

# THE SUDANESE HUMAN RIGHTS QUARTERLY

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An ad hoc publication issued by Sudan Human Rights Organization - Cairo

ISSUE 29

Year 15<sup>th</sup>

May 2009

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### ***SUDAN HUMAN RIGHTS ORGANIZATION - CAIRO***

SHRO-Cairo is a voluntary non-governmental organization concerned with human rights and is active within the area of Africa and the Middle East.

In addition to anonymous support by Sudanese people,  
the Quarterly has been generously assisted by the  
*National Endowment for Democracy in Washington, D.C.*

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## Editorial

### *Abrogate the Gazira Act 2005!*

Quarterly 29 is dedicated to the cause of economic rights in the country which have been relatively ignored compared to the overwhelming concerns for the venerated civil and political rights. Still, the economic, social, and cultural rights should have equal consideration by both government and opposition groups, as well as the civil society organizations, in response to the genuine impact these rights exert in the lives of people.

A vital issue in this concern is the policy of the NIF, the Brotherhood's political organization and its NCP ruling party, to privatize State property at expense of the vital interests of people. The NIF/NCP demeanor towards the state property or the interests of people is well-documented in hundreds of cases involving misappropriation of state factories and enterprises by NIF businesses, the destruction of Sudan Railways, Sudan Airways, and many other national economic and financial firms.

In addition, the NIF misappropriations of private property were quite evident in the well-known cases of the martyrs Magdi and Girgis who had been extra-judicially killed early in 1990 to justify the robbery of their monies by the NIF Salvation Revolutionary Council.

A legacy of the 20-year's salvation rule is the regime's implementation of wrongful policies against the interests of People using the legal arsenal of the regime. Enacted and enforced without consultation with the farmers' organizations or communities, the Gazira Act 2005 authorized the government to privatize the scheme without paying the least consideration to the interests of the State or inhabitants of the scheme.

The most recent destruction of the Gazira State property and the People's interests came about by the minister of agriculture and the governor of Gezira who dared to privatize for partisan interests the country's backbone development project that shouldered with cotton and wheat production the country's main revenue, before the oil boom, in addition to bright national achievements in all aspects of the social life for almost a century.

Playing state violence against state interests, as is well-known about the NIF/NCP practices, the minister and his governor collaborated with a show of violence. That terrorized the farmers of Gezira in the capital Medani, only to process one of the cheapest tenders of state property (whole establishments of agricultural engineering, a railways department, Sudan cotton ginning mills in Maringan, and two national factories for spare parts and clearance of irrigation channels in the million hectares project!)

The only beneficiary of this unprecedented privatization was a bunch of government-related companies of which several so-called Islamic firms reaped the lion's share.

### **Memo by the Gazira and the Managil Farmers' Alliance**

“The Gazira Act 2005 was prepared by academicians, executives, and the Farmers Federation, which was not originally selected by the large body of the farmers. The Act was enacted and enforced promptly before the signing of the Comprehensive peace Agreement. Thus the [World Bank] Rist Report's earlier plans of the 1960s [to privatize the Scheme] were made true and, since then, the crisis mounted up in the Scheme inasmuch as the Act was firmly implemented.”

“This implementation started with severe liquidation of the labor force: The agricultural engineering unit, stores, ginning mills, and communications of the Scheme were transformed to the private sector with opportunities to the companies, businesspersons, banks, building contractors, and service firms of the private sector to take over State responsibilities.”

“DAL, Islamic Development, Sennar Center, and others replaced Al-Hafriyat, the Scheme most experienced unit catering for the irrigation canals, exactly as the other government-supported companies replaced all the other agricultural, technical, and railways departments in addition to the succession of the Ministry of Finance by private banks...”

“All these policies contributed to the high costs of production that subsequently led to low productivity, reduced revenues, and collapse of the major infrastructure of the Scheme; the pauperization and humiliation of farmers; and the large losses of cultivated areas.”

The Gazira and the Managil Memo complained from the high cost of production due to the released guarantees of the State, which before implementation of the Act ensured reasonable productivity cost by which the cultivated areas amounted to 300,000 feddans whereas after implementation of the Act, the cultivated areas became less than 80,000 feddans on average.”

“The high productivity cost was created by the high interest bank financing, the commercialization of the Scheme administrative units, and the high tax on agricultural inputs despite the liberalization of prices and the tariffs imposed. The cases of Shikan and the Cotton Company testified to this failure.”

The Memo related the destruction of the Gazira Scheme to the policies of releasing the State from all of its responsibilities towards the Scheme, the largest development project of the nation, and the let-down practices irrespective of the fate of millions of farmers and their families that built the Scheme for a century until it became the backbone of the country’s Gross National Product.

“The decisive element in productivity of the Scheme hinges on the provision of sufficient irrigation. In the words of the Sudan Bank Report 1993, ‘the deterioration of productivity per feddan in the Scheme was due to the congestions in irrigation and the non-provision of production components timely.’”

The Memo asked: “Whose responsibility was it? For sure, it wasn’t the Farmers.” The Quarterly, in its turn, affirms the State’s responsibility for this crisis. Using the same wording of the Farmers’ Memo, it was evident that: “The tax on water and land increased from SG30 to SG50 [SG2=US\$1]. The productivity came down in the absence of adequate financing for the agricultural inputs including fertilizers, insecticides, seeds, and preparation of land for cultivation in the right time.”

“These factors were further complicated by the chaos in crop allocations and the agricultural rotation, the absence of research and technical support, and the difficulties of irrigation that converted the Scheme to less irrigation abilities by pumps, instead of the permanent system it already had.”

The facts of the Memo ascertained the failure of the State privatization policies which aimed to convert the Gazira development giant into disjointed firms operated in disarray by the private companies of the NIF/NCP partisan groups.

These facts condemned in the strongest term possible the crime of tearing apart the Gazira State Scheme. The Gazira Act 2005, the legal tool of this criminality, was equally condemned for the misery ensuing by implementation of its provisions in the lives of millions of farmers and their families.

As always, the Sudan Human Rights Organization stands in the front line in the defense of the rights of our country and our People. The State must regain full guarantees for the people's economic rights by the Interim Constitution and the CPA.

Abrogate the Gazira Act 2005!

Stop this wasteful spending of the Public Money!

# Why rejecting the Gazira Privatization? Agricultural Engineers' Group

## The Gazira Act 2005

This Act came about to implement all the preceding policies that would lead in the final analysis to sell out the Gazira Scheme to multinational corporations. The provisions of the law are crystal clear. Here are some of the major indications of the Act that ascertain:

1) The Act placed the Scheme under “a national administration.” The Act did not make of the Scheme “a national project,” as it had been recognized since its inception.

2) The private sector was included “as a major component” of the Scheme, not as “a contributing element” in the agro-business and production relations. This shift in the legal role to be played by the private sector cast serious doubts on the intentions of the law, especially that certain policies have been applied to get rid of the so-called “losing” institutions and/or the administrative structures that would be liquidated by law such as the civil and agricultural engineering department and the ginning mills.

3) The Act did not require conditionality of the Sudanese nationality in the terms of buying the Gazira hawashat [agricultural land].

4) The Act did not specify “the maximum land” that might be possibly sold, which makes it possible for companies and individuals to own the Gazira lands inasmuch as they might desire.

