



COVID-19 Response in Africa: Together for Reliable Information

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Sudan: Briefing on attacks against journalists March 2020–July 2021

At a glance

Global Expression Report 2021 score:

25/100

2
journalists threatened/
verbally attacked
1
law amended

About this briefing

Journalists play a vital role in ensuring the right to freedom of expression and access to information, which is protected under international human rights law and [Sudan's 2019 Constitutional Declaration](#). The protection of media freedom becomes even more relevant during a pandemic.

However, changes made to the Law on Combating Cybercrimes of 2018 (particularly in the aftermath of the military appointing a Special Commissioner to follow up on possible anti-military sentiment in the media), in addition to threats and verbal attacks against at least two journalists, violated this fundamental right, putting media freedom and the safety of journalists at great risk, as this briefing shows.

The pandemic also led to a serious economic downturn; newspapers were forced to stop issuing print editions during the lockdown, with several shutting down due to loss of income, leading to higher unemployment rates in an already volatile profession. According to the Sudanese Journalists' Network, at least 80 journalists were without jobs in November 2020.²

We urge the Transitional Government of Sudan to follow the recommendations in this briefing to ensure the right to freedom of expression and the safety of journalists are guaranteed – especially in the COVID-19 pandemic.

¹ Six print newspapers had to shut down from April–November 2020 alone (*Al-Meghar Al-Seyasi, Akhir Lahza, Al-Akhbar, Al-Rai Al-Am, Masader, and Al-Mostaqela*).

² Sudanese Journalists' Network (2020) *The Death of the Newspaper* (seminar), 8 November, Al-Tayar newspaper premises, Khartoum.

Threats and verbal attacks against journalists

The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. Threats, attacks, arbitrary arrests, and detention, and, in the gravest cases, enforced disappearance or killings, constitute not only a violation of the right to freedom of expression but also a violation of the right to life and bodily integrity, and sometimes the right to health. Threats include threats of bodily harm (including death); may be direct, via third parties, electronic, or physical communications; may be implicit or explicit; and may encompass references to killing or causing harm to a journalist's friends, family, or sources.



Solidarity poster produced for Aida Abdelgadir and Lana Awad Sabeel by their employer, *Darfur 24*. (Photo: *Darfur 24*)

In May and June 2020, two female journalists from Al-Fashir (the capital of North Darfur), Aida Abdelgadir and Lana Awad Sabeel, were subjected to intimidation, harassment, threats, and summoning by the military for publishing articles and information on COVID-19 in the state.

Aida Abdelgadir previously wrote for *Darfur 24* and currently works for *The Democrat* print newspaper. Lana Awad Sabeel is a human-rights defender and member of the journalists' syndicate in North Darfur, and was, at the time, working at the state Ministry of Health. However, according to our investigation, she was subsequently stopped from working as a result of an article she and Abdelgadir co-wrote on the spread of COVID-19 in the city,

and was only able to resume her work after seven months.

Sabeel and Abdelgadir run an online platform called the Center for Development and Voluntary Media, which is well-read in North Darfur, and for which they co-wrote articles. Abdelgadir worked as a correspondent for *Darfur 24* at the time, for whom she published a number of articles on COVID-19 in North Darfur state, while Sabeel corresponded with *Al-Siha* and *Al-Mustakila* in addition to her government job. After they published articles on COVID-19, they were targeted by not only the governor but also state journalists, who refuted their reporting.

Abdelgadir told ARTICLE 19 they were intimidated and followed by military intelligence officers for

three days in a row in the last week of May and early June, allegedly on the orders of the military governor. During this period, the intelligence officers also threatened their livelihoods and families. The governor stopped Abdelgadir from hosting her radio show. She also had to change her car to avoid surveillance, and had to ask her brother to drive her around and her children to classes, as both a practical measure and a means of protection.

