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5 October 2016

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Sudan: Information on military service, includingment for the purpose of attending university; information on punishment for refusing or evading military service, including upon return to Sudan after an extended absence, such as since 2002 (2014-September 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Military Service and Deferment for University Studies

Sources indicate that Sudan has compulsory military service requirements (Independent researcher 26 Sept. 2016; US 24 Aug. 2016). According to the US Central Intelligence Agency's *World Factbook*, Sudan has both compulsory and voluntary military service with a 1 to 2 year service obligation for people ages 18-33 (ibid.). In correspondence with the Research Directorate, a Khartoum-based lawyer noted that the legislation governing military conscription in Sudan is the National Service Act 1992, and that the age of conscription is for men 18 to 33 years old (Lawyer 29 Sept. 2016). The National Service Act of 1992 states that "[e]very Sudanese who completed eighteen years and did not exceed thirty three years of age shall submit to the imposition of National Service" (Sudan 1992, Art. 7). However, a report by War Resisters' International (WRI), a UK-based network of pacifist and anti-militarist groups in over 40 countries (WRI n.d.), states that the age for service was extended from 18-33 to 18-45 in 2013 as part of the "updated Sudan Military Service Act in 2013" (ibid. 21 Apr. 2015). Further and corroborating information on this extension could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

WRI and the lawyer both state that the length of military service is 12 months for university and college graduates, 18 months for high school graduates, and 24 months for others (ibid.; Lawyer 29 Sept. 2016).

In correspondence with the Research Directorate, an independent researcher who specializes in Sudan stated that under national conscription, "all people [are] targeted for conscription at [the age of] 18," unless they service by payment of a fine or by being registered as a student (Independent researcher 26 Sept. 2016). WRI also indicates that postponing military service for students is possible (WRI 21 Apr. 2015). According to the lawyer,ment of military service for students is addressed in Section 12 of the National Service Act 1992, but there are no specified parameters for thisment (Lawyer 29 Sept. 2016).

According to the National Service Act section on Applications for Pardon or Postponement,

13.1 The Director is the authority to decide [sic] on applications for full exemption, partial or temporary. The Minister decides on postponement.

2. Sudan Ambassadors and counsellors abroad has [sic] the authority for temporary decisions on applications for postponement of service for those residents abroad, and they have to notify the Administration immediately. (Sudan 1992)

Further and corroborating information on the procedures forring military service as a student could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that, in 2013, the Sudanese army passed a reserve military service law (Sudan Tribune 3 July 2013; Independent researcher 26 Sept. 2016; *Al-Khartoum* 4 July 2013). A copy of the 2013 law on the army reserve could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Sudanese newspaper *Al-Khartoum*, the law "allows forceful conscription in the army of Sudanese nationals at the age of 18 to 60, in the event a state of war is declared" (ibid.). The same source states that the law entitles the defence minister to "call on any person who did not serve in the armed forces or other regular forces" (ibid.). An article about the law published by the Sudan Tribune news website similarly indicated that the military reserve law

allows the defence minister to summon all citizens including government and private sector employees, university graduates, army and regular forces retirees, between the ages of 18-60 to join the reserves service. (Sudan Tribune 3 July 2013)

According to the Sudan Tribune, the military reserve law of 2013 permits the defence minister or "an authorized representative from the reserves administration to exempt any individual from the service" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The independent researcher stated that

[b]eyond formal military service, the government has always maintained the legal authority to recruit militia or skirmishing forces in rural areas. This was undertaken firstly in the border regions through the PDF [Popular Defense Force], then in the South through military intelligence and finally in Darfur, through the Border Guards forces and other units. (ibid.)

In correspondence with the Research Directorate, a Senior Fellow at Harvard University's François-Xavier Bagnoud Center for Health and Human Rights, who is also a professor of English at Smith College and has written numerous books and articles about human rights issues in Sudan, stated that "forcible conscription is rampant" in the Darfur, South Kordofan and Blue Nile regions, particularly targeting "African men" knowledgeable about the terrain and military operations (Senior Fellow 12 Sept. 2016). The same source indicated that there is also forcible conscription in Khartoum, which has occurred from 1989 to the present, targeting "African men who have found themselves in Khartoum for economic or political reasons" (ibid.). In 2011, media sources reported on complaints of forced conscription of south Sudanese students studying in the north into militia groups, including cases in which students were abducted from the universities (Sudan Tribune 22 Dec. 2011; *The Citizen* 18 Dec. 2011).

The Senior Fellow stated that "forcible conscription is a real threat to any Sudanese," including those with a legal studentment (Senior Fellow 12 Sept. 2016). He also noted that the laws "are imposed wildly asymmetrically among ethnic groups" and that "good families from riverine Arab backgrounds can typically easily evade service" due to bribery and corruption (ibid.). The independent researcher similarly indicated that many wealthier families have "bought their way out of conscription one way or another" (Independent researcher 26 Sept. 2016).