5) The hawasha mortgage is controlled by economic institutions, individuals, or cooperatives so that the lender “might sell the hawasha if the prescribed debt is not paid.” The provision aims to transfer the ownership of land to the firms and the individuals who are not necessarily Sudanese, as previously mentioned. This provision is clearly related to recent oil discoveries in the Gazira.

6) The inclusion of hawashat in inheritance makes it possible to sell them or to split them into economically redundant pieces of land. The

farmers would be forced to maintain the unity of their extended families, in compliance with religious orientations, and to sell the land or to continue farming its small size. It is worthy of mention to say, that the average size of a farmer's family is composed of 10 members who need educational and health services, in addition to housing and the other basic needs. And yet, a farmer's annual average income doesn't exceed 183,000 Sudanese pounds (SL1000=about US\$183).

### **The Act stipulates bank-land pawning**

The Gazira Act 2005 stipulates the appropriation of hawashat by farmers according to these terms:

A) "Individual ownership" for the farmers who already owned land. These farmers will continue owning the hawashat {i.e., the cultivated farms). But the remaining land under their possession will be dispossessed and immediately owned by the Government of Sudan, provided that the owners will be fairly compensated. A major question, however, pertains to the "fair compensation" in legal, customary, and religious terms. Who is going to take up this task? Would the prices be flexible? Or would the prices be forced upon the owner farmers?

The land lords asked for a compensatory rate similar to the "ajr al-mithl" formula applied in the case of the Merowe Dam settlement of the inundated lands, i.e., the price of a feddan (approximate hectare) would be equal to 10 million Sudanese pounds (US\$10,000). This is hardly imaginable (894,744 hectares X 10 million pounds=8,947,440 million pounds). Also, the farmers wanted the same rate applied with respect to due payments of rent for the last 40 years.

Another complication is related to the location and registration of the owned lands. For example, a farmer who cultivates a hawasha at the Al-Nadyana space nearby the Al-Foqara village might as well own land at the Abd al-Aziz quarter nearby the Al-Ekoara and Wad Al-Balal areas, far away from his cultivated hawasha).

The Salvation Government estimated the price of land as a necessary step before farmers would be dispossessed of the land, provided that the land price would be set "on the basis of the rain-fed area before it had been settled" (recommendation by the Gazira Land Settlement, 2003).

This is a very strange judgment that is quite irrational since it transgresses the rights of landlords.

Consider this simple illustration: If a person owned a residential space which he built as a 5-flat house, according to the known terms of the Ministry of Housing mortgage plans, but then the State wanted the same space to build a hospital. Would the compensation for the residential area be based on the space as bare land? Or would the compensation be calculated on the basis of the buildings and the price of land, according to legal considerations?

B) "Pecuniary ownership" for 99 years that may be transferred to "individual ownership" by payment of the prescribed fees. The question here is, how much a farmer pays for registration? How much a farmer pays for land owning? Aren't these expenditures a heavy load on the farmer's back? From where would a farmer get these amounts of money? We should ask further, what is the real reason behind the land owning provision? Will the land ownership represent a handicap for the farmer's effort to increase productivity, or are there some other reasons for it? It is clear that all these provisions for land ownership aim to place the land under pawning of the local, or governmental, or cooperative lending banks and/or businesses.

When the high cost of production, the high price of production inputs, the costs by the Gazira Act on the basic commodities, land preparations, irrigation, and maintenance, and the tax, tariffs, zakat, indirect tax, and banks interests (up to 59% sometimes) are put together, we must be certain that the farmer would lose the hawasha in a matter of two seasons up to four seasons at best.

If it is recalled from the most recent studies that the annual average income of a farmer is only 183,000 pounds, and the average size of a farmer's family is 10 members, besides the chronic existence of malaria and bilharzias epidemics in the region, our question becomes: How would the farmer manage to live?

Isn't it fair for all of us to offer some of the savings the country owes the Gazira from the Sudan oil and the farmers' rights in the Dam, etc., to support the farmer who exerted all great energies for a whole century to build schools and hospitals, prepare wells for drinking water, develop towns, and guarantee the welfare of big populations all over the country?

### **We Suggest a Fair Settlement**

To solve the conflict between the Gazira landlords and the Government, it is a must to abrogate the Gazira Act 2005. The settlement is based on these proceedings:

1) The Sudan Government should pay all unpaid rent starting the year 1967 up to the year 2007 (40 years), using the price that had been proposed by the Gazira Land Settlement 2003.

2) The principal of settlement must be based on al-Ijara (land rent), not on land sale or dispossession of the landlords from the land “for the public good.”

3) The landlords and the farmers must be fairly compensated by agreeable rates when land is not used for agriculture (oil industry, etc.).

4) The landlords shall be represented in the Farmers’ Federation at the federal and the section levels to be able to take care of the interests of landlords and the perseverance of their financial, legal, and civic rights.

### **The Financing problem**

Government financing has continuously suffered instability in response to changes of production relations. But the government financing in all conditions played a role in the continuity of agricultural activities in the Scheme.

The native financing runs via the personal resources of the farmer or the merchants by what is known as the Shail (pre-harvest borrowing), which generates profits for the lender up to a total of 100% of the crop’s value. This is a big burden on the farmer.

The government financing was supportive of the cotton and wheat production by 7 to 9 interest rate in the collective and individual accounts of the Scheme, in addition to 9% interest rate on the ginning of cotton. The dependency on foreign loans increased the credits reaped from the farmer and the profits of the lending banks that sometimes amounted to 57%. These accumulated debts, which are not real debts, added more hardships to the lives of farmers.

The Gazira Act 2005 specified the sources of financing the farmers or the Scheme in general. By Act, the farmer shall finance the agricultural season by personal contacts with the commercial banks to provide him with loans to buy fertilizers and production inputs, and to pay the basic commodities that the law did not show how it should be bought or paid, and whether it would be dealt with per hour or without specific times as in a doctor's clinic.

The Act made of the "hawasha mortgage" collateral to pay loans, despite the difficult problems of production relations in the Scheme. By the extra burdens the Act conferred upon the farmer, the latter (who is not qualified technically or academically or financially) is made into a payer of taxes, water fees, and maintenance costs etc. – thus pauperized by the pressures of different administrations, irrigation, banks, poverty, and want.

### **State Financing is a Guarantee of National Productivity**

The problem of financing became a chronic dilemma that cannot be solved by negligence. The problem already made the farmer vulnerable to policies that certainly led to his destitution, regardless of the century's service rendered by the Gazira farmers and their families to the State. These farming communities must be rewarded for this long service with the deserved care, rights, and humanitarian treatment.

The core problem of the Gazira Scheme is centered on the need to finance the real expenditures of agricultural processes, the technical supportive systems, the reformation of productive units, and the need to ensure a competent national administration committed to promote the Scheme.

Based on this analysis, the agricultural engineers of the Gazira Scheme believe that the State financing by the Central Bank of Sudan shall guarantee the State's obligations to provide inputs of the crops in time. This financing must be enforced without profits or at most by a 2% profitability margin, on condition that:

- 1) There shall not be further dependency on the external loans or donations that commit the provision of production inputs from the donors, due to the inefficiency of the inputs, their high prices, and untimely deliverance.

2) There shall be specification of only 2% bank financing, without complex interest on debt service.

