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Media Monitoring Report

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Headlines

- ICC appeal judges remand Bashir case to Pre-trial chamber for genocide review (**ST**)
- Kiir disapproves UNSG Ki-moon unity statement (**The Citizen**)
- Western groups seeking to overthrow Islamists – Salah Gosh (**Al-Sahafa**)
- Obama's statement negative and irresponsible –Ambassador (**Al-Rai Al-Aam**)
- Half population of south Sudan short of food –UN (**Reuters**)
- AEC calls for more trust in wealth sharing between the CPA partners (**Al-Watan**)
- CNPC drilling first overseas offshore well in Sudan (**Reuters**)
- Massive displacement after fierce fighting in Jebel Marra (**Ray Al-Shaab**)
- Darfur JEM says open to unity with other rebel groups, criticize NCP (**ST**)
- President Al-Bashir to visit Qatar today (**Al-Intibaha**)

Elections Special:

- Electoral appeals are free of charge (**Dailies**)
- Election delay means CPA undoing – NCP (**Al-Rai Al-Aam**)
- Opposition (Juba Coalition) to coordinate on elections (**Al-Sahafa**)
- No gross violations in Sudan poll - US official (**Reuters**)

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Highlights

ICC appeal judges remand Bashir case to Pre-trial chamber for genocide review

Sudan Tribune website 3/2/10 – The Appeals chamber judges at the International Criminal Court (ICC) on Wednesday reversed a decision by Pre-Trial judges that prosecutors had not provided sufficient evidence to charge Sudanese President Omar al-Bashir with genocide.

The Hague-based court's pre-trial chamber will now have to rule on whether to add genocide to Bashir's charge sheet, which already includes seven counts of crimes against humanity and war crimes, including murder, extermination, torture and rape.

"The decision by the pre-trial chamber not to issue a warrant in the respect of the charge of genocide was materially affected by an error of law and it is for this reason the appeals chamber has decided to reverse the decision," ICC judge Erkki Kourula said in reading the appeal's ruling.

The prosecutor's central argument is that the Rome Statute only requires the judges to affirm that there is "reasonable evidence" that an individual committed a certain crime for the issuance of an arrest warrant.

His appeal contends that the judges applied a higher threshold of evidentiary proof than required at this stage of the proceedings thus the ruling will determine "whether the Pre-Trial Chamber applied the correct legal test under article 58 of the Statute to determine whether there are reasonable grounds to believe that Omar Hassan Ahmad Al Bashir is criminally responsible for genocide".

Reuters 3/2/10 reports that Sudan said today an International Criminal Court ruling to reconsider genocide charges against President Omar Hassan al-Bashir was political and aimed to hinder democratic elections due in April.

"This procedure of the ICC is only to stop the efforts of the Sudanese government towards elections and a peaceful exchange of power," Rabie Abdelati, a senior information ministry official said.

Kiir disapproves UNSG Ki-moon unity statement

The Citizen reports that FVP and GoSS President Salva Kiir Mayardit yesterday expressed disapproval of the statement made by UNSG Ban Ki-moon on Sudan's unity.

Ki-moon's call for international community to embark on unity of the Sudan did not go down well with Kiir, saying an option for unity in next year's referendum "is entirely a decision of the southern Sudan citizens".

Kiir held a press conference yesterday and urged Sudanese not to take such call into consideration since it was "misleading". He has personally written a letter of protest to SG's Special Representative Ashraf Qazi challenging the legitimacy of the statement.

"Such statement is misleading, the decision lies neither with the United Nations nor the internal community; it is the southern Sudanese who will decide in a vote," Kiir said.

According to ***Al-Rai Al-Aam***, Kiir told the press conference that GoSS sent a letter to the UN and is waiting for response. Kiir pointed out the need to respect the CPA provisions especially those relating to the right of the southerners to choose unity or secession.

Al-Sahafa reports that after a meeting between Kiir and SRSG Qazi in Juba yesterday, GoSS Presidential Affairs Minister Luka Biong told reporters that the meeting focused on UN responsibility towards peace, creation of a conducive atmosphere for referendum and the need for UN to respect the southern Sudanese's choice. He pointed out that the meeting also discussed post-referendum arrangements and the need for a UN role. Biong said the two sides also inaugurated the United Nations future HQs in Juba which he considered as a demonstration of UN commitment to support the South.

