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Sudan Law Reform Update

January-March 2011

Welcome to the twelfth issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS) provides this regular service with a view to informing those working on, and interested in, law reform and human rights of relevant developments. The update includes a comment on recent developments as well as a summary of the news (largely based on English language media sources) on law reform and other developments. It aims to serve as a platform for sharing of information, comments and opinions on any issues related to law reform and human rights in Sudan. This issue covers developments up to 17 March 2011.

Yours,

Lutz Oette

For further information, please visit our website at www.pclrs.org

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

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

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

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

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

II. LAW REFORM

15th March 2011

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

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

8th March 2011

Nine South Sudanese political parties pull out from constitutional review

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

27th February 2011

Constitution review process would exclude nobody – NCP

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

22nd February 2011

South Sudan plans law against gender-based violence

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

21st February 2011

Sudan's parliament drops membership of Southern MPs

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

20th February 2011

GoSS forms constitution review committee

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

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

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

3rd February 2011

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

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

2nd February 2011

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

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

22nd January 2011

President Kiir forms constitutional review committee

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

2nd January 2011

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

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

III. OTHER NEWS

Human Rights Situation

14th March 2011

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

7th March 2011

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

4th March 2011

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

Sudan: Protesters Describe Torture by Security Officers

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

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

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

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

http://www.amnesty.org.uk/news_details.asp?NewsID=19228

26th February 2011

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

24th February 2011

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

23rd February 2011

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

17th February 2011

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

13th February 2011

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

3rd February 2011

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

27th January 2011

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

26th January 2011

South Sudan mulls joining the ICC after secession

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

25th January 2011

Sudan frees human rights activist Mudawi

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

24th January 2011

Darfur rebel group says Sudan torturing its captives

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

Southern Sudanese reportedly burn southerners returning North

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

Referendum and post-referendum

16th March 2011

Sudanese presidency convenes today as North-South rift widens

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

23rd February 2011

Parliament demands clear position on UN forces in the country

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

15th February 2011

South Sudan rules out sharing oil revenue with North

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

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

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

7th February 2011

President Bashir officially endorses South Sudan independence

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

30th January 2011

Southern Sudanese vote overwhelmingly for independence: SSRC

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

Conflict

9th March 2011

Abyei youths accuse SAF of using chemical weapons

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

8th March 2011

South Sudan army clashes with rebel group, over 100 dead

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

5th March 2011

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

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

4th March 2011

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

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

2nd March 2011

Clashes in Abyei kill 30

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

28th February 2011

South Sudan army clashes with renegade General Athor kills 92

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

27th February 2011

Darfur rebels say will only sign applicable peace agreement

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

16th February 2011

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

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

11th February 2011

Death toll in Jonglei clashes reaches over 105 – officials

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

10th February 2011

South Sudan army retakes Fangak from Athor forces –SPLA

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

9th February 2011

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

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

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

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

27th January 2011

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

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

22nd January 2011

13 rebels killed during fresh clashes in Darfur - Sudanese army

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

11th January 2011

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

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

IV. DOCUMENTS

Open Society Foundations

International Law and the Right to a Nationality in Sudan

February 2011

http://www.soros.org/initiatives/justice/articles_publications/publications/sudan-nationality-20110218/sudan-nationality-20110218.pdf