Sources indicate that Sudan does not allow for conscientious objection (Independent researcher 26 Sept. 2016; IFOR 3 Oct. 2016).

2. Punishment for Refusing or Evading Military Service

The National Service Act 1992 states that

28.1 Whoever contradicts this Act shall be punished by imprisonment [for a] period not exceeding three years, or shall be fined, or with both penalties.

...

28.3 Any person subject to do the service shall be punished with imprisonment for a period of not less than two years and not exceeding three years who does not present himself for recruitment, or tries to avoid service through deceit, or by inflicting any harm to himself. (Sudan 1992, Art. 28.1).

The Sudan Tribune cites the 2013 military reserve law as indicating that those who refuse to join the reserve forces without a valid excuse will be fined and jailed for up to six months, while conscripts who commit a crime during their service period will be imprisoned for three years (Sudan Tribune 3 July 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the independent researcher, the punishments for refusing or evading military service have included fines, prison or forced conscription, but that the punishments have been "very unevenly applied" (Independent researcher 26 Sept. 2016). According to the Senior Fellow, to avoid military service "many people simply disappear from Khartoum and the major towns when their military service is required" (13 Sept. 2016).

Without providing details, the WRI states that the "General Provisions section of the 2013 military service guideline" lists a number of procedures against those who refuse or evade military service, including:

- Communicating with their places of work to freeze their jobs;
- Communicating with their places of work to terminate employment;
- Pursuing them by raiding their homes and places of work;
- Enacting legal procedures against them;
- Publishing their names in local newspapers;
- Filing cases against them at the State Security Prosecution for crimes against national security (WRI 21 Apr. 2015).

Further information and a copy of the "General Provisions section of the 2013 military service guideline" could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The independent researcher explained that military service evasion has often been "used as an excuse to target people who were already a target of security interest" (ibid.).

Further information on instances of prosecution and implementation of punishments for evasion could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Situation for Someone Who Returns After Evading Military Service in 2002

In the case of someone who evaded the military and was away from Sudan for an extended absence, such as since 2002, the lawyer stated that the person "may be subject to punishment and reprisal on his return to

Sudan" (Lawyer 29 Sept. 2016). The Senior Fellow indicated that their treatment upon return "would depend primarily on whether the person had a 'political profile' ... prior to leaving Sudan" (Senior Fellow 13 Sept. 2016). He further noted that National Intelligence and Security Service (NISS) records are not complete, particularly for a period as old as 14 years ago, and that record-keeping was "somewhat arbitrary" during that period (ibid.). However, he assessed that it is possible and "even likely that someone with a political profile would be in NISS records as having evaded military service" (ibid.).

Concerning factors affecting how authorities would treat a person who evaded military service, the Senior Fellow stated that

if a person were recognized as a military service evader it would make a great deal of difference whether he were 'connected' or not, and whether he were riverine Arab or not. Those from the peripheries, and non-Arab peoples, would likely be jailed, while those 'connected' would likely be able to get off with a hefty fine. (ibid.)

The independent researcher indicated that whether someone who postponed military service in 2002 would face a punishment upon return to Sudan after an extended absence "depends to some degree on when they returned to Sudan and under what circumstances" (Independent researcher 26 Sept. 2016). He further explained that "[i]f they were abroad or had already been identified/listed as a potential security threat, then there is a high likelihood that if they could not prove that they had performed their military service or PDF [Popular Defence Forces] service, this would be sufficient excuse to pick them up" (ibid.). For information on the Popular Defence Forces (PDF) and its relations to the Sudanese Armed Forces (SAF), see Response to Information Request SDN103746 of May 2011.

Concerning the military situation in Sudan in 2002, the Senior Fellow explained that

[f]ighting in the long civil war largely came to an end in late 2002, but troop conscription was intense in the first half of the year. Loss of life in some areas among the ranks was very heavy at times. Someone evading military service obligations would have been doing so at a time when it would have been regarded as a serious offense. (ibid.)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: African Centre for Justice and Peace Studies; Enough Project; European Bureau of Conscientious Objectors; Lawyer in Khartoum; Rift Valley Institute; Sudan-Embassy in Ottawa.

Internet sites, including: African Centre for Justice and Peace Studies; Amnesty International; ecoi.net; European Bureau of Conscientious Objectors; Factiva; Human Rights Watch; International Fellowship of Reconciliation; Small Arms Survey; Sudan – Embassy in Ottawa, Secretariat General of the Council of Ministers; UN – Refworld; US – Department of State.

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