3) The factors that generate low productivity shall be accounted for in terms of the lacking in production inputs from the part of the State, or problems of irrigation, the occurrence of natural catastrophes, or inflation.

## Who Enjoyed the State's "Religious" Economy? SHRO Taayush Association

The NIF June military coup came with an economic program based on the Brotherhood's political ideas, mixed as well with general orientations of the religion of Islam.

The program aimed to "restore the infringed rights and the wasted monies, to guide and organize the utilization of meager resources in a framework of self-support (We eat from what we grow, and we dress up from what we produce), and to find an [economic] alternative founded on national autonomous thinking." The NIF coup claimed the program was founded "through a genuine moral perspective based on the faith of people."

In less than a few months, however, the elements of the propagandist program diminished as the NIF government announced the Triple Economic Program for Economic Salvation 1990/1993. The latter aimed to "remove the stagnation of the Sudanese economy to be moved towards production, lining-up all possible energies and opening the door to all those who wish to contribute to the program from inside the country or abroad."

But the real intentions of the coup authorities were ascertained by the program's aim "to rebuild the economic, financial, and institutional structures necessary to guarantee the participation of all contributors." Here, it is important to note that the reference to "all contributors" meant nothing but the NIF and its own supporters who had been prepared to place the country's people and wealth under partisan goals.

From the beginning, the People of Sudan knew through their long experiences with many different state's social and economic programs that the proclaimed NIF program was concerned only with the control over "the economic, financial, and institutional structures of the state." These public structures constituted the major properties of the national economy, whereas the private sector was limited and incomparable to the public sector or the state's productive units.

The NIF government proved since that early date, regardless of the coup claims of “nationalism and morality,” that the coup was basically exercised against the former democratic rule because the latter’s democratic debate in the Constituent Assembly, government units, and the broad street did not pass the agenda of privatizing the State property or the public sector led by the giant Gazira Agricultural Scheme, the Sudan Railways Incorporation, and many other factories and manufacturing firms.

The rejection of privatization was strongly supported by the national democratic forces and the masses movement that valued the State property and worked hard to enhance its financial and administrative progression in the service of people.

The Triple Program rushed to announce the real purposes of the coup. The program replaced the propagandist emphasis on “restoration of the infringed rights and the wasted monies” by the restructuring program. The NIF program, in essence, was founded on well-documented partisan practices characterized by usury and starvation of the poor by storing national diets to maximize profits, exactly as the NIF practiced in alliance with the Nimeiri rule following the NIF/Nimeiri political reconciliation in the late 70’s of the 20th century.

The NIF did not change its aims to the betterment of the country’s economy. On the contrary, the NIF increased in greed and partisan goals because the coup leaders enabled the NIF to control by itself the State authorities for two consecutive decades in betrayal of the army’s constitutional duties and the people’s interests.

These facts had been uncovered since the very early days of the coup in the light of the decisions and the policy orientations that contradicted practically the coup claims about “the infringed rights and the wasted monies; the autonomous national decision-making; and the genuine, moral perspective based on the faith of people.”

The people never were unaware of the Brotherhood’s political methodology to mix-up “the rights, moral values, and the faith of people” unto a program imposed on the State by military coup in the service of avaricious partisan interests. The Brotherhood’s ideology was known as a deceptive style that deliberately abused the innocent Islam to cover the irreconcilable worldly goals of the party.

The tragic financial and economic consequences of the NIF/NCP partisan policies grew up as a result of the Brotherhood's thirst for wealth acquisition by the brokering activities of the party members or supporters, whether civilian or military personnel. These practices were immediately felt by millions of the Sudanese people who had been deprived of the basic needs and necessities of the social life, in addition to the most qualified calibers of the public service that the NIF coup purged only to reserve every public job for the NIF supporters.

The situation was sufficiently predictive of inevitable violence between the Brotherhood rulers with their false programs and the vast majority of the Sudanese whose social values cherished the merits of altruism, sympathy with the poor and the needy, generosity, and a long list of other collective and cooperative interrelationships.

The indications of the NIF estrangement infected the public opinion with anxiety for the fate of the nation in the hands of the NIF junta with all of its alien nature and the mode of terror the coup adopted from day one to enforce the NIF economic and financial plans to control both State and private properties by force. Strange enough, the NIF gross violations were still coated with the Islamic Shari'a law which fairness contradicted sharply the NIF mischievous deeds.

It was the Brotherhood hypocrisy that might explain these contradictions. The Sudanese, nonetheless, were thoroughly aware of the political transformation of the NIF from a negligible Brotherhood group until it climbed over major parties and then allied with the Nimeiri dictatorial rule when it was completely isolated. That was when the NIF manipulated the faltering regime and the Faisal Islamic banks to maximize profits, to expand usury, and to accumulate millions of dollars in a very short period of time.

And yet, the NIF did not stop at that end. The ruling party continued to increase partisan wealth from the public money so that it almost swallowed every possible penny of the treasury. This showed in twenty years of corruption and injustices.

It is true, the former dictatorships of Sudan initiated lots of the wrongs that depleted fortunes of the country by military coup against the constitution, persecuting innocent people by the army, police, and security

forces, and embezzling public funds. But the NIF government surpassed all these forms of corruption.

Let us remember the misappropriation of state institutions in 1989 and the Abd al-Rahim Hamid Triple Program by which financial deals with private businesses incurred state losses in millions of dollars by cheap sales of the largest units of state production, including the Sudan Railways, tanneries, and textile factors.

In subsequent years, the Brotherhood groups rubbed with their supporters the national banks with unpaid undeserved loans besides monopolies of the export-and-import sectors.

Most recently, the minister of agriculture Al-Mut'afi and the Governor of Gazira al-Zubiar implemented the same primitive methods of terrorizing the community as a pretext to pass economic robbery of the state's and people's property. This was exactly what the NIF applied with respect to the agricultural engineering administration in the Gazira Scheme, the backbone of the national economy for a century or so of a glorious past, in addition to the Scheme's railways, canals clearances, ginning mills, and spare parts workshops.

Not a single nationalist soul would ever dare to destroy the Gazira Scheme heritage or present time prerogatives, except for the NIF. Little wonder, the ruling party had been led by a president wanted before the International Criminal Court for crimes against humanity. The NIF party or government acted as the stooges of the Brotherhood continental interests. Who would guarantee continuity of those who failed to refrain themselves from hurting the interests of the State and the People?

It is the full right of the young masses, in particular, that had been deprived by the Bashir rule from full participation in the public life, to interact with all events, exercise the right to free expression, and criticize objectively and fearlessly the wrongs of the regime.

It is the right of our youth in schools, farms, factories, businesses, and the broad street to inquire and demand from rulers, ministers or governors, especially the head of the NIF government who has been prosecuted by the ICC and his deputy Ali Osman, head of the Brotherhood since he had been a student, and the others too to show the billions spent or hidden without accountancy so that they would enrich the members of their party or those aligned with it abroad.

Where were these monies, when the people suffered the highest rates of unemployment in towns and villages without salary payments under persecution of the intelligence and security department? How much was the presidency annual budget? How was the budget spent? Why did the presidency prevent the Auditor-General Chamber from auditing its budget?

How many of the regime favorites received these huge amounts that should have been spent in the first place on the poor tax payers to save them the wants of life? How many billions of pounds were wasted according the Auditor-General's reports without accountability? Who paid these monies, and who possessed them? How were the funds obtained from the liquidation of state banks spent?

