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Country Policy and Information Note
Sudan: Non Arab Darfuris

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI) and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Policy guidance

Updated: 27 July 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state, or government- sponsored militias, because the person is a member of a non-Arab ethnic group (hereafter referred to as a 'non-Arab Darfuri').

1.2 Points to note

1.2.1 Non-Arab Darfuri tribes include the Fur (Darfur means the land of the Fur people), Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. However this list is not exhaustive (see Darfur, Ethnic demography).

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2. Consideration of issues

2.1 Credibility

2.1.1 For guidance on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview, see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants.

2.1.3 Decision makers should also consider the need to conduct language analysis testing, see the Asylum Instruction on Language Analysis.

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2.2 Exclusion

2.2.1 Some non-Arab Darfuris may have been involved with armed opposition groups operating in Darfur which have reportedly committed grave human rights violations and abuses (see Darfur, Security and human rights situation, and country policy and information note on Sudan: Opposition to the government, specifically the sub-sections on armed opposition groups).

2.2.2 If there are serious reasons for considering that a person was involved in or associated with such acts, or with the groups concerned, decision makers must consider whether one of the exclusion clauses is applicable, seeking advice from a Senior Caseworker if necessary.

2.2.3 For further guidance on the exclusion clauses, discretionary leave and restricted leave, see the Asylum instruction on Exclusion: Article 1F of the Refugee Convention, the Asylum instruction on Discretionary Leave and Restricted Leave.

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2.3 Assessment of risk

a. Darfur

2.3.1 The security situation has improved since 2014 but remains precarious because of ongoing activities of government forces, militia groups, armed movements and inter-communal conflict (see Security and human rights situation). Although security conditions have improved, particularly in the Darfur state capitals, the violence has led to large-scale and long-term displacement with around 2.7 million people estimated to be IDPs, most of whom are living in camps. Insecurity and government restrictions have limited access to IDPs and the provision of humanitarian services (see Displacement of persons and the humanitarian situation).

2.3.2 In the country guidance case of AA (Non-Arab Darfuris - relocation) Sudan CG [2009] UKAIT 00056 (18 December 2009), heard 4 November 2009, the Upper Tribunal (UT) found that:

'All non-Arab Darfuris are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan. HGMO (Relocation to Khartoum) Sudan CG [2006] UKAIT 00062 is no longer to be followed, save in respect of the guidance summarised at (2) [Neither involuntary returnees nor failed asylum seekers nor persons of military age (including draft evaders and deserters) are as such at real risk on return to Khartoum] and (6) [An appellant will be able to succeed on the basis of medical needs only in extreme and exceptional circumstances] of the headnote to that case.' (Headnote)

2.3.3 While the security situation has improved in Darfur, the humanitarian situation remains poor and large scale displacement a problem. There continue to be reports of attacks against civilians and sexual violence against women committed by the government forces and its proxies, and by rebel groups in Darfur. Additionally, inter-communal fighting and criminality is ongoing. Government forces and associated militias have abused those suspected of having links to rebel groups and targeted members of the Fur, Zaghawa and Massalit tribes in Darfur on the basis of their ethnicity (see Darfur, Security and human rights situation and Displacement of persons and the humanitarian situation).

2.3.4 Non-Arab Darfuris continue to face serious human rights violations in Darfur at the hands of various actors which are likely to amount to persecution or serious harm.

2.3.5 For guidance on assessing risk generally, see the Asylum Instruction on Assessing Credibility and Refugee Status.

b. Khartoum

2.3.6 In the country guidance case of AA, the UT found that 'All non-Arab Darfuris are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan' (Headnote).

2.3.7 In the country guidance case of MM (Darfuris) Sudan (CG) [2015] UKUT 10 (IAC) (5 January 2015), heard 7 October 2014, the UT clarified that 'Darfuri' is to be understood as relating to a person's ethnic origins, not as a geographical term. Accordingly it includes Darfuris who were not born in

Darfur (paragraph 14). Thus persons who are ethnic non-Arab Darfuri in origin, regardless of whether they had lived in Darfur or elsewhere in Sudan, would be at risk on return to Khartoum. The Tribunal in MM also found that there was, at the time of the hearing, no new, cogent evidence indicating that non-Arab Darfuris were not at risk of persecution in Sudan (paragraph 13).

2.3.8 The UT in AA reached its findings having considered the Home Office's operational guidance note of 2 November 2009[1], which conceded, given events in 2008 and 2009, that:

'Ordinary non-Arab Darfuris are not thought to be subject to systematic persecution outside Darfur and the courts have found that it is not unduly harsh to expect them to internally relocate to Khartoum. However, those decisions predated the developments and reports referred to at paragraph 3.9.4 to 3.9.7 below, and restrictions on the operations of NGOs – a key source of country of origin information on Sudan – have meant that we have been unable to obtain sufficient reliable information to be able to assess accurately whether there is a continued heightened risk to non-Arab Darfuris in Khartoum. In light of the fact that we do not yet have sufficient information to allay the concerns raised in the reports, case owners should not argue that non-Arab Darfuris can relocate internally within Sudan.' (paragraph 4)

2.3.9 Most sources commenting on the human rights situation of non-Arab Darfuris in 2016 and 2017 report that there is discrimination of such persons but do not indicate that there is widespread, systemic targeting of these groups in Khartoum on grounds of ethnicity alone. The Home Office view is, therefore, that there is now cogent evidence which has become available since the promulgation of AA and MM establishing that in general non-Arab Darfuris are not at risk of persecution solely on the grounds of ethnicity in Khartoum (see Khartoum, Treatment of non-Arab Darfuris).

2.3.10 Sources - primarily information obtained by a joint Danish-UK fact finding mission of early 2016, an Australian government report of April 2016, and the Foreign and Commonwealth Office - indicate that there is a significant and established population of (non-Arab) Darfuris living in Khartoum and surrounding areas. This includes people who have moved from Darfur since the conflict began in 2003, who are able to go about their business and daily lives in Khartoum. Darfuris are also present in all areas and levels of society including at a senior level in government, in academia, as university students, in the security forces, and the media (see Khartoum, Ethnic demography).

2.3.11 The government reportedly monitors the Darfuri community because of its suspected links with Darfuri rebel groups and those critical of the government and/or have a political profile, including students and political activists. There are reports of arrests, detention, harassment and torture of non-Arab Darfuris, as well as sexual abuse of women. Some sources report that Darfuris are likely to face worse treatment once in detention than other ethnic groups because they may be perceived to be rebel sympathisers, and

[1] An archived copy of the Operational Guidance Note of 2 November 2009 is available on the UNHCR's refworld database: http://www.refworld.org/country,,UKHO,,SDN,,4aeecfca2,0.html

that they are particularly vulnerable to torture and ill-treatment (see Khartoum, Treatment of non-Arab Darfuris).

2.3.12 A number of Darfuris have returned to Khartoum in recent years, largely from Israel and Jordan. Those returning from Israel are generally treated with greater suspicion those returning from other countries. While most returnees who entered Sudan are likely to be questioned, they are not likely to experience further complications, unless they are a person of interest to the authorities because of their profile or activities in opposition to the government. However, the evidence does not establish that non-Arab Darfuri returnees are ill-treated on return on grounds of their ethnicity only (see Return of failed asylum seekers from Darfur).

2.3.13 Sources are broadly consistent in reporting that Darfuris who have been targeted are those who have, or are perceived to have, a particular profile and to have undertaken activities opposing the government. These factors have been decisive in bringing them to the adverse attention of the state, not their ethnicity alone (see Khartoum, Treatment of non-Arab Darfuris, and the country policy and information note on Opposition to the government, specifically the subsections on Darfuri students, Civil society, journalists / media workers, and Political parties).

2.3.14 Darfuris generally live in the poorer areas of Khartoum and are economically disadvantaged compared to other Sudanese. They face discrimination in accessing public services, education and employment, and may face forced eviction, societal harassment from other (Arab) Sudanese, and lack access to humanitarian assistance. However, such treatment is not so severe that it is likely generally to amount to persecution or serious harm (see Access to services and documentation and Societal discrimination).

2.3.15 The evidence, when considered in its entirety, does not establish that the authorities target non-Arab Darfuris and subject them to treatment amounting to persecution simply because of their ethnicity. Rather, a person's non-Arab Darfuri ethnicity is a factor which may increase the likelihood of them coming to the attention of the authorities and, depending on their profile and activities, may then lead to treatment amounting to persecution.

2.3.16 Decision makers will need to look at each case on its particular facts, with the onus on the person to demonstrate that they will be at risk of persecution or serious harm.

2.3.17 For more detail on returns and treatment of those who are, or are perceived to oppose the state, including Darfuri students, see the relevant sections in the country policy and information notes on Opposition to the government and Rejected asylum seekers.

