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Carter Center Finds Southern Sudan Voter Registration Credible, Strong Step toward Referendum despite Some Weaknesses

**Carter Center Preliminary Statement on Voter Registration Process for the
Southern Sudan Referendum**

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In a statement issued today, The Carter Center reported that although the voter registration for the Southern Sudan Referendum on self-determination faced several logistical, procedural, and security challenges, the process was generally credible and represents a strong step toward the successful conduct of the referendum. At the same time, the Center noted that the ultimate success of the voter registration process will depend on the final stages of completing the voter list.

Carter Center observers reported that referendum centers generally opened on time and with appropriate materials across Northern and Southern Sudan, and that Southern Sudanese have had adequate opportunities to register. Th

resolved. Most significantly, the two CPA parties should urgently resolve the ambiguity surrounding the future of Abyei and the citizenship of nationals in both Northern and Southern Sudan before the referendum. Also important is the inclusion of the entire Sudanese population in the debates surrounding unity or secession. The possible secession of Southern Sudan is an issue of critical significance to the future of the country, and all segments of Sudanese society should become actively engaged in the process.

The Carter Center noted the following key issues during the voter registration process that should be addressed urgently to facilitate a smooth and peaceful referendum.

- Both the Government of Sudan and the Government of Southern Sudan should denounce any intimidation tactics and emphasize their commitment to a free and fair referendum that accurately reflects the will of the Southern Sudanese people.
- Referendum administration bodies, government, and civil society actors should urgently intensify voter education to advise registered voters where polling will take place in areas where the referendum centers were mobile or were moved. Voter education efforts should also inform the population about the one-week voting period to ensure voters do not overload referendum centers on the first day, and also about the expected timeline for the announcement of results to calm anxieties that could arise during the long results tabulation process.
- The referendum administration should make contingency plans to address possible shortages of materials and problems with retrieving data from remote referendum centers during polling.
- The referendum administration should also take steps to ensure that all referendum staff is paid so that the polling process is not interrupted due to

also deployed 26 observers to

conducted. These observers visited a large majority of the overseas registration centers. The analysis and recommendations included here are based upon the direct observations of the Center's observers. Final conclusions about the voter registration will depend on assessment of the comprehensiveness and accuracy of the voter registry, including effective resolution of complaints.

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying long-term observers in September. The Center assesses the referendum process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.² In total, Carter Center core staff and observers form a diverse group from 28 countries.

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

Read the Center's full report at www.cartercenter.org.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.



Carter Center Preliminary Statement on the Voter Registration Process for the Southern Sudan Referendum

Based on field observation through Dec. 15, The Carter Center reports that the voter registration process for the Southern Sudan referendum on self-determination has been generally credible and is a strong step toward the conduct of a successful referendum. The process faced some procedural challenges - particularly in the application of the identification, eligibility, and appeals regulations – as well as a few security incidents. The Carter Center also observed some isolated cases of intimidation by representatives of the Government of Sudan and the Government of Southern Sudan, but finds that these incidents did not fundamentally undermine the success of the process to date.

As the exhibition process and data compilation continue, The Carter Center commends the members of the Southern Sudan Referendum Commission (SSRC), the Southern Sudan Referendum Bureau (SSRB), the Government of Sudan (GoS), and the Government of Southern Sudan (GoSS) on the successful conduct of the registration efforts up to this point. The Center notes that the ultimate success of the voter registration process will depend on the final stages of completing the voter list. Going forward, the Center recommends the following steps be taken ahead of polling to facilitate a strong and inclusive referendum process.

- It is critical that key political issues are resolved. Most significantly, the two parties to the Comprehensive Peace Agreement (CPA) should urgently resolve the ambiguity surrounding the future of Abyei and the citizenship of nationals in both Northern and Southern Sudan before the referendum
- The Carter Center urges the GoS and GoSS bring all sections of the Sudanese political community into the process, utilizing the reach of civil society and the resources of the governments.
- Both the GoS and the GoSS should denounce any intimidation tactics and emphasize their commitment to a genuine referendum that accurately reflects the will of the Southern Sudanese people.
- Referendum administration bodies, government, and civil society actors should urgently intensify voter education to advise registered voters where polling will take place in areas where the referendum centers were mobile or were moved. Voter education efforts should also inform the population about the one-week voting period to ensure voters do not overload referendum centers on the first day, and also about the expected timeline for the announcement of results to calm anxieties that could arise during the long results tabulation process.

