requires a financial deposit in return for the approval on issuance<sup>12</sup>.

Many concerned international organizations issued statements and charters condemning the licensing system for the printed press, for example a joint declaration issued by to the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Forceization for Security and Cooperation in Europe (OSCE) and the Forceization of American States (OAS) says: "Imposing special registration requirements on the print media is unnecessary and may be abused and should be avoided. Registration systems which allow for discretion to refuse registration, which impose substantive conditions on the print media or which are overseen by bodies which are not independent of government are particularly problematical...."

It has become part of the international norms in the field of the freedom of expression "that any registration system for the print media should not impose significant restrictions on the right to the freedom of expression "<sup>13</sup>

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<sup>10</sup> Article 22 of Press and Publications Act of the Year 2009

<sup>11</sup> Article 23 of Press and Publications Act of the Year 2009

<sup>12</sup> Article 24 of Press and Publications Act of the Year 2009.

<sup>13</sup> African Commission on Human and Peoples' Rights, 2002 - Declaration of Principles on Freedom of Expression in Africa

Based on this international norm, the United Nations Commission on Human Rights, which monitors the implementation of the International Covenant on Civil and Political Rights, ruled in a judgment it issued in the year 2000 that the licensing system for the print press is not in line with the right to the freedom of expression protected by the International Covenant, which was signed and ratified by Sudan. Many national courts, even in the African continent, issued rules against the licensing system for the print press, for the same reasons<sup>14</sup>.

The Press and Publications requires an advance fiscal insurance before publishing<sup>15</sup>, a matter considered an unjustified restriction to the freedom of the press and the freedom of expression.

The Law also requires specific prerequisites for practicing the profession of journalism and requires the journalist before starting to practice the profession to be registered in the journalists' registry<sup>16</sup>,

This registration is done after passing an exam that was previously administered by the Council of Press and Publications, but is now run by the Sudanese Journalists Union (SJU).

The Law recognizes the possibility of prior censorship<sup>17</sup>, which is also considered as unjustified restriction on the freedom of the press and the freedom of opinion and expression.

This Law gives the Council of Press and Publications broad powers, including the licensing of newspapers, suspending newspapers and banning newspapers from publishing<sup>18</sup>. The Law however does not include clear mechanisms for the protection of journalists or provide them with the appropriate immunity to perform their duty. All these restrictions and conditions constitute a grave violation of the freedom of expression.

All in all, the Law in its entirety does not recognize a mechanism to ensure the freedom of information in a climate generally hostile to the freedom of information and access to information.

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<sup>14</sup> Forceisation Article 19/Comments on Manuscripts of Media and Freedom of Access to Information in Sudan, July 2007

<sup>15</sup> Article 24/b of Press and Publications Act of the Year 2009

<sup>16</sup> Article 25/1 of Press and Publications Act of the Year 2009

<sup>17</sup> Article (27-2) and Article (28-c/d/f) of Press and Publications Act of the Year 2009

<sup>18</sup> Articles 7 and 8 of Press and Publications Act of the Year 2009

This Law contradicts the international obligations of Sudan with regard to guaranteeing the right of expression to all the Sudanese citizens, and is inconsistent with the Interim Constitution of the Republic of Sudan of the year 2005. It is contrary to all the international charters and conventions ratified by the Republic of Sudan such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights and Article 19 of the Universal Declaration of Human Rights (UDHR), besides it opens the door wide to the government control over newspapers and mass media<sup>19</sup>

***Administrative Restrictions on Newspapers:***

Within the framework of its incessant striving to silence critical voices, the Sudanese government doesn't only prosecute journalists and besiege them with restrictions, but it also surrounds the freedom of the press with a fence of penal institutions. In addition to the Press Law, the Penal Code and the National Security Act, journalists are also accountable under many administrative regulations issued by the National Council for Press and Publications, such as: The Regulation of the Accountability of Journalists, the Regulation of Complaints Committee of the Press Council, and the Regulation of Journalists Accountability Committee of the National Council of Press.

The National Council for Press and Publications is a governmental council. The President of the Republic appoints most of its members and it constitutes one of the greatest administrative obstacles to the freedom of the press in the country. For example, just as the Council can grant licenses to newspapers, it also has the right to withdraw and cancel the license!.