2.3.18 For guidance on assessing risk generally, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Protection

2.4.1 As the person's fear is of persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 For guidance on protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Internal relocation

2.5.1 There is a significant and established community of non-Arab Darfuris resident in Khartoum. In general it will be reasonable for a non-Arab Darfuri from Darfur (or elsewhere in Sudan) to relocate to Khartoum.

2.5.2 Decision makers must, however, give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the person, including where they originate from in Sudan. Single women, especially with dependants, who lack support networks and have no previous or existing connection to Khartoum may find it particularly difficult to relocate (see Khartoum, Treatment of non-Arab Darfuris and Access to services and documentation).

2.5.3 If the person is able to demonstrate that it is not reasonable for them to return to, or relocate to, Khartoum, they are unlikely to be able to relocate to another area of Sudan.

2.5.4 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Certification

2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.6.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy summary

3.1.1 The security, human rights and humanitarian situation in Darfur continues to be poor. Non-Arab Darfuris in the Darfur region are likely to face human rights violations which amount to serious harm or persecution.

3.1.2 Existing caselaw has found that non-Arab Darfuris as an ethnic group are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan, including to Khartoum.

3.1.3 The Home Office view is, however, that there is cogent evidence indicating that non-Arab Darfuris are not generally at risk of persecution or serious harm solely on the grounds of their ethnicity in Khartoum. This evidence provides strong grounds to depart from the existing caselaw of AA and MM.

3.1.4 Rather, a person's non-Arab Darfuri ethnicity is likely to be a factor which may bring them to the attention of the state and, depending on other aspects of their profile and activities, may lead to a risk of serious harm or persecution in Khartoum.

3.1.5 Darfuris in Khartoum face discrimination in accessing public services, education and employment, experience forced eviction, societal harassment from other Sudanese, and do not have access to humanitarian assistance. However in general such treatment is not so severe that it is likely to amount to persecution but each case will need to be considered on its individual facts.

3.1.6 All returns are to Khartoum. It will generally be reasonable for a person, including those not previously resident in Khartoum, to return to that city but each case will need to be considered on its individual facts. If the person is able to demonstrate a risk of persecution or serious harm from the state in Khartoum, internal relocation to another part of Sudan will not be reasonable.

3.1.7 There is no sufficiency of protection available.

3.1.8 Cases are unlikely to be certifiable.

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Country information

Updated: 27 July 2017

4. Darfur

4.1 Overview

4.1.1 The Asylum Research Consultancy compilation report, Darfur Country Report – October 2015, covers politics, geography and human rights in Darfur, and provides a useful overview of the region based on a range of generally reliable sources.

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4.2 Geography

4.2.1 The website of the Darfur Regional Authority (DRA) provided the following summary: 'Darfur is a region in western Sudan… covers an area of some 493,180 square kilometers - approximately the size of France. It is largely an arid plateau with the Marrah Mountains, a range of volcanic peaks rising up to 3,042 meters in the center of the region.' The same source noted that Darfur is divided into 5 states:

- Central Darfur
- East Darfur
- North Darfur
- South Darfur
- West Darfur[2]

4.2.2 The regional capitals are:

- Zalengei (Central Darfur)
- Ed Daein (East Darfur)
- El Fasher (North Darfur)
- Nyala (South Darfur)
- El Geneina (West Darfur)[3]

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4.3 Ethnic demography

4.3.1 The Sudan government estimated the total population of Darfur in 2008 census was around 7.5 million, with the population estimated to reach 8.2 million by 2011[4 & 5]. CPIT is unable to find accurate estimates of the ethnic

[2] Darfur Regional Authority, 'General information', 7-8 April 2013, http://darfurconference.com/dinformation. Accessed 25 July 2017.
[3] UN Office for the Coordination of Humanitarian Affairs, Sudan Administrative Map, March 2015, http://reliefweb.int/map/sudan/sudan-administrative-map-march-2015. Accessed: 29 March 2017
[4] UN Sudan, 'Key facts and figures for Sudan* with a focus on Darfur' (p1), January 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/darfur_fact_sheet_v32.pdf. Accessed 26 July 2017.

composition of the population or the proportion of population identifying as non-Arab Darfuri in Darfur[6].

4.3.2 Dr David Hoile noted in 'Darfur in Perspective', first released in March 2005 and revised in January 2006, that:

'The largest ethnic group within Darfur are the Fur people, who consist mainly of settled subsistence farmers and traditional cultivators. Other non-Arab, "African", groups include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, and the Ma'aliyah.'[7]

4.3.3 The Australian Department of Foreign Affairs and Trade (DFAT) report of April 2016 'based on DFAT's on-the-ground knowledge and discussions with a range of sources in Sudan and other parts of Africa, including the UN, civil society organisations and representatives from the international community'[8], stated:

'The Fur, Zaghawa and Massalit are the most prominent ethnic groups in Darfur. [The Fur are] … the largest. The Massalit are the second largest and are located mainly in the West. The Zaghawa are a smaller ethnic group located mainly in the North and West.

'Historically, the Fur, Zaghawa and Massalit have relied heavily on agriculture and clashed with the pastoralist Arab ethnic groups in Darfur. From 1987 onwards, the traditional inter-tribal conflict morphed into three successive formal armed conflicts between the Government (and associated militias) and rebel groups linked to the Fur, Massalit and Zaghawa ethnic groups'.[9]

4.3.4 The UN Commission of Inquiry on Darfur report of 2005, however, observed that ethnic distinctions are not clear between Arab and non-Arab groups:

'The region is inhabited by tribal groups that can be classified in different ways. However, distinctions between these groups are not clear-cut, and tend to sharpen when conflicts erupt. Nevertheless, individual allegiances are still heavily determined by tribal affiliations. The historic tribal structure, which dates back many centuries, is still in effect in Darfur although it was weakened by the introduction of local government during the time of [President] Nimeiri's rule [between 1969 and 1985]. Some of the tribes are

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[5] UN Sudan, 'Key facts and figures for Sudan* with a focus on Darfur' (footnotes – p4), January 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/darfur_fact_sheet_v32.pdf. Accessed 26 July 2017.
[6] Reviewing sources cited in this note as well as Sudan government's Central Bureau for Statistics: http://www.cbs.gov.sd/en/files.php?id=7#&panel1-4. Accessed 26 July 2017.
[7] David Hoile, 'European-Sudanese Public Affairs Council' (p5), http://www.espac.org/pdf/Darfur-Book-New-Edition.pdf. Accessed on 29 March 2017
[8] Australian Government, Department of Foreign Affairs and Trade (DFAT), 'DFAT Country Information Report – Sudan' (p4), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017
[9] Australian Government, 'DFAT Country Report, Sudan' (p11), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

predominantly agriculturalist and sedentary, living mainly from crop production during and following the rainy season from July to September. Some of the sedentary tribes also include cattle herders. Among the agriculturalists, one finds the Fur, the Barni, the Tama, the Jebel, the Aranga and the Masaalit. Among the mainly sedentary cattle herders, one of the major groups is the southern Rhezeghat, as well as the Zaghawa. In addition, a number of nomadic and semi-nomadic tribes can also be traditionally found in Darfur herding cattle and camels in Darfur, which include the Taaysha, the abaneya, the Beni Helba, the Mahameed and others. It should be pointed out that all the tribes of Darfur share the same religion (Islam), and while some of the tribes do possess their own language, Arabic is generally spoken.'[10]

4.3.5 The same source further observed:

'The various tribes that have been the object of attacks and killings (chiefly the Fur, Massalit and Zaghawa tribes) do not appear to make up ethnic groups distinct from the ethnic group to which persons or militias that attack them belong. They speak the same language (Arabic) and embrace the same religion (Muslim). In addition, also due to the high measure of intermarriage, they can hardly be distinguished in their outward physical appearance from the members of tribes that allegedly attacked them. Furthermore, inter-marriage and coexistence in both social and economic terms, have over the years tended to blur the distinction between the groups. Apparently, the sedentary and nomadic character of the groups constitutes one of the main distinctions between them. It is also notable that members of the African tribes speak their own dialect in addition to Arabic, while members of Arab tribes only speak Arabic.'[11]

4.3.6 The US State Department report for 2016: '… Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and between different Arab tribes. "National Identity" is one of the six discussion committees of the national dialogue.' [12]

4.3.7 For information on the National Dialogue see country policy and information note, Opposition to the government.

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4.4 Displacement of persons and the humanitarian situation

4.4.1 DFAT's report of April 2016 noted that: 'The humanitarian situation remains dire, with an estimated 2.5 million internally displaced people in Darfur, including 200,000 people who have been displaced since January 2015.'[13]

[10] Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, para 52, January 2005, http://www.un.org/news/dh/sudan/com_inq_darfur.pdf. Accessed: 12 August 2016
[11] Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, para 508, January 2005, http://www.un.org/news/dh/sudan/com_inq_darfur.pdf. Accessed: 12 August 2016
[12] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 6), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed: 29 March 2017
[13] Australian Government, 'DFAT Country Report, Sudan' (p9), 27 April 2016, http://dfat.gov.au/about-

4.4.2 UNOCHA's humanitarian needs survey for Sudan, released in December 2016, stated: 'Darfur remains an epicenter of large scale protracted displacement, and also witnessed new displacement in 2016. Most IDPs are unable to meet their basic needs independently.'[14] The same source observed:

'In 2016, considerable new displacement occurred and a large number of those who have fled their homes since 2004 remain displaced.