For his part, SRSG Ashraf Qazi expressed the UN keenness to continue facilitating the full implementation of the CPA, saying the media has misinterpreted the UNSG's statement made at AU summit in Addis Ababa.

"Why UNSG Ban Ki-moon circumvents the CPA by taking sides"? Mr. Peter Lokarlo Marsu, ***the Citizen's*** writers, wonders in his today's article.

"The UNSG has no mandate to impose unity in Sudan against the will of the Southern Sudanese. Mr. Ban has failed to realize that it would equally be catastrophic for Sudan should unity be imposed in the country, as southern Sudanese will definitely turn their guns against the North".

"The UNSG should look at both sides of the coin ... Ban Ki-moon's vitriolic statement do not meet the least benchmark of rationality"

"The CPA must be implemented forthwith, and it is up to the South Sudanese to decide whether to remain in the turbulent country or set up their own independent country".

"GoSS should strongly denounce such an unwarranted interference in the affairs of the South Sudan". "SPLM youth should organize demonstrations to protest Ki-moon's mockery of the South Sudan's attempt to break the shackles of exploitation of our people in the region".

"Mr. Ban Ki-moon warned southerners to abandon the dream of secession and work towards unity comes 2011. This is a serious and exceptional call from the world most important person," Mr. Mik Panom, another writer, comments in ***The Citizen***.

"I am calling on all southerners all over the world to demonstrate against this irresponsible statement. Southern have to take this very seriously this time as it is not a normal statement".

Meanwhile, ***AFP*** 2/2/10 reported that the United Nations insisted Tuesday it was up to the people of south Sudan to decide whether or not to opt for independence in an upcoming referendum, but said it would try to avert conflict in case of a yes vote.

UN spokesman Martin Nesirky sought to clarify remarks UN chief Ban Ki-moon made in an interview in Addis Ababa Saturday in which he said the world body "will work toward (Sudan's) national unity."

He said in a statement that Ban "made clear that the United Nations would work to support the parties in their efforts to 'make unity attractive' as well as the exercise by the people of southern Sudan of their right to self-determination in a referendum."

"In this connection, he made clear that the United Nations would work to avoid any potential negative consequences (conflict) following next year's referendum," Nesirky added.

"Any suggestion that the United Nations may have taken a position that may prejudice the outcome of such a referendum is incorrect."

"Now whatever the outcome may be, the United Nations has a very important obligation, responsibility, together with the African Union that there needs to be a peace maintained," Ban said.

"The United Nations position is that we will work toward the national unity, basically, but that depends upon how the people of south Sudan will decide through this referendum," the UN chief said.

"We need to ensure that this referendum should be taken in accordance with the CPA," the UN boss said.

The agreement stated that "the successful implementation of the CPA shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive."

Ban said it was vital that the elections and the referendum were carried out in a credible, transparent way.

"There are many fundamentally important issues like border demarcation, sharing wealth, citizenship. All these fundamentally important issues should be resolved so that the referendum can be held and so that we can ensure that the situation will be peaceful," he said.

Western groups seeking to overthrow Islamists – Salah Gosh

National Security Adviser and electoral candidate (Merowe) addressing a consultative meeting yesterday to mark the launch of his election campaign called on the electorate to vote for Al-Bashir and criticized the opposition's threat to boycott elections which he described as a mere tactic to promote foreign agenda, *Al-Sahafa* reports. He accused unnamed western circle of seeking to remove Sudan's Islamists from power through the ballot, saying the current Government would continue to rule.

Obama's statement negative and irresponsible –Ambassador

Sudan Government yesterday lashed out against US President Obama's statement which warned of pressure on Khartoum, *Al-Rai Al-Aam* reports. Sudan Ambassador to UN Abdul Mahmoud Abdul Haleem described President Obama's statement as negative and irresponsible and is intended to derail Darfur talks in Doha.

According to *Reuters* 2/2/10, President Barack Obama urged Sudan on Monday to cooperate in efforts to stabilize the country or Washington will conclude that engagement is not working and seek "additional pressure" on Khartoum.

Obama, answering questions submitted via YouTube, said the United States, United Nations and other countries were working to broker a series of agreements to stabilize the country and allow refugees back to their homes.