In addition to the National Council for Press and Publications, the President of the Republic, Omar Al-Bashir issued a decree on January 10, 2013, providing for the formation of the Council of Coordination of Media Policies chaired by Vice-President Al-Haj Adam and the membership of: Assistant to the President, Vice President of the National Congress Party (the ruling party) for Regulatory Affairs, Nafie Ali Nafi , the Minister of Culture and Information, Ahmed Bilal Osman, Foreign Minister, Ali Karti, Finance Minister, Ali Mahmoud, the Director-General of National Intelligence and Security Services (NISS), General Mohammed Atta , the President of

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<sup>19</sup>Fences of Silence: Systematic Practices to Repress Press Freedoms, Freedom of Opinion and Expression in Sudan

the National Council for Press and Publications, Ali Mohamed chemo and Undersecretary of the Ministry Culture and Information, Abdel Dafi'e El-Khatib member and rapporteur.<sup>20</sup>

Although the tasks, duties and powers of this council are not clear yet, the journalists believe the Council will be a new tool within the tools of the government control over the newspapers, mass media and media outlets. The journalists are wondering about the feasibility of the Council and the viability of including the intelligence chief in a media entit!.

#### ***Creation of Press Prosecutions in States:***

On 28 May 2012, the Minister of Justice, Mohammed Bishara Dosa issued a circular providing for the establishment of press specialized prosecutions in the different states of Sudan in addition to a special prosecution in the capital, Khartoum. Journalists and lawmen believe the establishment of specialized prosecutions in the states is but a new attempt to tighten the grip on the press and spread a climate of fear among journalists.

#### ***Blocking of Websites:***

With the rising wave of popular protests against the regime in Sudan and the wide media blackout imposed by the security forces on the protests, activists resorted to the social networking sites, local chat and discussion forums and other websites to make their voices heard, but the government and its security forces blocked these outlets to limit news of the protests.

For example:

Sudan's National Telecommunications Corporation (SNTC) blocked three important online news websites, which are the Sudanese Online, Alrakoba and Huriyat websites during the wave of protests between June and July 2012.

On 16 September 2012, Sudan's National Telecommunications Corporation (SNTC) blocked YouTube in Sudan, most likely due to the anti-Islam film (Innocence of Muslims) which stirred many huge protests in the region.

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<sup>20</sup>Sudan Tribune+ Al-Shoroug

On 02 November 2011, hackers closed the website of (Al-Ahdath) newspaper on the Internet and replaced it with the logo of the so-called Sudanese Cyber Army, which is the same hacker who closed the Sudanile website.

### ***Confiscation of Books:***

Although the indicators adopted by this report do not include the issue of book confiscation, this is nevertheless one of the phenomena that demonstrate the government's intolerance of the other opinion and freedom of expression. In the period from 06 to 18 October 2012, Khartoum International Book Fair witnessed the confiscation of several literary, political and religious books. The National Council for Literary and Artistic Works (a governmental council) is the entity that stands behind the confiscation of books and literary and artistic works. The books which were confiscated from the fair include:

Literary books and novels of the writer Abdul Aziz Baraka Sakin, including Zakirat Al-Khandaris (a novel), Al-Ganqo Masamir Al-Ardh (a novel ) published by Awrag Publishing House in Cairo.

Al-Khandag (The Trench) book by Fathi Ad Daw published by the Library of Rose Island, Cairo 2012, and (Islamic Reviews) book by Dr. Haidar Ibrahim,

Book of (Islamic Thought and the Women) by Dr. Omar Al-Garai, book of (Impressions of South Africa) for Kamel Ibrahim Hassan, published by Azza Printing and Publishing House in Khartoum.

***Conclusion and Recommendations:***

The Sudanese government is working to impose censorship on newspapers, confiscate their publications, and closes their offices; arrest, harass and torture journalists; and restricting press freedom through many repressive laws and administrative constraints. All of these actions demonstrate the low status of press freedom in Sudan.

The task of the press in any country - as the fourth estate - is to monitor the government's performance and expose corruption and human rights violations

The Sudanese government should work to:

- 1) Introduce reforms to the Security Service Act, and the other freedoms restricting laws so it will not interfere in the performance of the newspapers, mass media and media outlets.
- 2) Reform the justice and judicial system as guarantors of the exercise of the freedom of the press and the right of expression.

3) Reform laws relating to the press and media, and enact a law that guarantees the right to receive information.

4) Refer cases involving the press to civil rather than the criminal courts.

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