- The referendum administration should make contingency plans to address possible shortages of materials and problems with retrieving data from remote referendum centers during polling.
- The referendum administration should also take steps to ensure that all referendum staff is paid so that the polling process is not interrupted due to discontent over lack of payment.
- The SSRC and SSRB should ensure that sufficient staff is hired to facilitate the smooth management of the polling process.
- More women should be hired as referendum center staff ahead of polling to promote greater participation of women in the referendum process.
- Steps should be taken to expedite accreditation for domestic observers and clarify the role of political party representatives in the referendum process.
- Actors in Northern Sudan should refrain from recording the names and registration details of persons when they come to vote as it is often perceived as intimidating.
- Representatives of the international media should act with sensitivity and responsibility when reporting on the referendum process.

Citizenship

Citizenship continues to be a major source of concern for many Southern Sudanese. The Carter Center emphasizes the vital importance of resolving issues of citizenship prior to the referendum. Indeed, failure to resolve this could result in Southerners hastily relocating to the South and potentially overloading state governments that are still building capacity following years of war.

Against that background, it is unfortunate that politicians in the Sudan People's Liberation Movement (SPLM) and National Congress Party (NCP) have attempted to use this issue and the fears it arouses among the people to advance political objectives. While there have been constructive statements from GoS President Omar Al-Bashir and GoSS President Salva Kiir on citizenship, other ministers or senior party members have made statements likely to create fear and uncertainty. The Carter Center urges the senior leadership in Khartoum and Juba to reassure Southerners and Northerners that their rights will be protected and that, in conformity with international legal obligations, no Southerners resident in the North will find themselves stateless and vice versa for Northerners in the South, irrespective of the outcome of the referendum. This ensures Sudan abides by a fundamental international legal principle, that everyone has a right to a nationality, and no one shall be arbitrarily deprived of his nationality.³ The Center urges the two governments to move quickly to reach an agreement on this vital issue to ensure that Sudanese are fully informed about the positions of both governments on citizenship and so that Southerners can make an informed vote in the referendum.

³ Universal Declaration of Human Rights, Art. 15 (1948).

Referendum Administration

Officials from the SSRC, SSRB, and their subsidiaries demonstrated strong commitment

the referendum, officials should deploy additional satellite phones with adequate credit to reach all referendum centers. In addition, officials should take measures well in advance of polling to ensure optimal communication between the SSRC, SSRB, and the referendum centers, including increased training on reporting procedures and the creation of plans for physical retrieval of information.

The referendum administration, particularly the SSRB, faced challenges securing funding to pay referendum center staff in a time

Intimidation

Although The Carter Center is aware of reports and allegations of intimidating behavior practiced by agents of the SPLM, NCP, and security forces in Northern and Southern Sudan, observers were only able to confirm a few of these cases. Carter Center observers confirmed what appear to be politically motivated arrests of five NCP members in Eastern and Western Equatoria and Jonglei. Carter Center observers also reported incidents of government-sponsored intimidation in Shendi, River Nile state, and Omdurman, Khartoum state, in which soldiers and other government workers were told that they would not receive their salaries if they did not register. Although The Carter Center did not observe a systematic pattern of intimidation, where such behavior occurs, it undermines full participation in the referendum process and is contrary to Sudanese and international legal obligations, which require that everyone be allowed freedom of expression without fear of interference and that other rights necessary to freedom of expression be respected.⁶ The Carter Center calls on the Government of National Unity and the GoSS to denounce such tactics and demand that government representatives refrain from intimidation before, during, and after during the polling period.

The Carter Center is also concerned about intimidating rhetoric prevalent in Western Equatoria aimed at the Jehovah's Witness congregation for their decision to refrain from referendum registration for religious reasons. The decision of Yambio County to suspend all church activities of the congregation, including church services, meetings on the church compound, and any other activities of Jehovah's Witnesses undermines the freedom of expression and association of populations with opinions divergent from the mainstream.⁷ The Carter Center calls upon all stakeholders in Western Equatoria to respect the right of all individuals to participate in or refrain from the referendum process.

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whether they were eligible to p

According to Carter Center observers, Southern Kordofan was the only state in Northern Sudan with active and consistent voter education efforts, conducted by CSOs, throughout registration. Voter education efforts intensified, particularly in Khartoum, as registration continued with active involvement from civil society groups, the SSRC, and the NCP. However, outside Khartoum, few voter education activities were conducted with the exceptions of Karma and Dongola, Northern state and Shendi, River Nile state, where a local NGO, churches, and sultans conducted voter education efforts.