Why was it that the Auditor-General was not able to audit more than 34 government institutions exempted by the Presidency from auditing, and further blocked by the ministry of finance from constitutional inquiries by the Auditor-General or the National Council?

How was the oil revenue actually spent? Were they collected only in dollars since the early 1990s? What were the brokering deals that had been finalized in the processes of pumping, sales, and financial deposits of transferences? How much did the NIF companies receive along the cities of Khartoum, Bantiu, Higlig, Port Sudan and/or the states of Malaysia, Qatar, Pakistan, India, and China? Who would account for the gold mining revenues? These funds amounted to billions of dollars seized by rulers for 20 years from the Sudan Treasury.

We all know the ordinary background of these rulers and their families of which a majority was located in the Gazira villages or in the poorest residential areas in Khartoum or the other towns where the typical Sudanese families lived. Now that some of the children of these families became the demons of Sudan, their villages and small towns denied them and reprimanded their deeds.

Sudan knows how much hurt the Brotherhood inflicted on the Sudanese capitalist private sector; people know the factories, farms, and transactions sequestrated, including the import-export commerce, so that the NIF monopolized everything available. It was cheap greed a single generous soul would never do, let alone pursued for 20 years under the guise

of faith via the manipulation of the Armed Forces and the police to beat up the masses and terrorize them.

Finally, the facts are uncovered about this junta. Political action is a must to show the underlying truths about the NIF, to help people to see the danger of the regime, and to be able to end its disastrous impact on the nation.

### **Sustainable Measures in a New Program**

The following suggestions include many measures the NIF/NCP failed to apply. The economic and financial experts of Sudan must, therefore, step forward with a detailed economic program to resolve in democratic ways the economic and financial crisis. Other measures might well add to these suggestions. A transitional democratic government must:

(1) Establish a public budget based on recommendations ascending from the farmers, workers, public service employees, companies and national capitalists in the states and the localities. The budget making must pay full attention to the figures and analyses raised by the masses to be balanced in the light of both national and foreign components. The top priority should be preserved for the needs of people, not for the enjoyment of the federal or central management of the State.

(2) Enforce the complete return of the displaced peoples in Darfur and the South whom the central government forced to live in destitution. The returnees must enjoy full compensations for the great losses incurred by displacement. The workers and employees dismissed unfairly by the government for “the public interest” wrongfully claimed by the NIF/NCP rulers should be returned to the public service on the basis of fair standards, as well as compensating sufficiently those who might be interested in alternatives.

(3) End the wasteful enlargement of the defense, interior, and security budgets that never were properly audited throughout the years of NIF repression. These big budgets had been abused to repress the people of Darfur and to make war in Abyei, besides the confidential spending on the salaries, armament, and supplies of the NIF militias in Kordofan, Darfur, and the South in millions of dollars annually that which weakened the constitutional armed forces of the country.

(4) End the ill-treatment, persecution, and suppression of the public by the Intelligence and National Security Department. The leaders of this department must be seriously prosecuted for the gross human rights violations committed by the department against people, and the wasteful spending, against the law, that the department pursued to repress people and to harass the civil society.

(5) Accumulate the reserved amounts of money brought about by the revenues of oil. This public fund should be transparently managed by the federal government, especially the ministry of oil, and the Government of South Sudan which should be assisted by Sudanese experts from the Auditor-General Chamber and other nationalist staff to improve accountancy.

(6) Speed up financial improvements in the non-oil national revenues in accordance with the Auditor-General's recommendations.

(7) Regain the precautionary measures at the ministry of finance on all levels of government service by adjusting expenditures and the control of all channels that corrupt the public monies, or dispose illegally of secretive funds.

# **The Gazira Defender**

## **1<sup>st</sup> Issue of Women's Bulletin in the Gazira Villages**

### **Introduction**

Welcome, Gazira women, by your defender, the protector of consciousness and rights, The Bulletin of the Gazira Defender!

We, the women of Gazira, are the backbone of the country's permanent national economy. We are outraged by the government's dare to tear apart the Gazira Scheme as if it didn't have inhabitants. What shame! We, the Gazira women, reject all decisions that aim to privatize the Scheme. We condemn in the strongest terms possible the decisions by the minister of agriculture and the governor of Gazira to privatize the Scheme. We will protest the rights of people against these unlawful acts.

### **Pages of Struggle**

Remember, women of the Gazira, that you were the first to apply a project of peaceful co-existence between all tribes of the Sudan. From the furthest north, the most remote south, as well as from Darfur, Kordofan, and the farthest East we came, the women of the Gazira, and made a mould from our siblings who represented all the people of Sudan in the Center and its flourishing modernization. And from our wombs, the People of Sudan were born to struggle for rights and freedoms.

### **Cultural Awareness**

Article 7 of the International Convention on the Prohibition of All Forms of Discrimination against Women (CEDAW) reads that, "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right ... to vote in all elections and public referenda and to be eligible to election to all publicly elected bodies."

### **We Expose a Problem**

The problem is crystal clear: the sale out of the Gazira Scheme, the largest social and economic development made by the State in Sudan, and run generation after generation by millions of farmers and workers, besides hundreds of thousands of professionals from all trades – the masses of our people who struggled for the good life.

The Scheme was sold without any consultation with the natives of Gazira, including of course the Gazira women, the tillers of land since the first stroke was done in the 20's of the last century; and the public denominator in all processes of agriculture, harvesting, ginning by mills, shipping, manufacturing in textile fabrics, and product selling.

How did this wicked act occur? Who benefitted from that act? And was it possible that a government sold out the homeland with her people?

### **And We Discuss the Solution**

The solution is crystal clear, and the application is equally clear.

Firstly, the political and legislative authorities must cancel all decisions of the Gazira sale because they are non-constitutional. The Scheme is not owned by the government. The Scheme belongs to the farmers, the government, and administration of the Scheme as partners. The old attempts from the private sector to privatize the Scheme are not considered above the farmers, the Gazira genuine partners. Nor are they more significant than the farmers' human rights in the Scheme.

Secondly, the gross violation of the Scheme partnership must be prosecuted from a constitutional and legal standpoint to ensure the farmers' rights. Due to the gross violation of the partnership, a constitutional suit must be in order to cancel the sales, to return the robbed monies to the State, and to enforce the immediate return of the purged professionals and workers to the Gazira workshops and ginning mills.

# **The Latest Auditor-General Reports SHRO Taayush Association**

## **The Auditor-General Reports**

Added to the annual embezzlement of billions of dollars by government officials or supporters (according to the Auditor-General's Chamber), there would be so much desired by the succeeding governments of Sudan to: 1) collect in detail the stolen treasuries; 2) determine personal responsibilities of state personnel/NCP leaderships; and 3) put to trial the accused persons before the Independent Judiciary to restore public monies and state credibility.

International testimonies are by far more transparent than many national or regional reports possibly were. Added to several international agencies specialized in states' financial transparency, the well-reputed International Monetary Fund and the World Bank diplomatic style in exposing governments' performance could not conceal the dramatic failures of the Sudanese economy and the serious loopholes in its public finances, despite big strides by the oil revenues in late years.

## **Deficit despite availability of billions**

In 2003, the public spending total was estimated at 696 billion Dinars (SD100=US\$1) bearing 16% increase over 598 billion dinars in the 2002 budget. The actual performance was estimated as 38% of the 2002 performance.