'In Darfur some 1.6 million displaced people are registered as living in camps. For unregistered IDPs i.e. displaced people living in rural settlements and urban areas, estimates vary considerably, especially as there is no systematic registration of displacement outside camps. The official government estimate is that an additional 0.5 million internally displaced persons live outside camps in Darfur…The UN and partners estimate that a further half a million displaced people live in host communities and settlements in Darfur.'[15]

4.4.3 The UN Secretary General noted in his December 2016 report that: 'While the internally displaced received basic humanitarian assistance, gaps were identified in the areas of water, sanitation and hygiene, protection and livelihoods in some locations in North and South Darfur.'[16] The USSD report for 2016 observed that: 'Large-scale displacement continued to be a severe problem in Darfur and the Two Areas, and government restrictions and security constraints continued to limit access to affected populations and impeded the delivery of humanitarian services.'[17]

4.4.4 The UN Security Council noted in June 2017:

'[That there had been a]… reduction in the levels of new displacement in the first quarter of 2017 [but an]… increase in displacement in 2016, when armed conflict triggered the displacement of over 140,000 people, and of an additional 40,000 who were displaced and subsequently returned to their places of origin, with thousands more reported to be displaced but which could not be verified due to access constraints, increasing the estimated total number of long-term internally-displaced persons (IDPs) in Darfur to 2.7 million and a total number of people in need of humanitarian assistance of 2.1 million'[18].

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us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

[14] UN OCHA Sudan, Country Humanitarian Team, Humanitarian needs overview 2017 (p5), December 2016, http://reliefweb.int/report/sudan/sudan-2017-humanitarian-needs-overview-dec-2016. Accessed: 29 March 2017

[15] UN OCHA Sudan, Country Humanitarian Team, Humanitarian needs overview 2017 (p7), December 2016, http://reliefweb.int/report/sudan/sudan-2017-humanitarian-needs-overview-dec-2016. Accessed: 29 March 2017

[16] UN Secretary General, 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (para 24), 23 December 2016, https://unamid.unmissions.org/sites/default/files/sg_report_on_unamid_23dec2016.pdf

[17] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2d), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed: 29 March 2017

[18] UN Security Council, 'Resolution 2363 (2017)', (ps2-3), 29 June 2017, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2363.pdf. Accessed 26 July 2017.

4.4.5 More information on the humanitarian situation in Darfur, including maps and infographics, is available on the UN OCHA, UN Reliefweb and refworld websites.

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4.5 Security and human rights situation

4.5.1 The DFAT report of April 2016 provided a brief background to the conflict in Darfur:

'Beginning in 1987, three successive armed conflicts occurred in Darfur, mainly between the Government (and associated militias, often referred to as the Janjaweed, who were armed by the Government) and rebel groups linked to the Fur, Massalit and Zaghawa tribes such as the Justice and Equality Movement (JEM) and Sudan Liberation Movement (SLM), which has two factions – the SLM-Minnawi and the SLM-al-Nur.

'The most serious conflict, known as the 'Third Rebellion', started in 2003 and led to [President] Bashir's indictment to the [International Criminal court] ICC caused an estimated 298,000 deaths, 80 per cent due to disease and malnutrition and 20 per cent as a direct result of violence. In response, the African Union / UN Hybrid Operation in Darfur (UNAMID), the largest peacekeeping mission in the world, was established on 31 July 2007 with the protection of civilians as its core mandate.

'The intensity of the formal conflict in Darfur has diminished since its peak from late-2003 to mid-2004. However, conflict continues in the region, with counter-insurgency military operations led by the Government, aimed at decreasing the capability of the armed opposition. In mid-2013, the Rapid Support Forces (RSF) were formed, reportedly under the command of the NISS in order to defeat the armed opposition in Darfur. Human Rights Watch reports that the RSF led two counter-insurgency campaigns in 2014 and 2015 during which time its forces repeatedly attacked villages, burned and looted homes and beat, raped and executed civilians. The RSF received both aerial and ground support from the Sudanese Armed Forces and other Government-linked militias, such as the Janjaweed. The Report of the Secretary-General to the UN Security Council on Conflict-Related Sexual Violence notes that conflict-related sexual violence remains a dominant feature of the conflict in Darfur.' [19]

4.5.2 The same report assessed the situation in Darfur for non-Arab tribes as of April 2016:

'In-country contacts suggest that incidents of formal armed conflict between the Sudanese Armed Forces and rebel-linked groups have decreased. However, DFAT assesses that there are recent credible examples of the Government and associated militias targeting Fur, Zaghawa and Massalit in Darfur on the basis of their ethnicity. The US Department of State's 2015 Human Rights Report states that fighting in Darfur was often along ethnic lines and that Government-linked groups killed and injured civilians, raped women and children, looted properties, targeted camps for internally

[19] Australian Government, 'DFAT Country Report, Sudan' (p8), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

displaced people and burned villages. The UN Panel of Experts on Sunday [sic, Sudan] characterised the current Government strategy in Darfur as one of collective punishment of villages and communities from which the armed opposition are belief to come from or operate. Complicating the situation in Darfur is the significant long-term displacement and the impact this has had on changes to land distribution patterns. In-country contacts suggest that the ability of displaced populations in Darfur (including the Fur, Zaghawa or Massalit) to return to their former land and agriculturalist lifestyle is limited. Overall, DFAT assesses that Fur, Zaghawa or Massalit located in Darfur face a high risk of discrimination and violence on the basis of their ethnicity and their actual or perceived support for or association with rebel groups.'[20]

4.5.3 The US State Department observed that in 2016:

'Human rights organizations accused government forces and rebel groups in Darfur and the Two Areas of perpetrating torture and other human rights violations and abuses. Government forces abused persons detained in connection with armed conflict as well as IDPs suspected of having links to rebel groups. There were continuing reports that government security forces, progovernment and antigovernment militias, and other armed persons raped women and children.

'In Darfur, fighting involved government forces, rebels, and ethnic militias, and it was often along communal lines. These armed groups, including the RSF, which NISS controlled, killed and injured civilians, raped women and children, looted properties, targeted IDP camps, and burned villages in all of Darfur's five states. Multiple sources reported the RSF also destroyed and plundered water wells, food stores, and community resources, including livestock. A September [2016 – see paragraphs following] Amnesty International report alleged the government used chemical weapons to target civilian areas in Jebel Marra, Darfur from January to September. UN monitors were unable to verify the alleged use of chemical weapons, due in part to lack of access to Jebel Marra and insufficient corroborating evidence. The report that also alleged the government engaged in scorched earth tactics was corroborated by multiple sources from Darfur.

'These acts resulted in approximately 80,600 newly displaced persons by September, but, nevertheless, a decrease from 243,000 reported during the same period the previous year. An increase in criminality and banditry also contributed to a deterioration of overall security in Darfur. UNAMID continued to document hundreds of cases of human rights abuses, including unlawful killings, other abuses of the right to physical integrity, and arbitrary arrest and detention.

'Sexual and gender-based violence continued throughout Darfur and the Two Areas…

'All states in Darfur were under varying states of emergency. Between December 2015 and September [2016], there were 1,626 cases of criminality and banditry, which included 384 killings. The attacks included rape, armed robbery, abduction, ambush, livestock theft,

[20] Australian Government, 'DFAT Country Report, Sudan' (p9), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

assault/harassment, arson, and burglary and were allegedly carried out primarily by Arab militias, but also by government forces, unknown assailants, and rebel elements.