As the government, referendum administration and civil society prepare for the polling process, they should make efforts to clarify to the population two key issues regarding the referendum timeline, in line with Sudan's international obligations to take necessary steps to ensure sufficient civic and voter education for all citizens.⁹ First, that polling is planned for Jan. 9-15. Given the significance attached to the date of Jan. 9, it is probable that enormous crowds of voters will turnout to vote on this day, unaware that the process continues for six additional days. To prevent crowd control problems, those conducting voter education should clarify that the polling lasts for seven days.

Second, according to referendum administration staff and international technical advisors, 10,000 people

written testimony from a chief, sultan, other dignitary, or concerned member of the community.¹¹

Although the majority of centers visited by Carter Center observers had identifiers present, there were none in some visits observers made to centers in Gezira, Khartoum, Lakes, Jonglei, Upper Nile, Southern Kordofan, Unity, and Western Bahr al Ghazal. In these centers, observers reported a few cases in which applicants lacking identification documents were prevented from registering as no identifier was present to verify their identities, despite the SSRA provisions allowing for community leaders to fill the role of identifier when none was readily available.¹² These individuals – though not a significant number – may have been unfairly excluded from participating in the process, in contravention of domestic and international obligations requiring that Sudan take necessary steps to ensure the realization of rights, including the right to self-determination.¹³

Appeals and Exhibition

Although the number of persons denied participation in the registration process constitutes a relatively low percentage of the persons who tried to register, the appeals process for such individuals presented a widespread and consistent set of procedural errors witnessed by Carter Center observers during the voter registration process. The appeals process as determined by the SSRA is critical to the integrity of the larger process in that it helps ensure that eligible Southern Sudanese have a right to an effective remedy when barred from participation.¹⁴ Very few people who were deemed ineligible by the chairs of the referendum centers received the rejection forms that were supposed to be the first step toward submitting an appeal.¹⁵ Officials frequently did not record the names of rejected applicants in the registration journal nor did they keep a running tally of the numbers of persons rejected at each center.

The consideration committees, or bodies formed in each referendum center to consider the validity of a rejection, were nonexistent in both Northern and Southern Sudan at the start of registration. The Khartoum State Referendum Committee initially told Carter Center observers that the law had been changed and that there would be no consideration committees in Northern Sudan. Carter Center observers reported a lack of consideration committees in Northern Sudan for the majority of the voter registration process. Only South Kordofan had established a consideration committee in the third week of registration. By the last week of registration, most Northern states had taken steps to create these bodies. Observers were told in South and North Darfur and in parts of

¹¹ Southern Sudan Referendum Act, Art. 26; SSRC Voter Registration Regulations. .

¹² Article 26 of the Referendum Act and Article 11 of the SSRC Voter Registration Regulations provide that in the event of absence of identification document or the oral or written testimony of an identifier, “[r]eferendum Centre Committee shall seek the assistance of the Sultan or concerned Chief of the village as the case may be.”

¹³ Southern Sudan Referendum Act, Art. 27; ICCPR; Art. 2(2); International Convention on the Elimination of all forms of Racial Discrimination, Art. 1.

¹⁴ SSRC Voter Registration Regulations, Art. 16, 17; ICCPR, Art. 2(3). .

¹⁵ SSRC Voter Registration Regulations, Art. 17 (stating “In case of denied registration the Chief of the Referendum Center shall immediately issue a written notice stating the cause for such denial and inform the applicant about his right to petition to the Consideration Committee”).

Eastern Equatoria that consideration committees would be established only at the end of registration.

As registration continued into the second week, officials started to establish consideration committees in Southern Sudan, namely in Eastern Equatoria, Northern Bahr al Ghazal and Western Bahr al Ghazal. However, officials appeared confused about the role of the committees, and how they were constituted and managed. In Central Equatoria and Upper Nile, officials told Carter Center observers that the consideration committees would be set up at the county level.

Exhibition. Carter Center observers noted that most of the referendum centers they visited throughout the country did not have the required notices posted

Khartoum, Omdurman, Gezira, Gedaref, Southern Kordofan, and White Nile, registrants told observers that the centers were located far from the major concentrations of Southerners. In Gezira, Khartoum, and White Nile, centers were moved during registration to make them more accessible to Southerners. While this was a positive attempt to ensure greater inclusion, the State Referendum Committees should ensure that prior to polling, notices are posted in the previous locations to clearly inform voters of their relocation.