Here, the immediate questions pertain to the poor rate of actual performance and the real lines of spending (which constitute legitimate inquiries in every annual budget). Consequently, the government routine claims [on improvements of the budget] were doubtful and questionable, as the World Bank and other international donors tried in vain to investigate the government's assertions to help people to assess the extent of non-censored spending of public monies in billions of dollars by the authorities.

Chaos and financial corruption constituted major reasons for the mounting price rises that pushed the painful deficit in salary payments and the failures in raising the necessary funds to make peace and to sustain tranquility of the nation.

Besides, the government continued to propagate meaningless promises of “rehabilitation of the infrastructures of energy, irrigation, and public roads, the investment in the Sudanese oil, the interest in social development and poverty alleviation programs, and the concerns for human resources and organizational capabilities to take pace with the global variables in preparation for the needs of globalism.”

In the year 2003, for example, the deficit was estimated at 21 billion dinars, that is to say 3% of the total public spending. This deficit was less by about 4 billion dinars of the estimated deficit in 2002. Who bore the brunt of these 21 billion dinars?

The working peoples did by taking up the hardships of the deteriorating living standards for which they were not responsible in the first place. But the government resorted to borrowing from the Bank of Sudan (thus accumulating the deficit). Inflicted heavy taxes further increased the rate of unemployment and ceased the services of education, health, housing, and the most effective income-generating projects.

From the most part, the deficits came about as a result of the government’s wasteful spending of the treasury. The false promises of the Brotherhood leadership to bring happiness to people by a “pious state,” according to their anti-democratic coup, have never materialized. Instead, the Brotherhood continued to talk in vain about “the interest in social development and the poverty alleviation programs, etc.”

Some of the Auditor-General’s observations on the final accounts of the federal government in the year 2002 realized the following shortcomings:

“- The non-existence of fixed revenues in a number of companies and institutions was noted in the national forestry, Sudan railways, and the air aviation incorporations.

- The payment of funds directly from incorporations to certain groups without mention of the government’s control or securing the necessary

approval, as in the case of 100 million dinar allotted to the Presidency.”

What happened to all these monies that did not have accountancy or documentation by the Auditor-General’s Chamber? What else could we say about corruption of the ruling regime and its presidency that reaped in hiding these millions, while silencing the ministry of finance and prohibiting the least sign of debating this robbery or the possible ways to restore the funds to the treasury? Even in the National Assembly, parliamentarians were not encouraged to discuss this important matter.

To tell the truth, the Auditor-General told the government “to stop passing funds directly from companies, institutions, or corporations to the beneficiaries. Such money orders apply only after the funds are collected and disposed of, according to the standard procedures of the ministry of finance.”

The Presidency, however, and its favorites continued to seize the public money by the authoritative powers and the immunity vested in them versus the censorial organs of the State, especially the Auditor-General’s constitutional chamber.

### **Mixed Info on the Oil Revenue**

The Auditor-General’s 2006 Report indicated that “The total oil revenue (by export and local sales) amounted to SD741 billion. This figure made 82% (7.4 billion dollars) of the national income, as well as 48% of the total national and external income in 2006.”

What interests the public at this point is the way these billions were spent in public spending.

First, the share transferred to the Government of South Sudan in 2006, including the oil-producing states, made 36.5% of the oil revenue in that year. Well. What happened to the largest share (63.5%)?

The Auditor-General noted that, “The national petroleum corporation deducted 85 billion dinars from the sales’ total revenue. The deduction included 43 billion dinars commission of the corporation, another 5% as due commissions, in addition to support of the strategic units, the money due to the Chinese Petroleum, and fuel for different recipients.”

The Auditor-General did not obviously obtain the accurate information required about the spending of many government units, which forced the chamber to make probable estimates rather than the actual figures or proportions.

The Chamber still is seriously pursuing detailed information about the exact commissions of the national petroleum corporation: Who received the commissions, for what, to whom the deducted 5% of the local sales went, what strategic units were supported by the funds, and on what line budgets the billions of dinars were spent on the units in question.

These questions were not answered by the petroleum corporation or the ministries of oil or finance, although they asked about hundreds of millions of dollars and other hard currencies.

### **Disheartening Facts on Wasteful Spending**

The Auditor's reports indicated that the People of Sudan paid every year to the Government and the ruling party about 55% of the total revenue of the treasury.

It is true that a considerable proportion of the total national revenue came from the oil sales that represented on average 45% of the total. But the oil revenue is not a stable source in the long run subject to global fluctuations, quality of the product, and investment conditions.

The Brotherhood's partisan interests and commission pursuits have weakened the chances of the nation to strike lucrative prices of oil, many national experts had earlier advised to no avail. Instead, the ruling party fell under unfair deals with Chinese, Arab, and Asian companies.

The following table shows the actual payments to the country's finance from tax-payers with respect to levied amounts by tax, customs, and tariffs.

Year	Actual Revenue (in million dinars)
2003	709,765
2004	932,332
2005	1,118,900
2006	1,546,800
2007	1,825,000

(Source: Auditor-General Chamber)

The figures indicate the tax payers' heavy burden, as well as the ineffective impact of the oil revenues to relieve people from the high costs of living. The largest share of these monies, however, was spent on the high standards of living the ruling elite enjoyed, besides massive spending on the presidency, defense, and security at the expense of the basic needs of education, health, and agricultural compensations, etc., for the bulk of the population.

Moreover, the country has not yet witnessed real returns from large investment in development projects due to serious deficiencies in the development planning, or the kind of decision-making most recently exercised in the cheap sales of the State's largest agricultural scheme, the Gazira, by the NIF/NCP partisan rulers.

Also, it is regrettable that the government did not pay in time the deserved salaries to the workers, farmers, teachers, college professors, and engineers, besides tens of thousands of the public service employees who had been purged early in 1989 and never allowed to return to their jobs or to be fairly compensated up to this day. In conclusion, there wasn't any reasonable proportionality between the monies people paid to the government and the services or welfare programs the State offered in exchange.

Let us recall once more the rates of spending. The amounts allocated in the public expenditure for agricultural and social development, roads, constructions, and hospitals did not exceed 27% of the total national income at best. The compensations for agricultural tax made 2% of the total expenditure, besides another 2% for the obligations of the agricultural season. These are meager shares in a country that is overwhelmingly agricultural!

The Presidency that never uncovered its public spending, as if it was a private property, and the federal government major ministries, specifically the defense, interior, security, and strategic units (which meant nothing but the costly People's Defense militias to guard the NIF/NCP partisan interests by state violence, such as terrorizing the innocent people of Darfur and the other regions) received more than 60% of the national income.

The government used elusive ways to escape auditing. The ministry of finance, in particular, was silenced with respect to the Auditor's annual efforts to bring to the treasury embezzled monies in millions of dollars; these included: "the non-collected dues from taxes on public corporations and the negligence of audited instructions to decide on these monies by appeal or legal procedure" in the words of the Auditor-General's Chamber.

The government offered some of the NIF/NCP firms and external agents (especially in China, Malaysia, and the Gulf) tax exemptions by the law of investment 1999, which had been amended in 2000 following the oil boom.