"We continue to put pressure on the Sudanese Government. If they are not cooperative in these efforts, then it is going to be appropriate for us to conclude that engagement doesn't work, and

we're going to have to apply additional pressure on Sudan in order to achieve our objectives," Obama said.

He said, however, he hoped "we can broker agreements with all the parties involved to deal with what has been enormous human tragedy in that region."

Obama said the situation in Sudan "has been heartbreaking but also extremely difficult." "The next step in the challenge is to broker a lasting peace agreement between rebels who are still in the Darfur region and this government," he said.

Half population of south Sudan short of food -UN

Reuters 2/2/10 - Almost half the population of south Sudan is facing food shortages because of conflict and drought, a fourfold rise in the numbers needing aid since last year, officials said Tuesday.

"Internal conflict and incursions from the LRA together with drought have made almost half the population of the south short of food," southern Sudan Agriculture and Forestry Minister Samson Kwaje said in a statement.

A total of 4.3 million need food aid in the oil-producing south, up from around 1 million last year, the U.N. said.

"This spike in the number of hungry people in southern Sudan comes just ahead of the rainy season when roads become blocked and communities are cut off from food assistance," Leo van der Velden, coordinator for the WFP in the south, said in a statement.

The WFP said it was hoping to help people across the region until the next harvest in October and November.

It added that its programs designed to reach 11 million people across all of Sudan in 2010 were facing a shortfall of \$485.4 million.

AEC calls for more trust in wealth sharing between the CPA partners

The Assessment and Evaluation Commission (AEC) has called on the partners to the CPA to build more trust between them on wealth sharing and to ensure adequate access to all administrative information relating to oil production, ***Al-Wattan*** reports.

In its Annual Report 2010 issued last week, the AEC proposed the establishment of short-term measures to guarantee the availability of sufficient expertise for the GoSS and for long-term measures to guarantee sustained availability of engineers and directors in southern Sudan.

CNPC drilling first overseas offshore well in Sudan

Reuters 2/2/10 - Top Chinese oil and gas firm CNPC has started drilling its first overseas offshore exploration well in the Red Sea Basin off Sudan, CNPC's in-house newspaper reported on Tuesday.

Tokar-1 is one of two exploration wells in Block 15, located some 130 kilometres southeast of Sudan port, that CNPC and its partners plan to complete drilling in six months, the China Petroleum Daily said.

The wells have a designed drilling depth of 3,700 metres, and water depths of 38 metres and 52

metres respectively.

Sudan awarded Block 15 in 2005 to a consortium of five firms including CNPC, Malaysia's state oil firm Petronas, Sudan's state oil firm Sudapet, Nigeria's Express Petroleum and Sudanese firm High Tech Group.

Petronas and CNPC each have a 35 percent interest in the block while others hold the rest.

CNPC and its partners will drill five wildcat wells with total minimum expenditure of \$58 million over six years, according to a Petronas statement in 2005.

CNPC is the parent of PetroChina, Asia's largest oil and gas producer.

Massive displacement after fierce fighting in Jebel Marra

Rai Al-Shaab reports that fierce fighting has raged between SLA (Abdul Wahid) and Abdul Shafie faction in Jebel Marra since three days. Eyewitness said hundreds of civilians were fleeing to the town of Nertiti.

Meanwhile, **Al-Raed** reports that 300 JEM soldiers have been wounded including Suleiman Sandal in a heavy fighting that erupted yesterday between JEM and SLA (Minni Minnawi) in Jebel Moun. A reliable source told the paper that SLA/MM inflicted heavy losses on JEM.

Darfur JEM says open to unity with other rebel groups, criticize NCP

Sudan Tribune website 2/2/10 – The Darfur Justice and Equality Movement (JEM) said this week that it is open to the idea of uniting with other rebel groups provided they have the “will” and also slammed the ruling National Congress Party (NCP) accusing it of lacking seriousness in the negotiations process.

The JEM official spokesperson Ahmed Hussein Adam told Sudan Tribune by phone from Doha that they held a meeting with the mediation team including United Nations-African Union (AU) joint mediator Dijibril Bassole and the Qatari state minister for foreign affairs Ahmed Bin-Abdullah Al-Mahmoud.