In Southern Sudan, registrants complained that there were too few centers as compared to the number put in place for the April 2010 elections and that the existing centers were far away from rural populations. This sentiment seems to have led some referendum teams to operate as “mobile centers” to improve access to registration for rural populations. Carter Center observers saw several mobile referendum center staff in Eastern Equatoria, Lakes, Northern Bahr al Ghazal, Jonglei, and Central Equatoria. In Sennar state in Northern Sudan, all of the referendum centers were mobile in order to reach as many Southerners as possible. The members of the referendum administration that made the decision to have mobile referendum centers seem to have been driven by good intentions to include rural populations. However, in these cases it is important for referendum officials to increase their voter education efforts to inform voters in

members for the polling period
international commitments to

Turnout in the North

Very few registrants turned out to register in Northern Sudan in the first week of the registration period. As the Eid-al-Adha holiday came to an end and information about registration spread, the turnout increased, though it remained far below the number of estimated eligible voters in Northern Sudan. While there may be a variety of issues involved, a number of factors appear to have contributed to the low turnout, including poor voter education, anxieties of Southerners in the Northern states regarding their future status, and an increasing focus of Southerners in the North on repatriation to the South ahead of the referendum. Although not observed, Carter Center received some credible reports indicating that the SPLM encouraged Southerners in the North not to register. If these reports are accurate, then these activities could also partially account for the low turnout.

Parallel Registration

Carter Center observers reported a number of instances where parties other than referendum administration bodies recorded registrants' information, often directly outside referendum centers in Northern Sudan. While such activity – sometimes referred to as parallel registration – is not technically illegal, in some cases it can have an intimidating effect since it is often interpreted as a way of maintaining unwanted scrutiny on potential voters. This is especially true if the purpose of the activity and the identity of those conducting it are not clearly explained to registrants. The Carter Center observed parallel registration conducted in Gezira, Khartoum, Northern Kordofan, and River Nile. A variety of actors were involved in parallel registration efforts, including Popular Committees, representatives of the Government of Southern Sudan, representatives of the NCP, local chiefs, the High Commission for Peace and Unity and the National Students' Union. Those responsible for parallel registration should make clear the purpose of such efforts during registration and refrain from conducting any similar activities around the polling.

Finally, in some isolated cases in Khartoum, observers noted that those conducting parallel registration kept the registration cards of the persons whose names were recorded. Such instances constitute a serious obstacle to open participation, and referendum officials should take appropriate action to ensure that registrants possess their own cards in advance of polling day.²⁰

Political Parties

The SSRC decision not to issue specific regulations guiding the role of political parties in the voter registration process and to accredit political party representatives as domestic observers under their party's name, contributed to significant confusion regarding the affiliation of different types of domestic observers in the referendum centers. Carter Center observers reported that it was difficult to clarify whether observers were members of political parties or domestic observer groups. This issue became more problematic

²⁰ Southern Sudan Referendum Act, Art. 7 (such practices would challenge the “appropriate environment and security conditions in order to prepare and organize the free exercise of the right to self-determination”).

when some of these observers seemed to cross lines by interfering in the registration process or participating in parallel registration. The lack of clear affiliation made it difficult to assign responsibility for these activities.

There was no clear and systematic communication to political party members or to State High Referendum Committees about the right of political party members to participate in the process as domestic observers. The absence of specific accreditation procedures for political parties also led to an unclear, delayed, and sometimes failed accreditation process for political party agents seeking accreditation as domestic observers.²¹ Ahead of polling the SSRC should consider distinguishing the role of the party agent from the role of the domestic observers and should require all present in referendum centers to clearly state their institutional affiliation.

Campaigning and media

Although released one month after the start of the campaign period, The Carter Center welcomes the adoption of media campaign regulations by the SSRC. The regulations provide for the establishment of a “media committee,” which will be critical in the conduct of public awareness and monitoring the manner in which the referendum process is covered by the media in Sudan.²²

Carter Center observers have reported a moderate amount of campaign activity in

positive role in the process and

referendum process. However, Carter Center observers witnessed a few incidents in Northern Sudan where security forces played an inappropriate role in the opening and closing of referendum centers by recording the serial numbers of seals used to secure registration kits.²⁴

Out of Country Voting (OCV)

Throughout the registration process, The Carter Center has maintained an international presence²⁵ in all eight countries in which an out-of-country (OCV) registration facility has been operating and visited the large majority of the registration sites in OCV countries.²⁶

The Carter Center found the OCV process generally well-managed, credible, and peaceful with the exception of some security incidents in Uganda. The final assessment on voter registration in OCV will depend on an evaluation of the final voter registry.

Compared with SSRC and IOM's planning figures for eligible overseas voters, actual registration levels have been very low, which could mean that the initial figures were overestimated. The referendum administration faced difficulties in making assessments of the potential numbers eligible voters in each country as the relevant data was collected from a number of official and unofficial sources.