'Security in Darfur continued to deteriorate due to the rise in criminal activity and intercommunal conflict. The independent expert on the situation of human rights in Sudan noted with concern that, during the year, the size and scale of intercommunal clashes over cattle rustling and control of natural resources in Eastern Darfur had been unprecedented, as were the sophisticated firearms used by the combatants.'[21]

4.5.4 In a report released in September 2016 Amnesty stated that, based on interviews with over 231 'survivors' conducted by phone or over the internet, government forces deliberately bombed civilians and civilian property leading to over 350 deaths. The government forces also perpetrated 'unlawful killing of men, women, and children, the abduction and rape of women, the forced displacement of civilians, and the looting and destruction of civilian property, including the destruction of entire villages.' Amnesty also alleged that government forces had used chemical weapons, resulting in the deaths of 250 or more people. However, the report acknowledged that because of restricted access to Darfur it is 'extradordinarily difficult' to obtain credible and reliable evidence about human rights violations in the area.[22]

4.5.5 The UN Secretary General observed in his report covering events between 15 December 2016 and 15 March 2017:

'The situation in Darfur has evolved. The Government and rebel groups are no longer engaged in active combat, and the presence of the rebel groups has diminished, except in the area of the Jebel Marra. Consequently, the security and humanitarian situations have improved in most of Darfur. Nevertheless, internally displaced persons still face violent attacks that preclude their safe, voluntary and dignified return. Such attacks are perpetrated by Government forces, armed militias or criminal elements, both inside their camps and when they step out to engage in life-sustaining activities, such as farming or water collection. Women and children remain particularly vulnerable, and crimes against them continue to occur daily. Lands, farms and properties that they once called home have been occupied by others, and armed clashes over these resources continue to claim the lives of the people in Darfur.'[23]

4.5.6 El-Ghassim Wane, Assistant Secretary-General for Peacekeeping Operations, noted in a briefing to the UN Security Council of 14 June 2017:

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[21] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2g), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed: 29 March 2017

[22] Amnesty International, '"Scorched earth, Poisoned air", Sudanese government forces Ravage Jebel Marra, Darfur' (ps4-5), 27 September 2016, http://www.amnestyusa.org/sites/default/files/jebel_marra_report_c2.pdf. Accessed 26 July 2017

[23] UN Security Council, 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (para 64), 23 March 2017, https://unamid.unmissions.org/sites/default/files/sg_report_on_unamid_23march2017_n1706860.pdf. Accessed 27 July 2017.

'…over the past three years, the armed conflict that gave rise to the deployment of [African Union – UN Mission in Darfur] UNAMID has markedly changed, following a successful military campaign by the Government, which reduced the rebellion to a small presence of the Sudan Liberation Army/Abdul Wahid in Western Jebel Marra. The number of intercommunal and security incidents has also decreased as a result of the efforts of the Government and community leaders, with the support of UNAMID. In parallel, with the conclusion of the national dialogue and the inclusion of the Doha Document for Peace in Darfur into the Constitution, progress has been made on the political front.

'Yet, as illustrated by an internally displaced person population of 2.7 million, a number of crucial grievances at the origin of the conflict and key issues related to its aftermath are still to be addressed. While security in the State capitals has improved, challenges in other parts of Darfur remain. This is due mainly to the activities of militia groups, unresolved intercommunal disputes over land and other resources, the prevalence of weapons and crime, coupled with the inadequate capacity and effectiveness of the rule of law institutions.

'At present, UNAMID deals with two sets of issues that are both related to the root causes of the conflict: first, the continued instability in the greater Jebel Marra area and the displacement in the vicinity; and secondly, intercommunal violence.'[24]

4.5.7 Mr Wane also reported to the UN Security Council that:

'The level of armed hostilities is significantly lower than in previous years. The armed movements attempted to reassert their military presence in North and East Darfur in late May and early June [2017], but remain unable to conduct sustained military operations in the face of the military of the Sudanese Government. In response to intercommunal conflict during the migration season, Government authorities at both the local and federal levels, as well as community leaders, supported by UNAMID, undertook preventive measures and endeavoured to reduce the impact of the difficulties encountered, thereby contributing to reduced violence as compared to recent years.'[25]

4.5.8 Similarly, the UN Security Council as part of its statement accompanying resolution 2363, renewing the mandate of the joint African Union – UN peacekeeping mission (UNAMID), welcomed:

'… [the] overall improvement in security conditions, [but] expressing concern that the overall security situation in Darfur remains precarious due to activities of militia groups, the incorporation of some militias into auxiliary units of the Government of Sudan forces, which have become key actors in the conflict between the Government of Sudan and the armed movements

[24] UN Security Council, '7969th meeting' (p2), 14 June 2017 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7969.pdf. Accessed 26 July 2017.
[25] UN Security Council, '7969th meeting' (p3), 14 June 2017 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7969.pdf. Accessed 26 July 2017.

and in inter-communal conflict and further exacerbate insecurity and threats against civilians in Darfur, the prevalence of weapons, which contributes to large scale violence and is undermining the establishment of the rule of law, acts of banditry and criminality and the absence of rule of law,

'Noting that inter-communal conflicts remain one of the main sources of violence in Darfur and expressing concern at ongoing inter-communal conflict over land, access to resources, migration issues and tribal rivalries, including with the involvement of paramilitary units and tribal militias, as well as at the persistence of attacks against civilians, sexual and gender-based violence and that crucial grievances that caused the conflict remain unaddressed'[26].

4.5.9 In his report to the UN Secretary Council covering the period 15 December 2016 to 15 March 2017, the UN Secretary-General noted: 'The unilateral ceasefire announced on 10 October 2016 by the President of the Sudan, Omar Hassan A. Al-Bashir, was extended for one month on 31 December, and for an additional six months on 15 January 2017. Similarly, the six-month ceasefire declared on 30 October 2016 by the rebel coalition, the Sudanese Revolutionary Front, remained in place.'[27] The Sudan government announced on 2 July 2017 that it would extend its ceasefire in Darfur to 31 October 2017.[28]

4.5.10 Updated UN reports on the security situation in Darfur are available on the refworld and the security council report websites. Additionally, maps and tables of conflict casualties, as well as other forms of violence, compiled by ACCORD based on data gathered by the Armed Conflict Location & Event Data Project (ACLED), which in turn is based on publicly available reporting, is available on the ecoi.net database website.

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5. Khartoum

5.1 Ethnic demography

5.1.1 There are no recent and reliable census data available for the ethnic composition of the population of Sudan in general or Khartoum in particular[29]. The CIA Factbook estimated that the country's main ethnic groups are 'Sudanese Arab (approximately 70%), Fur, Beja, Nuba, Fallata'[30],

[26] UN Security Council, 'Resolution 2363 (2017)', (p2), 29 June 2017, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2363.pdf. Accessed 26 July 2017.
[27] UN Security Council, 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (para 3), 23 March 2017, https://unamid.unmissions.org/sites/default/files/sg_report_on_unamid_23march2017_n1706860.pdf. Accessed 28 July 2017.
[28] News24, 'Sudan extends ceasefire in 3 conflict zones', 3 July 2017, http://www.news24.com/Africa/News/sudan-extends-ceasefire-in-3-conflict-zones-20170702. Accessed 28 July 2017.
[29] UN Human Rights Council, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 – Sudan' (para 52), http://www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx. Accessed 26 July 2017.
[30] Central Intelligence Agency (CIA), World Factbook, Sudan (People and society), updated 19 July

5.1.2 Sudan's population was estimated by the US Bureau of the Census to be 36,729,501 in July 2016 [31]. This is composed of

'…more than 500 ethnic groups, speaking numerous languages and dialects. Many of these ethnic groups self-identify as Arab, referring to their language and other cultural attributes. Other tribes self-identify, or are identified by the broader society as African. Northern Muslims traditionally dominated the government… "National Identity" is one of the six discussion committees of the national dialogue.' [32]

5.1.3 Estimates vary for the size of Khartoum's population from around 5 million[33] to close to 8 million[34]. Khartoum's growth has been rapid since the 1970s, with the key drivers of urbanisation: '… forced displacement, including influxes of refugees and IDPs, seasonal and economic migration from all parts of the country [… because of] the concentration of wealth and services in Khartoum.'[35] Janes noted that the population of metropolitan Khartoum is growing rapidly.[36]

5.1.4 The main cause of population growth since the 1970s has largely been internal displacement from other parts of Sudan (and now South Sudan) including up to 120,000 persons from Darfur and Southern Kordofan in the mid 1980s. The conflict in Darfur 'generated a further influx of IDPs, but little accurate information is available on how many have fled to the city since the outbreak of the war in 2002.'[37] Two sources interviewed by the UK Home Office – Danish Immigration Service fact finding missions to Kenya, Uganda and Sudan (UK-DIS FFM report) undertaken in February and March 2016, similarly noted that the movement of Darfuris has occurred for many years: '… migration of people from Darfur and the Two Areas to Khartoum had been occurring for a long time – some interlocutors observed that communities had moved to Khartoum several decades ago, dating back to the 1980s and 1990s, and referred to phases of displacement to Khartoum.' [38]

2017, https://www.cia.gov/library/publications/resources/the-world-factbook/geos/su.html. Accessed 26 July 2017.

