



Sudan Law Reform Update

February/March 2010

Welcome to the sixth issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS), a joint initiative of SORD and REDRESS, provide this regular service with a view to informing those working on, and interested in, law reform and human rights of relevant developments. The update includes a summary of the news (largely based on English language media sources) on law reform, jurisprudence and other developments. It also aims to serve as a platform for sharing of information, comments and opinions on any issues related to law reform and human rights in Sudan. This issue covers developments up to 29 March 2010.

Yours,

Lutz Oette

For further information, please visit our website at www.pclrs.org. Please contact us (Khansa Elkarib (SORD) at sord2lawreform@gmail.com Tel. +249 83230059 or Lutz Oette (REDRESS) at lutz@redress.org Tel +44 20 7793177) if you wish to share information or submit your comments for consideration, or if you do not wish to receive any further issues of the update.

I. DEATH OF ABDELSALAM HASSAN

PCLRS mourns the loss of our beloved colleague and friend Abdelsalam Hassan Abdelsalam who tragically died in London on 13 March 2010. Abdelsalam Hassan was a renowned lawyer and intellectual who played a leading role in the struggle for human rights and justice in Sudan over the last three decades. He had a passionate belief in justice, accountability and the rule of law and cared deeply about law reform. Abdelsalam Hassan had been at the forefront of several law reform initiatives since the 1980s. This included notably the Kampala initiative, which resulted in the book: "The Phoenix State: Civil society and the future of Sudan" published in 2001, and his recent work on the project on criminal law reform in Sudan in his capacity as Sudan Legal Advisor at REDRESS. At the time of his death, he was working on a book chapter on the history of law reform in Sudan, a first draft of which he presented at an expert seminar in early March (see II. below). His last public talk triggered a lively debate and was testimony to his in-depth knowledge of the history of law reform and his ability to raise pertinent issues in regard of current challenges. Abdelsalam Hassan's profound knowledge, commitment and personality leave a legacy that will inspire efforts to bring about law reform and protect human rights in Sudan for many years to come.

REDRESS has set up a page dedicated to Abdelsalam Hassan at <http://www.redress.org/smartweb/news-and-events/blog/post/6-in-memori-am-abdelsalam-hassan>

II. PCLRS NEWS

REDRESS and SIHA held an expert seminar on criminal law reform and human rights in Sudan from 1-3 March 2010. The seminar brought together Sudanese experts and key stakeholders as well as several international experts from Jordan, Pakistan, South Africa, Uganda and the United Kingdom who provided a comparative perspective.

The seminar identified the following themes and challenges:

- (i) the need to 'demystify' Sharia law (including addressing the legacy of its use for political violence, the fact that it is open to multiple interpretations and the need to move beyond Sharia law as currently propagated and applied in Sudan);
- (ii) the importance of international human rights standards, both as a yardstick for existing laws and as guide for reforms (with a particular focus on article 27 (3) of the Bill of Rights);
- (iii) the re-imagining of criminal law by restoring the integrity of the legal system that has become an executive tool and subject to arbitrary abuse without sufficient judicial checks in place, necessitating both legal and institutional reforms;

- (iv) the need to develop a culture of accountability based on nationally generated solutions that build on regional and international efforts, such as the Mbeki panel, commissions of inquiry and the ICC, without overly depending on them;
- (v) a holistic approach to gender-based violence that deconstructs underlying views used to justify violence and discrimination while using existing openings, such as debates regarding the reform of rape legislation, to influence public debates and change perceptions;
- (vi) the understanding that law reform is an ongoing process. In the absence of the rule of law that is characterised by separation of powers, functioning institutions and an independent judiciary, law reform requires legal and political strategies aimed at generating public awareness and debates so as to be prepared for developments and a situation conducive to law reform.

III. LAW REFORM

25th March 2010

Whip awaiting alcohol drinkers and dealers, Sudan president warns
<http://www.sudantribune.com/spip.php?article34548>

9th March 2010

Sudan's NCP signs electoral code of conduct
<http://www.sudantribune.com/spip.php?article34361>

2nd March 2010

Parliament may be called to convene to pass referenda bills
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%202%20March%2010.pdf>

1st March 2010

NCP's insistence on "Sharia" can lead to separation- Foreign Minister
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%201%20March%2010.pdf>

21st February 2010

National government passes anti-personnel mine bill
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2021%20Feb%2010.pdf>

16th February 2010

Al-Bashir ratifies anti-terror law
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2016%20Feb.pdf>

15th February 2010

President signs Child Act
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20Feb%202010.pdf>

IV. DOCUMENTS

On the brink: Towards lasting peace in Sudan- A report on the role of the international community in supporting Sudan's Comprehensive Peace Agreement and beyond

Associate Parliamentary Group for Sudan, UK, March 2010

<http://blogs.ssrc.org/sudan/wp-content/uploads/2010/03/Sudan-APG-report-March-2010.pdf>