Adam said that his movement assessed the progress of the efforts to resume talks with Khartoum as well the status of other Darfur rebel groups currently present in Doha including Sudan Liberation Movement SLM-Revolutionary forces as well as Addis Ababa groups which is comprised of those Darfur rebels whose representatives met last year in the Ethiopian capital under American auspices.

The JEM official said that the issue of “integrative unity” with other groups is on the table adding that his movement has always been open to joining hands with all the marginalized population of Sudan and those who share the same political objectives.

He added that his movement wants to see a will among the other groups with regard to the idea revealing that they have so far received encouraging signs in that direction.

President Al-Bashir to visit Qatar today

Al-Intibaha reports that President Al-Bashir will pay a visit to Doha today in connection with the ongoing Darfur peace process.

Elections Special:

Electoral appeals are free of charge

Local dailies report that Sudan's Chief Justice yesterday ordered all judiciary organs to accept electoral appeals in states free of charge.

Election delay means CPA undoing – NCP

NCP spokesperson Fathi Shayla has said that delay of elections would mean pulling the CPA apart, **Al-Rai Al-Aam** reports. Mr. Shayla told reporters yesterday that self-determination depends on holding of elections.

Opposition (Juba Coalition) to coordinate on elections

Sudan's opposition parties (Juba Coalition) agreed at a meeting in Juba yesterday to hold a conference in southern Sudan to be attended by all the Sudanese political forces, the international community, Darfur movements and mediators to chart a road map to resolve the Darfur crisis, **Al-Sahafa** reports. The coalition also decided to coordinate on the upcoming elections. A statement issued by the coalition called on the President of the republic to freeze or scrap the restrictive laws. The statement questioned the neutrality of national electoral observers, saying most of them are known to have links with the NCP.

Sudan Tribune website 2/2/10 reported that the major Northern opposition parties in Sudan met in Juba today only a few days after the 2nd Vice president Ali Osman Taha was in town amid reports that he is seeking to convince Sudan People Liberation Movement (SPLM) to withdraw its presidential candidate who is running against president Omer Al-Bashir.

The previously unannounced meeting with South Sudan president included Umma Party leader Al-Sadiq Al-Mahdi, Sudanese Communist Party chief Mohamed Ibrahim Nugud and Popular Congress Party deputy leader Abdullah Hassan Ahmed.

Both Al-Mahdi and Nugud are also running in the elections against Bashir.

In a press conference following the meeting, Al-Mahdi accused the ruling National Congress Party (NCP) of lacking seriousness on resolving the Darfur crisis adding that the Doha talks currently underway between Khartoum and rebel groups is merely "public relations".

The former prime minister was further quoted by the London-based **Al-Sharq Al-Awsat** newspaper as saying that this meeting is a continuation of the Juba conference that took place last year.

He warned of a scenario similar to that of Kenya "if fair elections are not held" where post-election violence killed hundreds and displaced thousands after rigging was alleged by the opposition.

"There could be another scenario if the referendum for self determination in South Sudan does not take place in a free manner" Al-Mahdi warned and called on the government to lift the freedom restricting laws.

The deputy SPLM Secretary General Yasir Arman said that the Juba coalition will not take part in the elections if all outstanding issues with the NCP are not resolved.

No gross violations in Sudan poll - US official

Reuters 2/2/10 - Sudan's electoral process has not been subject to "gross violations" and it is unlikely the ruling National Congress Party could unfairly swing next April's vote its way, a senior U.S. administration official said.

"Yes there are probably irregularities, yes, in all elections there are probably some," the official told Reuters in a telephone interview late on Monday.

"But in the big scheme of things ... there's probably a high probability that if 16 million people come out and vote, that ... will reflect a large proportion and fair proportion and credible proportion of the Sudanese voting population."

The official, speaking on condition of anonymity, said estimated numbers of false registrations ranged from between 300,000 to 1.5 million from a total of more than 16 million voters.

"It makes it very difficult to sway an election because the numbers are so great," the official added. "I don't see all these gross violations."

The official said even if President Omar al-Bashir won April's elections, that would not be enough to change the position of Washington or the International Criminal Court (ICC) on his government.

"That does not legitimise the leader until he starts doing things to show that (his) is going to be a remade party -- one that takes care of its people," said the official.