[31] CIA, 'World Factbook', Sudan (People and society), updated 19 July 2017, https://www.cia.gov/library/publications/resources/the-world-factbook/geos/su.html. Accessed 26 July 2017.

[32] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 6), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306.Accessed 29 March 2017

[33] CIA, 'World Factbook', Sudan (People and society), updated 19 July 2017, https://www.cia.gov/library/publications/resources/the-world-factbook/geos/su.html. Accessed 26 July 2017.

[34] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (p11), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017.

[35] Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study' p35, January 2011, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6520.pdf. Accessed 26 July 2017.

[36] IHS.com, Janes, 'Country Risk Assessment - Sudan' (Economy), updated 9 May 2017, www.janes.com (subscription only). Accessed 26 July 2017.

[37] Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study' (p6), January 2011, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6520.pdf. Accessed 26 July 2017.

[38] UK-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint

5.1.5 Janes noted that Khartoum's population included '2 million displaced persons from the southern war zone as well as western and eastern drought-affected areas.' [39]According to Sudan government figures, released in April 2010, cited in the an Overseas Development Institute (ODI) paper, there were over 600,000 IDPs in Khartoum. This was in addition to over 1.5 million 'integrated' IDPs in the city – 59% of whom were from Abyei, Southern Kordofan and Blue Nile with the remaining 41% were from other parts of the country. While the percentage of the city's population who were IDPs was estimated in 2008 by another source cited in the ODI paper to be between 18-23% (around 1 to 1.5 million) of the total[40].

5.1.6 The ODI paper observed:

'Given the length of time many IDPs have been resident in Khartoum, these 'old caseload' populations are no longer seen as displaced. Meanwhile, very little time or resources have been available to respond to new IDPs from Darfur. Several interviewees told us that, having made it to Khartoum, these IDPs were somehow self-sufficient, and by implication not in need of help. Darfuri displaced have not been allowed to concentrate in specific areas in Khartoum; as a result they are scattered all over the city, and their numbers are unknown.'[41]

5.1.7 During the joint the UK-FFM of February-March 2016, the FFM team were provided with estimates of the Darfuri population in Khartoum by a range of sources:

'Sources consistently observed that there was a lack of empirical data to verify the actual number of persons from Darfur and the Two Areas residing in Khartoum, whilst the figures referred to by sources ranged widely.

'However, several sources referred to very sizeable populations from Darfur and the Two Areas residing in Khartoum, either in the actual numbers mentioned, or in the description given. For example Freedom House mentioned "sizeable populations of Darfuris residing [in Khartoum]…"; the regional NGO advised that the number was 'substantial and increasing' with "sizeable" Darfuri populations, whilst the diplomatic source referred to persons from Darfur and the Two Areas as constituting a 'big community' in Khartoum. Other sources made similar statements.

'A couple of sources provided estimates of the size of populations from Darfur and Two Areas living in Khartoum, ranging from hundreds of thousands and up to a million or greater. The highest figures estimated was

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report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016' (section 1.3), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance' Accessed 26 July 2017.

[39] IHS.com, Janes, 'Country Risk Assessment - Sudan' (Economy), updated 9 May 2017, www.janes.com (subscription only). Accessed 26 July 2017.

[40] Humanitarian Policy Group - Overseas Development Institute, City limits: urbanisation and vulnerability in Sudan, Khartoum case study, p4, January 2011, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6520.pdf. Accessed 26 July 2017.

[41] Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study', p33, January 2011, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6520.pdf. Accessed 26 July 2017.

five million. Two sources referred to the size of these communities as 60 or 70 per cent of the total population of Khartoum.

'Sources provided limited information on specific tribal representations or numbers in Khartoum. The civil society NGO referred to one million from the Fur tribe living in Greater Khartoum… whilst the international consultant noted that one could find Darfuris from all tribes living in Khartoum, although no reference was made to numbers or size.' [42]

5.1.8 The British Embassy in Khartoum noted that many Darfuris, including non Arabs, are represented at a senior level in the government, academia, the security forces, the media and in other institutions.[43] While the Darfur Students' Association estimated that in 2016 there were 18,000 students from Darfur enrolled in universities in Khartoum. Darfur students represented an estimated 7% (26,000) of the country's total student population of 360,000[44].

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5.2 Treatment of non-Arab Darfuris

5.2.1 See the country policy and information note on Opposition to the state, in particular the sub-sections on Darfuri students, Civil society and Journalists / media workers for information on the treatment of Darfuris who oppose or criticise the government.

5.2.2 Asylum Research Consultancy's (ARC) compilation COI enquiry response, based on sources released between 2012 and March 2014, and subsequent ARC report based on material released up to 18 August 2015 on living conditions in Khartoum and Omdurman for persons not from these cities, provide material on the treatment and conditions of non-Arab Darfuris.

5.2.3 The ODI paper of 2011 on settlement patterns in Khartoum observed:

'Khartoum can sometimes appear to have a split personality. Strict Islamic behavioural codes and the veneer of control that the city exudes mean that Khartoum is often touted as one of the safest capitals in Africa. Yet beyond the inner city is another, hidden world of frustration, desperation, poverty and crime. Even so, Khartoum's people manage to live side-by-side, despite glaring injustices and tense identity politics. As de Waal (2007) puts it:

'"is there something peculiarly Sudanese about how the extraordinary extent of urbanisation has been handled with remarkably low levels of evident friction? What has made it possible for Sudanese to live together in peace in the city … while war rages in the peripheries?"

[42] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016' (section 1.1), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017.
[43] British Embassy - Khartoum, Letter: 'Non-Arab Darfuris in Sudan', 29 September 2016, Annex A.
[44] Amnesty International, 'Uninvestigated, Unpunished', Human Rights Violations against Darfuri Students in Sudan (p13), first published January 2017 resiussed 15 May 2017, (accessed via refworld) http://www.refworld.org/country,,AMNESTY,,SDN,,591b0f754,0.html. Accessed 26 July 2017.

'Settlement patterns in Khartoum have long been influenced by political, economic and tribal or family factors.'[45]

5.2.4 The UN submission of March 2016 as part of the Universal Periodic Review (UPR) of Sudan in May 2016 observed on the subject of equality and non-discrimination:

'The Committee on the Elimination of Racial Discrimination noted the existence of constitutional provisions on equality and non-discrimination and measures taken in that area. It recommended that the Sudan introduce a comprehensive definition of racial discrimination.[…]

'The Special Rapporteur on women noted information regarding the racialized/ethnicized targeting of Darfuri women students, such as the practice of cutting their hair and questioning their "Arab" identity.[…]

'The Committee on the Elimination of Racial Discrimination noted with concern the strong ethnic dimensions of the conflict, notably in Darfur, Southern Kordofan and Blue Nile, and urged the Sudan to integrate the principles of equality and non-discrimination in its conflict resolution and peacebuilding efforts.[…][46].

5.2.5 The submission of stakeholders of March 2016 as part of the UPR of Sudan stated, without specifying whether the observations applied to Sudan generally or Khartoum in particular, that:

'JS6[47] noted that over the past four years the [National Intelligence and Security Service] NISS has used its powers of arrest without charge to arbitrarily detain scores of perceived opponents and other people with real or perceived links to the rebel movements often targeted because of their ethnic origin. The NISS routinely holds detainees incommunicado and without charge for prolonged periods. The NISS used different tactics to frighten political opponents and activists.'[48]

5.2.6 The same submission reported without specifying whether the observations applied to Sudan generally or Khartoum in particular:

'[Amnesty International] AI noted widespread suppression of non-Muslim and Muslim minority groups.[…]

[45] Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study' (p3), January 2011, https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6520.pdf. Accessed 26 July 2017.
[46] UN Human Rights Council, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21' (paras 20 to 23), 7 March 2016, http://www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx. Accessed 26 July 2017.
[47] Joint submission submitted by: African Centre for Justice and Peace Studies (ACJPS) located in NY, London, and Kampala , International Federation for Human Rights (FIDH), Paris (France) , and International Refugee Rights Initiative (IRRI) NY, Oxford and Kampala, (Uganda);
[48] UN Human Rights Council, 'Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21' (Stakeholders summary) (para 43), http://www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx. Accessed 26 July 2017.

'JS2[49] reported that the Indigenous People Economic, Social and Cultural rights were violated with denied access to trade markets. Shops in town centres allocated to particular groups are intentionally denied to the indigenous population. They recommended Sudan to protect ethnic and religious minorities, apply equal citizenship rights and prosecute perpetrators of these fundamental rights violations.'[50]

5.2.7 The USSD human rights report for 2016 observed: 'The Muslim majority government continued to discriminate against ethnic and some religious minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas'[51].