Some of the irreconcilable shortcomings of the public expenditure pertained to the NIF deficit budgeting in spite of the oil revenues, which questionably "fetched cheap prices" (WB Report, 2007).

Since the advent of the NIF 1989's coup, however, the reduced spending on national development, the negligence of the basic needs in Darfur and the shares of other states (except for Khartoum, the Central Government, and the South), and discouraging spending on the vital areas of social development (health, education, cultural activities, including fine arts, housing, drinking water, pasture, public parks and libraries, etc.) constituted a major problem for 2 decades.

### **Time is Now for a Balanced Budget**

This proposed budget sets a few priorities to be achieved righteously, not by robbery or corruption of the public monies.

This achievable step is approvable by the Auditor-General, the constitutional censorial authority on public spending, as well as technical ad-

visements by several academic and national expertise and international agencies. The failures of the Brotherhood regime are totally unmasked. So the forthcoming economic and financial reforms of the country by democratic regimes must embrace:

1) Full compliance to the Auditor-General's Chamber by the presidency and the government ministries, departments, banks, or institutions concerning the organizational and structural capacity of accountancy by law.

2) Strict prosecution of the state managers who corrupted the public funds, led by the Omer al-Bashir unaccountable presidency, which were not approved by the ministry of finance or audited by the Auditor-General, as well as the spending by vice-president Ali Osman Taha and the presidency aids in the ministries of defense, interior, security, petroleum, the National Capital, and the rest of the states and localities that never were accountable to constitutional auditing.

3) Serious consideration to the advisements proposed by the Sudanese national expertise via the democratic conferences in which political parties, civil society groups, parliamentarians, and the press submitted detailed programs.

4) Application of the regional and international recommendations to improve the public expenditure reviews. In 2007, for example, the World Bank recommended the establishment of reasonable public spending via shared reviews with authorized government committees, albeit the WB, like the Auditor-General, was not able to obtain comprehensive information on the government's financial deals in and outside the country.

## **A World Bank Testimony, 2007**

“After more than a decade hiatus of WB engagement in Sudan,” Report No. 41840-SD discussed in a synthesis report “Sudan Public Expenditure Review” (December 2007). The country’s political economy was seen in terms of “a futile political and security context with weak human development outcomes. The vision of fiscal decentralization is a key aspect of a unified and peaceful Sudan, potentially addressing inequalities and the most causes of the conflict.”

The WB recipe to reform public spending/accountability touched deeply upon the consequences of oil exploitation, which facilitated an increase in national wealth but “brought a myriad of problems, additional pressure for expenditure, and reduced pressure to undertake key fiscal reforms to ensure stability, in addition to limited information and monitoring procedures.” Related to this, the bank criticized “rent-seeking behavior.”

The WB stated that Sudan has thus far not benefitted fully from the recent rise in global oil prices, “since much of its crude production is now of a lower quality and had been fetching unexpectedly low prices.”

### **The Federal/States Spending**

Another significant area of the WB report spoke about the federal government’s 60+ percent annual total expenditures of the total budget (after allowing about 30 percent to the Government of South Sudan by the CPA.) That leaves unfulfilling resources to the States with meager spending on roads, education, and health compared to big monies for defense, security, and the presidency classified funds.

The WB asserted: “In the national level, budget credibility is hampered by limited costing and prioritization of sector and thematic policies during the budget preparation operates, as well as execution volatility.”

The WB noted that “deviations from approved budget have improved since 2000, though 2006 experienced a low 87 percent execution rate due

to oil revenue shortfalls. Development funding is a key component for CPA implementation and poverty reduction has been volatile and heavily concentrated in a handful of large endeavors.”

The WB evaluative document concluded in the fact that, “Notwithstanding ongoing efforts by the authorities, public financial management systems in Sudan are generally weak.”

### **Commentaries by the Quarterly**

The WB heart-breaking evaluation of the Sudan public expenditures must not pass unwatched.

The government’s fire walls around the oil deals have aroused continuous inquiries in the National Parliament to no avail. But the oil contribution with a fluctuating 45% average since 2000 should never blur the fact that the revenue pumped into government hands by the tax-payers, individuals or companies, for high taxation, high customs, and low salaries (if ever paid) to the working force is a major component of the budget, despite the disproportional spending on education, health, agricultural compensations, or any income-generating projects to alleviate poverty in the marginal regions.

Oil deals are the state leverage a totalitarian regime would never surrender. And most likely, the NIF/NCP regime would step down with all oil secrets tightly kept in its own hands. China and the Asian shareholders Qatar, Pakistan, Malaysia, and India, nonetheless, are held accountable before the Sudanese for the transactions and secretive commissions of Sudan oil with the NIF/NCP rulers, besides the unaudited funds of the presidency.

The Quarterly believes as a commentary on the WB Report that the 1986-89 elected government was destined to face out many of the problems inherited from the Nimeiri regime (1969-85). Little wonder, the partisan single party presidential system of the Brotherhood totalitarian regime reproduced the same crises in public spending: negligible funds for the basic needs pauperizing the bulk of the poor farmers, workers, and employees of the State versus partisan expenditures and abuses of the treasury to fatten the ruling elite.

The WB diplomatic mention of “rent-seeking behavior,” however, is indeed exemplified by the fact the Sudan Auditor-General documented about tens of millions of dollars placed in the hands of al-Bashir Presidency every year without reference in the Ministry of Finance. Moreover, the Federal Government maintains the largest share of the annual public money, irrespective of the relative improvements that took place in the budgets of the South and Northern States.

The Khartoum reluctance to provide adequate money to the States is thoroughly explained in the NIF/NCP policy to retain the largest amounts of funds under the President, Vice-President Taha, and the federal ministers of petroleum and minerals, defense, and security over all legitimate needs of the States to sustain agricultural products, expand education and health, and maintain better living standards for rural Sudan.

One glance at the most recent sale-out of the Gezira Scheme key factories and railways, together with the open strike by all universities and high institutes of education against the government’s default to pay regular salaries and other reimbursements suffices to assess the steep crisis of partisan policies that ravaged the national economy for 20 consecutive years of Brotherhood rule.

It is our opinion in the Quarterly that the succeeding government of the NIF/NCP-controlled Government of National Unity will find the same fate: inheriting a faltering economy, rubbed treasury, and mountains of technical and professional shortcomings in the management of the nation’s finances.

## **The Situation of Human Rights, November-April 2009**

### **SHRO Secretariat**

The violation of human rights and fundamental freedoms was unabated in the reported period. Gross violations continued to occur on a daily basis against public freedoms and the privacy of citizens. The Press, in particular, suffered stringent measures by the Press and Publications Council which was authorized with the National Intelligence and Security Service to censor, penalize, and curtail the freedom of the press.

As we welcomed the National Assembly's approval of the National Elections Commission, SHRO asked the Government to abide by all provisions enshrined in the Bill of Rights of the National Interim Constitution, especially those concerned with the freedom of expression and the right to peaceful assembly to prepare the national elections prior to the actual voting in 2009.

The civil society groups, including political parties, trades unions and human rights' and democracy groups, lingered behind in planned programs to prepare for the upcoming national elections, which were postponed by the government in agreement with the peace partner, the Government of South Sudan.

The way the election constituencies were distributed in the different regions and districts, however, generated irreconcilable disputes. For example, the national capital was allotted more constituencies than the South! These and other ill-planned decisions would not help the elections process whereby the NIF/NCP manipulated State powers for full victory over the contending groups.