Abdelgadir and Sabeel also received several anonymous phone calls threatening that the Military Intelligence Agency would arrest and torture them in response to the [articles](#) they [published](#) on deaths due to COVID-19 in Al-Fashir and the shortage of personal protective

equipment (PPE) among health workers. Despite these threats against them, the Sudanese government [reportedly sought and received funding](#) and assistance, around the same time the articles were published, to support its response to the COVID-19 pandemic – including for PPE.

For fear of repercussions (and with the support of their network), both journalists had to flee to Khartoum, where they stayed for four months until they felt safe enough to return. Internal

flights were not operating, due to COVID-19 restrictions, so they had to travel the long distance via car. The intimidation stopped after the Ministry of Information intervened, called the governor, and called Abdelgadir and Sabeel personally to check on them. However, Sabeel's government employer, the state Ministry of Health, filed a complaint against her based on Article 47 of the Criminal Procedural Law, which allows entities to open a police file pending further investigation. According to a [letter by a group of UN human rights experts to the](#)

[Government of Sudan](#), in June the Informatics Offences Prosecution Office announced that it was reviewing the complaint against Sabeel and would decide whether to dismiss it or charge her with 'defamation' and 'spreading false news'. The case did not proceed, however, due to the intervention of the federal government.

Laws regulating access to information and media freedom during COVID-19

Law on Combating Cybercrimes, 2020

In July 2020, the authorities [amended](#) the Law on Combating Cybercrimes of 2018. Article 24 of this law prohibits the publication of 'fake news' with the intent of spreading fear or 'threatening public peace or decreasing the prestige of the state'. The [13 July 2020 amendments](#) to this law increased the penalty for publishing false news from one year to four years, or flogging, or both.

This provision appears to have been used to threaten journalists reporting on the pandemic in at least one case (the journalist Lana Awad Sabeel). The provision is concerning: it is vaguely worded, subject to abuse, and does not meet international requirements regarding the suppression of freedom of expression.

ARTICLE 19 has called for similar laws in other countries to be repealed on a number of occasions in the past. [International human rights](#) bodies have also stated that laws which criminalise false statements and criminal defamation are unnecessary and disproportionate in a democratic society, and should be abolished.

Freedom of expression under international law

Everyone has the right to express themselves freely – orally, in writing, and online. The right to freedom of expression includes the right to access information, which is particularly important in a pandemic. It is guaranteed under the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the African Charter on Human and Peoples' Rights, and the African Commission's [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#).

But while the right to freedom of expression is fundamental, it is not absolute. Under international law, freedom of expression can be limited for the purposes of protecting public health – but any limitation must be **legitimate, necessary, and proportionate** (Article 19 of the ICCPR).

Recommendations

ARTICLE 19 calls on the Transitional Government of Sudan to:

- **Take all measures necessary to guarantee the safety and security of journalists** by ensuring that all law-enforcement and military officers are aware that threats, arbitrary arrests, detentions, and brutality against journalists for doing their work will not be tolerated.
- **Ensure that, in cases of violations, investigations are carried out** and perpetrators held accountable in trials meeting fair-trial standards.
- **In accordance with international human rights standards, repeal all false-information laws and all laws criminalising defamation**, such as those contained in the Law on Combating Cybercrimes of 2018, and instead promote media-literacy and fact-checking training for citizens and media practitioners.
- **Balance the need for public-health safety measures** with the need to protect freedom of expression and access to information.
- **Apply the test of legality, necessity, and proportionality** before limiting freedom of expression in cases of public-health threats.
- **Implement a federal-level approach to ensuring access to information** for journalists in times of crisis to combat the lack of balance in critical coverage.
- **Adopt the recommendations of the resolution on the safety of journalists**, adopted by the UN Human Rights Council on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of the COVID-19 pandemic.

The evidence presented in this briefing was sourced from media houses, media watchdogs, journalists' unions, and legal analysis between March 2020 and July 2021. It is limited to human rights violations against journalists in the context of COVID-19 during that time (rather than non-pandemic-related violations against journalists, or violations against non-journalists during COVID-19). For our methodology, see www.article19.org/covid-19-response-in-africa/.