At the same time, a number of factors may have discouraged registration. In several of the OCV countries Carter Center observers heard reports that some Sudanese believed that since OCV registration and polling results are to be entered in Khartoum rather than Juba, the figures would be manipulated in Khartoum to favor unity. In Uganda, this appears to have led some eligible people to register in Southern Sudan. Reportedly, many people took advantage of the transport provided by the SPLM to facilitate registration inside Sudan.²⁷ While these sentiments did not affect overall participation level, they are likely to have decreased the OCV registration level. In the three East African countries, long distances, difficulties in paying for public transportation, and obligation to harvesting duties were often cited as reasons for Southerners not showing up to register in large numbers.

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Despite the low turnout, observers noticed that those who did register made considerable efforts to do so. Many applicants travelled long distances and sometimes in inclement wintry weather in order to participate in the process.

Unlike in Sudan, consideration committees were established in all of the OCV registration centers at the start of the process. In many cases, the committees were initially uncertain of their roles, had no written guidance or briefing, and seemed unclear about their status relative to the referendum center chair and staff. Carter Center observers saw no instances of significant disputes, and the decisions of consideration committees regarding eligibility were generally not challenged.

Local security arrangements were in place at all sites and any incidents within referendum centers were handled by referendum center staff. No significant security issues came to the attention of Carter Center observers except for two incidents in Uganda where referendum center staff reported being subject to serious threats.²⁸ The Carter Center strongly condemns any interference and intimidation, reminds all stakeholders of Sudan's obligations to ensure uninhibited participation in the process, and urges all sides to refrain from any such activities during polling.²⁹

The Carter Center observers have been welcomed in referendum centers by staff, IOM, visiting guests, and registrants alike. Some people who held reservations about the role of Khartoum in the data processing of the results indicated they felt reassured after seeing Carter Center observers.

The Carter Center OCV observers were formally accredited by the SSRC in a timely fashion. Domestic observers – often significant members of the local Sudanese community – were accredited locally in accordance with regulations. Those representing GOSS and political parties – notably SPLM – were issued with diplomat observer and domestic observer cards respectively, albeit with a clear indication of the institution to which they belonged.³⁰

Abyei

The population of Abyei anxiously awaits progress toward a referendum or a negotiated solution that responds to the needs and anxieties of all of the area's inhabitants. Although some of the Abyei population may have met the eligibility criteria to participate in the Southern Sudan referendum by proving their links to indigenous communities of Southern Sudan, they were excluded from participation in the registration process due to a narrow reading by the SSRC of the CPA and the Sudan and Abyei Referendum Acts, which concluded that the people of Abyei were not eligible to participate in the Southern Sudan referendum because they are supposed to have their own referendum and therefore they could not participate in both processes.³¹ This interpretation prevented the SSRC from establishing referendum centers in Abyei. The Carter Center believes that some of the people of Abyei should have been eligible to participate in the Southern Sudan referendum and have been unfairly excluded from the process.

It is becoming increasingly unrealistic for the referendum in Abyei to take place simultaneously with the Southern Sudan referendum on self-determination scheduled for Jan. 9, as stipulated in the CPA.³² The failure of the NCP and SPLM to resolve the issues on Abyei is a matter of grave concern, especially since the uncertainty is contributing to increased insecurity in the territory, and threatens to negatively affect negotiations and resolution of key issues

The Center calls upon all stakeholders, including both the leaders of the Ngok Dinka and Misseirya, as well as the governments of Sudan and Southern Sudan to work together to reach agreement on key issues within the framework of the CPA, or through other means agreed to by all. While the Ngok Dinka and Misseirya need to be fully engaged in negotiations on these issues, it is critical that the genuine interests of the local populations are accurately represented

Conflict and Insecurity

Although Carter Center observers reported that the vast majority of Southern Sudanese were able to participate in the voter registration process freely and without fear for their security, Carter Center observers witnessed the aftermath of violent incidents that disrupted the voter registration process in two areas. While these incidents were not widespread, their severity is a cause for concern.

The Center is particularly concerned regarding the reported attacks of the Sudan Armed Forces (SAF) in Northern Bahr al Ghazal, given their potential to become flashpoints for larger, more disruptive conflict. The documented air bombardment on Nov. 24 in the Kiir Adem area by aircraft of the SAF resulted in destruction of houses and several casualties. The following day, Carter Center observers saw that a referendum center located close to the bombing was seriously affected, and registration staff and material had to be evacuated to Gok Machar. Such attacks and the loss of human life are

³¹ Southern Sudan Referendum Act, Art. 25.

³² CPA, Chapter IV, 1.3.

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Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.³⁴ In total, Carter Center core staff, long term, medium term, and out of-country observers form a diverse group from 28 countries.³⁵

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.³⁶ The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

³⁴ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the Interna