On November 25, the UN High Commissioner for Human Rights (OHCHR) blasted the Sudanese National Intelligence and Security Service saying it systematically used arbitrary arrest and detention against political dissidents. Later in June, the UN Human Rights Council decided to appoint an independent expert on the human rights situation in Sudan to carry out the works of the Special Reporter, including the implementation of recommendations on Darfur.

On January 13, 2009, the South Sudan Legislative Assembly passed the Human Rights Bill which should improve the performance of government officials towards the full enjoyment of fundamental rights and freedoms by all citizens.

### **Presidential Statements against the CPA**

The NIF/NCP chairperson, President Omer al-Bashir stated in the ruling party's conference that the South "is ruled by a military intelligence that exercises full-scale censor in the South against all civil activities." Asking the SPLM to open up the South for all political parties, the president then threatened to enforce "the same policy, eye for an eye, versus the SPLM in the North."

The call on governments to open freedoms in the country was most welcome. SHRO-Cairo, however, was gravely concerned over the NIF/NCP presidential statements that ignored, rather than recognized, the CPA provisions for the central government to support the South strenuous efforts to end the post-war armed conflicts.

SHRO was equally concerned for the negligence of the president to the national need to strengthen the situation of human rights over the country as a whole, and the urgent need to end the warring role his government continued to play in Darfur of which millions of the innocent indigenous population were still displaced in appalling conditions, especially in the aftermath of the president's unwarranted removal of the major relief agencies from Darfur.

The Sudan Human Rights Organization–Cairo condemned in the strongest terms the NIF/NCP mounting hostilities against the peace agreement, which required the central government to insure full democratic freedoms indiscriminately for all political parties and civil society groups in the North, including the freedom of the press and publications and the independent activities of civil society groups free of the Intelligence and Security censorship.

The central government was equally required by the CPA to help the South Sudan Government to sustain peace in the South. The two governments were obliged as peace partners to act in accordance with the CPA

and the Interim Constitution to allow all opposition parties to participate actively in the transition to democratic rule by national elections.

The Organization believed that the remaining weeks constitutionally allowable for the NIF/NCP government and president to stay in political power should be carefully spent in close peaceful relations with the opposition and civil society groups, especially the SPLM peace partner, towards the establishment of an all-Sudanese transitional government to run the national elections in order to sustain and to apply firmly the Sudan's most significant peace treaty, the Comprehensive Peace Agreement.

### **Expanded State Violence**

Violence was not abated: the government failed to sustain normal relations with Chad, which exchanged serious accusations with the government on mutual attacks across the international borders by different rebel groups. Moreover, the Sudanese Armed Forces and the South troops engaged in violent confrontations in Abyei.

The eruption of violent hostilities between the CPA partners overshadowed the bilateral relations between the two governments and at one point the SPLM Secretary General Pagan Amum indicated in a press conference that the South might consider separation as a possible option, instead of the optional unity endorsed by the national forces.

Several cities witnessed acts of violent confrontations resulting in killings and casualties in Malakal, Fashir, and many villages and camps of the displaced population in Darfur. The peace talks with the Darfur rebels moved in a direction of partial reconciliation in Qatar between the Justice & Equality Movement and the Government. Still, the major agenda were not resolved in the absence of most parties to the conflict.

The state's violence was not reduced in the period as the Judiciary sentenced with the death penalty scores of the Darfur citizens accused of sedition and other crimes punishable with death. Even in universities and schools, such as the Ahlia University in Omdurman, the authorities did not refrain from exercising violent show downs with the students supporting the opposition any time, with any tools of violence, or simply closing up the institution for unrestricted time.

## **Unrestricted Death Penalties**

In April, 9 citizens were executed for the murder of journalist Mohamed Taha, editor of Al-Wifaq paper, who had been murdered in September 2006. The death sentences were widely protested by human rights groups in the light of serious shortcomings in the due process of law, particularly the denial of judicial investigation on tortures against the accused and the right to appeal.

Earlier in August, the UN High Commissioner for Human Rights and the UNAMID peace keeping mission in Darfur condemned strongly the killing of displaced people in Southern Darfur camp of Kalma, near Nyala where the government troops opened fire at a crowd protesting the troops' inspection of the camp for arms. Some 33 citizens were killed and about 108 civilians were injured.

April 2009: The Sudan Human Rights Organization regretted the continuous resort of Sudanese Courts to inflict death sentences on the accused in cases seriously flawed in the due process of law. The sentences passed over 10 members of the Justice and Equality Movement (JEM) accused of high treason, armed attack, and other allegations by a private court on April 15, 2009, in Khartoum were accusations based in the first place on political reasons.

The trials had been largely influenced by prior condemnation of the accused by the government media and security pressures, at the expense of the right of the accused to public trial, legal visitation and consultation, etc. Clearly noted by specialized human rights and international groups, the number of days allowable for appeals was inadequate. The legal protest of the defense lawyers regarding the tortures of the accused by government forces had been unlawfully ignored by the court in both pre-trial and trial procedures.

The Government of Sudan was strongly urged to abolish the death penalty, which has been excessively used in trials particularly targeting the African-descent ethnic groups of Darfur by executive and judicial authorities of the State. The tendency of courts to intimidate Darfuri activism was a serious political intrusion that aborted the Independence of the Judiciary, as well as the human rights of people in contact with the law.

SHRO-Cairo urged the Sudanese Judiciary to maintain an independent status from the executive authority in compliance with the Interim Constitution, free of the government influences by security pressures or by media campaigns. The Organization urged the competent authorities to order new trials for the Darfuri accused people that have been placed under quasi-military private trials by the political will of the government.

Fair trials for the accused persons, regardless of ethnic origins or political stands, should guarantee the rights of defense teams to ensure the due process of justice by full application of the international and constitutional norms in court jurisdiction, on equal basis with the legal concerns of judges to guarantee fair prosecution of cases by the due process of law.

### **Violating Economic Rights**

The economic situation worsened with the high expenditures of the government on the civil war in Darfur and the costly security operations all over the country, in addition to the impact of the global recession on the national economy.

The increased pauperization of the labor force was further escalated by the scarcity of basic commodities, inflation and high prices, and the decreasing purchase power of the vast majority of the low-income consumers. Most particularly, most of the teachers' associations came in confrontations in the northern states with the authorities that failed to pay salaries and other emoluments in time.

In the modern economic sector, the irrigated schemes, especially the Gezira, became involved in mounting tensions due to the insistence of the government to privatize the major irrigated agricultural scheme in the Sudan.

The Merwe Dam at the Manasir area was inaugurated without change in the position of the indigenous opposition whose points of disagreement were not considered by the authorities. The native opposition asked the government to pay sufficient compensations for the inundated lands and to establish democratic participation for the natives in the dam administration, among other important claims.

Updated reports by the Auditor-General of the Republic of Sudan testified to annual violations of public spending via the abuse of financial authorities by the government, including unreported funds in millions of dollars by the Presidency (see in this Quarterly, detailed reports by SHRO groups).

On March 5, 2000, SHRO issued a statement asking the government to promote cooperation with relief agencies and all human rights groups. The government expelled relief agencies and humanitarian organizations from Sudan. The decision failed to appreciate the consistent services relief and humanitarian organizations have been providing for the displaced population in Darfur, especially for a million displaced citizens by government troops and militias, for whom the government failed to provide basic needs, including food, health, and education since 2003 up to this day.