5.2.8 In an article dated 26 June 2015, African Centre for Justice and Peace Studies (ACJPS) reported that 'Members of ethnic minority groups, including Darfuris and people hailing from Sudan's Blue Nile and South Kordofan states, are particularly vulnerable to torture and ill-treatment. ACJPS has documented threats of sexual violence against male and female detainees, as well as cases of rape against female detainees in state custody. Detainees have also reported the use of racist verbal abuse.'[52]

5.2.9 The DFAT assessed in its April 2016 report:

'There are[…] examples of individuals from Darfur being targeted outside of Darfur, particularly in Khartoum. There are a number of factors that influence the treatment of Darfuris in Khartoum, including their actual or perceived support for or association with rebel groups, or the criticism, particularly from students, of the implementation of the Doha Document for Peace in Darfur (which guaranteed free university education for Darfuris). For example, between late April and early July 2015 over 200 Darfuri students and their families were detained in Khartoum following protests.

'Overall, DFAT assesses that Darfuris in Khartoum face a moderate risk of discrimination and violence on the basis of their ethnicity and their actual or perceived support for or association with rebel groups. DFAT assesses that Darfuris who actively criticise the Government, such as through participating in protests, face a higher risk.'[53]

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[49] Joint submission submitted by: Our Rights Group (ORG) on behalf of Asmaa Society for Development, Sudanese Human Rights Monitor's (SHRM), Awn Center, Sudanese Development Initiative(Sudia), Sudanese Solidarity Committee, Sudanese Organization for Research & Development (Sord) and Seema, (Sudan)

[50] UN Human Rights Council, 'Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21' (Stakeholders summary) (paras 66-67), http://www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx. Accessed 26 July 2017.

[51] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 6), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed: 29 March 2017

[52] African Centre for Justice and Peace Studies, 'Sudan: On the international day in support of torture survivors, end torture and repeal enabling legislation', 26 June 2015 http://www.acjps.org/sudan-on-the-international-day-in-support-of-torture-survivors-end-torture-and-repeal-enabling-legislation/. Accessed 26 July 2017.

[53] Australian Government, 'DFAT Country Report, Sudan' (p12), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

5.2.10 The DFAT report also considered that:

'… individuals from Darfur, including individuals from the Fur, Massalit and Zaghawa groups could safely relocate to Khartoum, pending individual circumstances (such as whether or not the individual was associated with the armed opposition). There are some examples of individuals from Darfur being targeted in Khartoum… DFAT further assesses that individuals in areas controlled by the armed opposition in Jebel Marra may face difficulty in relocating owing to ongoing conflict in this area.

5.2.11 'Livelihood challenges would likely hamper opportunities for internal relocation in Sudan. The informal nature of the economy (particularly outside of Khartoum), the significant reliance on humanitarian assistance in conflict-affected areas and reduction in informal and low-skilled employment opportunities due to the influx of refugees from neighbouring countries means that individuals would likely face economic hardship if relocating. In addition, the Government does not recognise internally displaced people in Khartoum, meaning that individuals relocating from conflict affected areas do not have access to humanitarian assistance in Khartoum.'[54]The UK-DIS FFM report, based on a range of sources, in the section on the reasons for displacement of persons including Darfuris to Khartoum noted that sources were consistent in identifying 2 main factors for relocation. One was the socio-economic situation in areas of origin and the relatively better circumstances in Khartoum, the other:

'… the improved security situation in Khartoum and dire conditions in Darfur and Two Areas. For example, the UN official remarked that Khartoum was a safe place for many Darfuris; Crisis Group noted that the security situation in Khartoum was much better than other places in Sudan, and that there had been an increasing 'securitisation' of the capital in recent years with no major external security threats.'[55]

5.2.12 The UK-DIS FFM report, based on a range of sources, also noted:

'Several sources referred to the NISS conducting surveillance of persons in Khartoum and having a network of informants, including within the Darfuri and Two Area communities, for example DBA (Khartoum) noted that the NISS had informants in the Darfuri student population who had informed the NISS about who was active in demonstrations. One source referred to the NISS' use of electronic surveillance, for example tapping phone calls or monitoring online social media.

'A majority of sources observed that those from Darfur or the Two Areas who were critical of the government and/or had a political profile may be monitored and targeted by the NISS in Khartoum. This could include many different forms of activism.

[54] Australian Government, 'DFAT Country Report, Sudan' (p26), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

[55] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016' (section 1.2_, August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

'Several sources identified student activists from Darfur and the Two Areas as being at risk of being targeted

'Several sources noted that security operations, including arrest and detention, by the government, including the NISS was not constant, but changed over time. Freedom House noted, for example, that the intensity of security operations could be seen to reflect the wider political climate with periods when the government would act in a fairly repressive way but during other times persons were able to express their views without serious reaction.

'Referring more generally to the issue of discrimination and restriction of political freedoms, Crisis Group noted that the discriminatory practices suffered by Darfuris and persons from the Two Areas, were systematic, but not constant, and that there may be periods where discriminatory practices were more intensely pursued and conversely times when discrimination was less pronounced… The SDFG [Sudan Democracy First Group] advised that it was difficult to say what was happening in Khartoum today or the extent to which persons from Darfur or the Two Areas were targeted by the NISS now. According to the source, it was predominantly politically active persons who were targeted by the NISS.'[56]

5.2.13 The UK-DIS FFM report, citing several sources, stated:

'Four sources observed that all communities from Darfur or the Two Areas in Khartoum could be at risk of mistreatment by the NISS or indicated that persons from these communities may be targeted by the authorities due to their ethnicity alone. However, none of the sources provided specific information indicating that persons from Darfur or the Two Areas were being subjected to mistreatment by the authorities exclusively due to their ethnic background.

'Faisal Elbagir (JHR [Journalists for Human Rights]) noted that whilst there was no official report on ordinary civilians (that is persons who were not involved in political activities) from Darfur or the Two Areas being targeted by the authorities merely due to their ethnic affiliation, such cases could be found on social media. However, the source could not give examples of such cases which had been verified. Elbagir also remarked that due to media restrictions in Sudan, it was often difficult to obtain accurate news reports about cases of detention.

'Khartoum based journalist (1) noted that it was the type and level of political activity rather than one's ethnic background which was the determining factor behind who was monitored and targeted by the NISS. ACPJS [African Centre for Justice and Peace Studies] explained that ethnicity was complicated and that ethnic disputes were often exploited by the government to pursue political goals. ACPJS highlighted that in general anyone who was

[56] UKHO-DIS 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016', (sections 3.1, 3,2, and 3.2.1), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

suspected of political opposition against the government could be targeted, including persons from Arab tribes.

'Some sources advised with regard to the arrest of Darfuris in Khartoum that there had been no large scale arbitrary arrest of Darfuris in Khartoum in recent years compared to that of 2008, following the JEM assault on Omdurman. Sources noted that at that time widespread security operations in Khartoum took place, which were often based on the skin colour and ethnicity of a person.

'A number of sources, however, noted that those from Darfur and the Two Areas, and in particular those of African ethnicity, were more likely to be viewed with greater suspicion and treated worse in detention than other tribes from Darfur and the Two Areas if they did come to the attention of the NISS due to their political activity. Some sources also mentioned Ingessana from the Two Areas among the tribes being suspected by the authorities for political activity. Several sources noted that the Darfuri and the Two Area communities were perceived by the NISS to be 'rebel sympathisers' and consequently these communities would be more closely monitored by the NISS, for example through the use of informants. Khartoum based journalist (3) held the view that it was only those communities arriving in Khartoum post 2003 who would be monitored.

'DBA [Darfur Bar Association] (Kampala) and ACPJS observed that those from other Darfuri tribes (i.e. not the Fur, Masalit and Zaghawa), would not generally be perceived as opposed to the regime or commonly associated with rebel groups and hence not being monitoring by the NISS. However DBA (Khartoum) noted, in the context of how persons from Darfur and the Two Areas were treated on arrest, that other African Darfuri tribes, including the Tunjur, Meidob, Tama, Mima, Gimir and Dago tribes, were treated more harshly than Arab-origin tribes because the authorities assumed that these groups supported armed rebel groups. DBA (Kampala) also observed that activists of Arab origin may experience harsh treated for advocating in favour of the rights of non-Arab tribes.

'EHAHRDP [East and Horn of Africa Human Rights Defenders Project] commented that it was difficult to be prescriptive about which tribes would be at greater risk, although considered those from Arab Baggara tribes as less likely to experience mistreatment because these tribes were commonly associated with the pro-government Janjaweed militia.