SHRO-Cairo noted with deep concerns the systematic harassment of civil society groups by the Presidency and the National Intelligence and Security Service, in addition to the Publications and Press Council which exercised harsh censorial powers over journalists and the Press.

Thus curtailed, the Voice of People has been severely suppressed, especially in the camps of displaced people. Regrettably, the President enforced directly other “decisive” measures by which Sudanese human rights groups and civil society associations were outlawed mainly in Khartoum and Darfur. Other organizations, however, are seriously threatened with the President’s “decisive” measures to end all civil society work in Sudan, local or foreign, all together.

The Government’s ongoing crack down on humanitarian activities in the country, which is further aimed to silence the opposition and to inhibit the displaced citizens from expressing their needs freely, without security intimidation or presidential threats, constituted gross violations of the Interim Constitution Bill of Rights, the right to voluntary work, and the freedoms of peaceful assembly and expression.

The Interim Constitution conferred on the Government and the presidency clear obligations to achieve “Promotion of international cooperation, especially within the UN family and other international and regional organizations, for the purposes of consolidating universal peace, respect

international law and treaty obligations and fostering a just world economic and political order.”

The Organization asked the government to maintain normal relations with the United Nations agencies and the other regional and national agencies in the service of the national needs of Darfur and the other areas in the country, to allow all Sudanese civil society groups, as well as international and/or regional relief agencies to resume humanitarian support activities to the needy populations without interruption, or confiscation of equipments, or censor.

### **Civil and Political Rights**

The political arena suffered the repressive nature of the regime and the hysterical show of the presidency and the ruling party, following the issuance of a warrant of arrest against president Omer al-Bashir by the International Criminal Court (ICC) and his contemptuous rejection of the warrant. Related to the president’s impulsive reaction, the national intelligence tightened up surveillance over the press, banning and removing the slightest reference supporting the ICC or even commenting positively on the warrant.

The government has not yet become party to CEDAW. The authorities did not address the women’s concerns in both urban and rural sides of the country with respect to necessary amendments in the personal law, development of the productive family projects, gender studies in school curriculum, and many other significant demands to advance the social life and the Sudanese society.

The status of the Darfur women and children did not improve with respect to the urgent needs to return these families to their dispossessed homes in Darfur.

The UN Secretary General’s Third Report on Children and Armed Conflict in Sudan noted that children were continuously recruited and used by all parties to the conflict, that rape and sexual violence were systematic and widespread, and that children and women in and around refugee camps and in internally displaced person’s settlements were especially vulnerable.

Earlier in July 2007, the Office of the Special Reporter of the Secretary-General for Children and Armed Conflict noted that “hundreds of children were released from the SPLA and some other armed groups aligned with SAF.” Still, the UN Office reported killings of children “during gunfights between the SPLA and SAF.”

In Darfur, the UN reported “46 verified cases of child deaths perpetrated by the Janjaweed and the SAF. Rape continues to be widespread in Darfur, and used as a method of warfare, with an increasing trend to specifically target younger girls.” We haven’t obtained updated information on improvements in this situation during the reported period.

### **Violating the Press**

In November 5, the Arabic Network for Human Rights information stated that several Khartoum journalists organized a sit-in and a hunger strike to protest press proof censorship by the security intelligence department. The Ajas Al-Horriya and the Ray Al-Sha’b papers suspended publication in extension of the protest. Meanwhile, the security authorities arrested journalist Salah Bab-Allah for publishing news about fever epidemic in Al-Foula region of Kordofan.

Earlier in October, the Ajas Al-Hurriya correspondent Nouraddin Mohamed Solieman was detained in an unknown place in Nyala, the capital city of Southern Darfur, for reporting activities on the situation of the displaced people of Darfur.

Editor Lemi Stephen of the Sudan Tribune daily in Khartoum, complained in an open message from intrusions by the intelligence department in the paper’s printed materials: “The Sudanese national security agents are very unjust by doing injustice depriving us from expressing ourselves freely as justified by the constitutional article 39 in that the state shall respect the freedom of press/media in a democratic society.”

On November 8, SHRO addressed itself to the Government of Sudan, which “is required to respect the right of the Press and the right of all journalists to attend Parliament sessions, in general, and those sessions scheduled to pass a new law of the press and publications to govern journalist work and their relations with the authorities.”

The government prevented unlawfully hundreds of journalists from attending the National Assembly session on a new law of the press on Monday November 17th. Harsher prevention by police and security forces disassembled peacefully protesting journalists outside the parliament space, then arrested and detained 78 protestors.

These acts and others inviting the abstention of three English papers and seven Arabic journals from publication constituted a flagrant violation of the Interim Constitution and the parliamentary traditions that allow journalists to cover parliamentary sessions in the press.

SHRO was deeply concerned with the repressive environment the government had been spreading over the public life throughout the last three years in the course of implementing the Comprehensive Peace Agreement (2005) prior to the upcoming 2009 elections. The Organization had repeatedly condemned the government's insistent violations of journalist rights and public freedoms.

The Organization asked the government, to no avail, to end the unlawful security intrusions that obliterated journalist columns, restructured printed news, and confiscated whole papers, in addition to arbitrary arrests, heavy fines, and possible terms of imprisonment by the notorious Press and Publications Law.

### **Tortures and Arbitrary Arrests**

In November, Osman Humida, Abd al-Mon'im al-Jak, and Amir Su-leiman were arbitrarily arrested and detained by the intelligence and security service accused of collaboration with the ICC. "The Sudanese government is well-known for having little tolerance for criticism," said Georgette Gagnon, Africa director at the Human Rights Watch group.

"This is part of a wider pattern of trying to silence those who support justice and to suppress information about the human rights situation in Sudan," said Gagnon (Sudan Tribune, 27 November 2009).

Since December 15, 2008, the National Intelligence had been arbitrarily detaining the women's activist Nahla Bashir Adam (25) in the De'ain prison. Ms. Bashir was further subjected to continuous detention in the Hajleej town, the notorious national security jail in Khartoum, and the Omdurman Prison where she was still detained without charge.

Accused of collaboration with the JEM rebels, besides accusations of involvement in kidnapping Chinese workers recently, Nahla had been severely harassed in appalling detention conditions by tortures and racist insults. The human rights' activist Nahla Bashir was a graduate of the Omdurman Islamic University who also worked as director of the Shabab Organization, a voluntary civil society group in the town of Muglad and in Darfur.

The Intelligence was not authorized to harass citizens for human rights or democracy activities, although the authorities were required by law to protect people from arbitrary detention and tortures. The Organization asked the government to release Nahla immediately from jail to be able to resume her public activity in the service of the humanitarian needs of children.

In January, Hassan al-Turabi and Bashir Adam Rahama of the Popular Congress Party were arbitrarily arrested and detained for statements supporting the ICC prosecution of the ruling party chairperson Omer al-Bashir.

Also in January, five Darfuri activists working with the Center for Contemporary Studies in Cairo were arrested and some of them were threatened with deportation from Egypt. The activists included Abd al-Mon'im Suliman, Mohamed Ahmed al-Haj, and Adam Ibrahim. SHRO urged the authorities to release the activists and to allow them to resume their research on Darfur.