'UNHCR noted, however, that it was difficult in practice to treat persons differently on the basis of their tribal affiliation. The source explained that it was difficult to say which group would be targeted and which would not due to the sheer number of different tribes in Darfur (over 400), and the fact that mixed parentage occurred.'[57]

[57] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 3.3), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

5.2.14 With regard to women and girls, the UN Special Rapporteur on violence against women, noted in a report of 18 April 2016 following a visit to Sudan in May 2015 that she had:

'… received allegations about targeted harassment of women from minority ethnic groups, including Darfuri and Nuba women. Their humiliation is in particular linked to their perceived racial identity and questioning of their "Arab" identity. Information was shared about the practice of cutting the hair of some women from Darfuri communities, as well as sexual harassment and/or rape allegedly conducted against both Darfuri and Nuba women by the State authorities. It was also reported that persons of Nuba origin had fewer job opportunities, might be more likely to be victims of violence or threats by the authorities, and were the target of discriminatory application of the law.

'Unfortunately, due to the restrictions described above regarding unfettered access and reprisals, it was difficult to gather more information on the manifestations of violence. It is regrettable that the State authorities have denied that racial and ethnic identity is the source, and can be an exacerbating factor, of violations being experienced by women from minority communities.'[58]

5.2.15 The UK-DIS FFM report, citing various sources, also provided information on the Private Order Laws and their impact on Darfuri persons:

'According to ACPJS, the Public Order Police (POP) was widely deployed in Khartoum, with each neighbourhood having their own police force and court system. The role of the POP was to enforce Public Order Laws in Khartoum.

'A number of sources noted that women from Darfur and the Two Areas selling tea illegally (i.e. without required licence) or selling alcohol were at risk of being targeted by the POP for violating Public Order laws. ACPJS observed that the POP was more prevalent in the slum areas where persons from Darfur and the Two Areas more commonly lived. Freedom House advised that any person undertaking such activities could be targeted, not just those from Darfur or the Two Areas, but explained that the marginalisation of communities from Darfur and the Two Areas limited employment opportunities and so they were commonly found in such roles. Sources advised that there were reports of bribery, extortion and harassment committed by the POP.

'ACPJS noted that there was limited access to legal assistance at Public Order courts; no right of appeal and on-the-spot sentencing. According to SDFG, 90 per cent of those charged for such offenses would be convicted, with punishments including lashing sentences (40 lashes). However, the regional NGO advised that since the collapse of the economy in Sudan, the regime had become less hostile to those working in the informal sector, and instead saw this sector as a means through which to raise revenue through fines (under Public Order laws) and from taxation.

[58] UN Human Rights Council, 'Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan', 18 April 2016 paragraphs 33-34, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/42/Add.1. Accessed on 29 March 2017

'Some sources noted that public order offences could also include matters such as not conforming to standards of Islamic dress (e.g. wearing trousers or not wearing a headscarf). Western embassy (B) explained that POP would harass Christian Nuba women if they did not observe Islamic dress, explaining that such a person would be treated differently, for example compared to Western women or Coptic Christian women who did not observe Islamic dress. When the FFM delegation advised Freedom House that they had seen a large number of women without a headscarf in the streets during their stay in Khartoum, Freedom House commented that such an indiscretion would be less problematic for those from wealthy families who were well connected, but it may give rise to difficulties for those from marginalised communities such as Darfur or the Two Areas. However, Freedom House also noted that small acts of political opposition, such as not wearing a headscarf, were increasingly tolerated and explained that Sudan was relatively more progressive in the implementation of such laws, then for example, countries like Iran.'[59]

5.2.16 In September 2016, the British Embassy, Khartoum, observed that

'The British Embassy is in regular contact with Darfuri groups from civil society, government and political parties. In the course of these contacts, no substantial concerns have been raised over the treatment of non-Arab Darfuris settled in regions outside of Darfur that we would consider ethnic persecution, although many face economic marginalisation having been displaced due to conflict. We are also not aware of reports of systematic targeting of Darfuris from United Nations agencies or other embassies with whom we are in contact.

'As found in the UK Home Office-Danish Immigration Service FFM report [of August 2016], we do receive reports of discrimination in education and employment. We also receive reports of harassment of individuals or groups perceived to have an anti-government political stance, such as Darfuri student associations. But these issues are not overriding for Darfuris as opposed to other ethnicities. Any individual with a perceived anti-government stance can face harassment.' [60]

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6. Access to services and documentation in Khartoum

The UK-DIS FFM report of September 2016, citing various sources, provided information on the general living conditions of persons from Darfur and the Two areas, specifically covering documentation, housing/accommodation, healthcare and education.

6.1 Access to documentation

6.1.1 On documentation, the UK-DIS FFM report noted:

[59] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4.7), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[60] British Embassy - Khartoum, Letter 'Non-Arab Darfuris in Sudan', 29 September 2016, Annex A.

'A number of sources indicated that persons from Darfur and the Two Areas would, in general, have access to civil documentation, including a National ID Number ('Al-Raqam Al-Watani') required to access services and to obtain other types of documents such as passport etc.

'Several sources noted that Internally Displaced Persons (IDPs) from Darfur or the Two Areas may experience difficulties in reacquiring lost civil documentation because of the need to obtain witnesses to prove their identity.

'Some sources also observed that those of South Sudanese tribal origin, or those who may be perceived as being of South Sudanese nationality, may experience difficulties in acquiring the National Number. This was principally due to the changes made in the 2011 Nationality Act, following the succession of South Sudan.

'Some sources opined that many people from Darfur and the Two Areas viewed the new National Number with suspicion since they considered the number as a tool for the government to gather information about people in order to monitor and control them.

'According to the DBA (Kampala), the Sudanese authorities conducted a large campaign in Cairo, Nairobi and Kampala to issue National Numbers and readable passports to the Sudanese diaspora.

'One source noted that Sudanese from conflict areas living in Khartoum lacked access to basic services, and faced economic, social and political exclusion.

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6.2 Access to housing / accommodation

6.2.1 On housing and accommodation, the UK-DIS FFM report noted:

'Several sources noted that access to accommodation was not restricted, explaining that there was no systematic discrimination against persons from Darfur and the Two Areas with regard to where such communities could live in Khartoum.

'Sources highlighted that the only real difficulty regarding access to housing for persons from Darfur or the Two Areas, was whether a person had sufficient income or financial resources to live in a particular place. Sources noted that usually persons from Darfur and the Two Areas had limited financial means and so were forced to live in the poorer slum communities on the outskirts of the city, where housing was generally of a poor standard. The districts of Mayo and Omdurman were mentioned as having sizeable populations from Darfur and the Two Areas. Several sources also noted numerous other areas in Khartoum where such communities lived.

'The Commissioner for Refugees, Ministry of Interior, noted that there were no areas in Khartoum exclusively inhabited by people from Darfur and the Two Areas. Both EAC [European and African Centre] and the Commissioner for Refugees remarked that persons from Darfur and the Two Areas often stayed with relatives in Khartoum, at least initially. Forced evictions occurred

in these slum communities. Usually this resulted in communities being forced to live further outside Khartoum, where access to services was very limited.

'The international consultant observed that Darfuris tended to live in large enclaves in new conurbations in Khartoum with water, electricity etc., but observed that 'people had to pay for it'. Some sources pointed out that there were economically better-off Darfuris and people from the Two Areas who lived in better parts of Khartoum including the centre of the city. [61]

6.2.2 Radio Dabanga, a 'radio station by Darfuris for Darfuris' operated out of the Netherlands with reports from inside Sudan as well as from abroad, reported in September 2016 that:

'About 200 families in the west Fashoda area of El Salha in Sudan's second city of Omdurman have faced harsh humanitarian conditions since Ramadan, after the government authorities demolished their houses and left them in the open. One of the victims told Radio Dabanga that the majority of those whose houses were demolished in Omdurman, which lies just north of the capital Khartoum, are from Darfur, the Nuba Mountains and the Blue Nile states…. that the homes of 800 families were demolished as the area has been sold to an investment company called Sogra.

'600 of the families were moved, and the other 200 are now living in the open without services, drinking water, health, or education.'[62]

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6.3 Access to healthcare

6.3.1 The UK-DIS FFM report of September 2016 further noted 'Sources confirmed that access to healthcare in the slum areas, where the majority of persons from Darfur and the Two Areas lived was generally poor, although it was noted that there were a few public hospitals in Khartoum where there was access to low cost healthcare.

'Most sources indicated that there was no systematic discrimination against persons from Darfur and the Two Areas in accessing healthcare in Khartoum, providing they could pay for it.

'EHAHRDP commented that Sudanese from conflict areas living in Khartoum lacked access to basic services, although mentioned that general access to healthcare in Khartoum was better than in Darfur and the Two Areas.

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6.4 Access to education

6.4.1 On education, the UK-DIS FFM report noted:

[61] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4.7), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[62] Radio Dabanga, 'Demolitions leave families living rough in Sudan's Omdurman', 8 September 2016 https://www.dabangasudan.org/en/all-news/article/demolitions-leave-families-living-rough-in-sudan-s-omdurman. Accessed 26 July 2017

'Sources confirmed that access to education in the slum areas, where the majority of persons from Darfur and the Two Areas lived, was generally limited and the quality of education was poor.

'A number of sources indicated that there was no systematic discrimination against persons from Darfur and the Two Areas in accessing education in Khartoum, providing they could pay for it. NHRMO [The National Human Rights Monitors Organisation] advised that the regime used schools to advocate its ideological aims and recruit NCP supporters, hence it would not seek to restrict access to those from Darfur or the Two Areas.

'Two sources noted that a lack of documentation / birth certificates could make it difficult for IDPs from Darfur and the Two Areas to enrol their children into schools in Khartoum, as it would not be possible to demonstrate their nationality.

'Some sources noted that persons from Darfur and the Two Areas were more likely to send their children to work rather than school because of their economic circumstances.

'EHAHRDP commented that Sudanese from conflict areas living in Khartoum lacked access to basic services, although mentioned that general access to education in Khartoum was better than in Darfur and the Two Areas...'[63]

6.4.2 The British Embassy in Khartoum noted that Darfuris outside of Darfur faced economic marginalisation and reportedly discrimination in education.'[64]

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6.5 Access to employment

6.5.1 The UK-Danish FFM report of September 2016, based on a range of sources noted that:

'Sources highlighted the improved economic conditions, including access to employment, as one of the pull factors driving migration from Darfur and the Two Areas to Khartoum.

'Several sources noted that persons from Darfur and the Two Areas predominantly worked in the informal sector, for example as security guards; laundry; construction or agriculture. Several sources also confirmed that persons from Darfur and the Two Areas, especially women, could also be found working illegally, for example illegal selling of tea or coffee or selling alcohol…

'Several sources indicated that persons from Darfur or the Two Areas experienced some degree of discrimination which was reflected in their limited access to certain types of jobs/sectors in the labour market in Khartoum. For instance, such persons would likely find it difficult to secure skilled employment; enter into certain qualified professions or sectors

[63] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[64] British Embassy - Khartoum, Letter 'Non-Arab Darfuris in Sudan', 29 September 2016, Annex A.

especially within the public sector. . Several sources also pointed at the adverse economic conditions and the general shortage of jobs in Sudan as an additional factor, which made it difficult for Darfuris and persons from the Two Areas to access employment in the formal sector. As a result those with an academic background tended to leave Sudan to work overseas, for example in the Gulf states or Europe.

'The international consultant noted that those from Darfur or the Two Areas were broadly divided into two groups – those who were educated and who were professionally employed, e.g. as teachers or self-employed, and those who lacked a formal education and worked in the informal sector, such as agriculture or construction.

'The Khartoum based human rights organisation noted that Darfuri African tribes, such as the Masalit, Fur and Tunjur or (African) tribes from the Nuba Mountains were more likely to experience employment discrimination. Western embassy (C) likened employment discrimination against African (non-Arabs) from Darfur and the Two Areas as similar to the difficulties faced by migrants / refugees seeking employment in Europe.

'Some sources indicated that loyalty to the regime / NCP would influence the likelihood of employment in some sectors.

'Other sources identified that Darfuris and persons from the Two Areas could be found employed in the armed forces, including the police. However, based on his experience, the international consultant considered it unlikely that the provisions in the Doha Document for Peace in Darfur (DDPD), aimed at improving representation of Darfuris in government positions and the armed forces had been met.'[65]

6.5.2 The British Embassy in Khartoum has received reports that Darfuris outside of Darfur experienced discrimination in employment.[66]

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6.6 Access to humanitarian assistance

6.6.1 The UK-DIS FFM report also obtained information on the humanitarian assistance available to persons from Darfur (and the Two Areas) and size and location of IDP camps:

'Western embassy (A) observed that there was a lack of humanitarian assistance in Khartoum to support vulnerable communities, including IDPs temporarily displaced from Darfur and the Two Areas. It was noted by the source that humanitarian organisations not associated to the government, faced difficulties obtaining permits and visas for staff.

'EHAHRDP advised that the Humanitarian Affairs Committee (HAC) in Khartoum, which was a government body, had previously restricted

[65] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[66] British Embassy - Khartoum, Letter 'Non-Arab Darfuris in Sudan', 29 September 2016, Annex A.

international organisations, such as the Red Crescent Society, from providing aid relief.

'The civil society NGO advised that in the slum areas of Greater Khartoum there were social committees supporting to the local communities with regard to access to services.

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6.7 Internally Displaced Person camps

6.7.1 On IDPs, the UK-DIS FFM report noted:

'Three sources noted that there were no IDP camps / registered IDPs in Khartoum , and some sources advised that former IDP camps had become integrated into the city and become an integrated part of Khartoum's poor neighbourhoods. However, the diplomatic source referred to a settlement in Mayo that 'looked more like an IDP camp, without access to basic services. The Commissioner for Refugees advised that there were some IDP camps in Khartoum, but the source had no further details on this. However, the Commissioner noted that most persons from Darfur and the Two Areas living in Khartoum had not come as IDPs but were economic migrants.'67

6.7.2 The USSD report for 2016 noted: 'As in previous years, the government did not establish formal IDP or refugee camps in Khartoum or the Two Areas, and UNHCR did not make any formal requests to establish such new camps during the year.'[68]

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6.8 Societal discrimination

6.8.1 The UK-DIS FFM report, citing various sources, noted:

'A number of sources observed that persons from Darfur and the Two Areas, and in particular those of African descent, experienced some level of discrimination or societal harassment. To illustrate this, five sources referred to the use of derogatory phrases such as 'slave', especially from those belonging to Riverine Arab tribes.

'Crisis Group noted that despite 'systematic' discrimination restricting those from Darfur and the Two Areas in conducting political activities, such communities were able to live 'day to day' in Khartoum. The source also considered that the level of discrimination an individual may experience was linked to how politically involved a person was and how long they had lived in the city; according to the source those with established links over a longer period would likely experience less discrimination in Khartoum. Western embassy (A) remarked that there was no visible societal discrimination

[67] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[68] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 6), 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

against the Darfuri and persons from the Two Areas, except within the student community.

'DBA (Kampala) noted that discrimination tended to be from the authorities, rather than the civilian populace. The source referred to cases of discrimination involving the POP who targeted illegal tea sellers; in cases of recruitment into the civil service or in the over-taxation of Darfuri businesses. Three sources considered day to day discrimination from officials working in the Sudanese authorities to be reflective of a wider 'racist narrative' or supremacist ideology, which placed emphasis on a person's skin colour and was prejudicial towards those of African / non-Arab descent.

'Two sources considered societal discrimination and racism against persons from Darfur and the Two Areas as a major problem in Sudan.'[69]

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7. Return of rejected asylum seekers from Darfur

7.1.1 For information on reports of arrest, detention and ill-treatment on return because of a person's real or suspected political profile, including persons originating from Darfur, see country policy and information on Opposition to the state, subsection, Treatment on arrival at Khartoum International Airport. For information on the process for return and treatment of returnees generally see country policy and information note, Rejected asylum seekers.

7.1.2 Reporting on the arrest of returnees to Sudan from Israel, including individuals originating from Darfur, in Khartoum a September 2014 Human Rights Watch report noted that 'Sudanese law makes it a crime, punishable by up to ten years in prison, for Sudanese citizens to visit Israel'.[70] The same source reported:

'Some Sudanese who returned to Sudan [from Israel claimed to] have faced persecution. One Sudanese returnee told Human Rights Watch security officials interrogated and tortured him on his return to Sudan about his membership in Darfuri opposition groups while two others said they were interrogated and held for weeks at times in solitary confinement. One man was charged with treason for traveling to Israel and one returnee's relative said his brother disappeared on return to Khartoum. Four others said they were interrogated and then released…'[71].

[69] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 5), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[70] Human Rights Watch, '"Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel' (p4), 9 September 2014, https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers accessed 15 September 2016

[71] Human Rights Watch, '"Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel' (ps42-46), 9 September 2014, https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers. Accessed: 29 March 2017

7.1.3 The report also referred to an interview with 2 other Darfuri men returned from Israel.

- A 36-year-old Sudanese man from Darfur who returned to Khartoum from Israel in August 2013 described how National Security officials interrogated and tortured him when he returned to Khartoum. The main wad questioned about why he had gone to Israel and his activities there, including names of persons belonging to the Sudan Liberation Army.
- A 32 year-old man from Darfur who returned to Khartoum from Israel in February 2014 described his eight-week-long detention and interrogation on returning to Khartoum:

  'After almost six years in Israel, I decided to leave in February [2014] after the government said they would detain any Sudanese person in Israel who had been there for more than three years. I knew that they would detain me for an unlimited amount of time and that is a form of mental and physical imprisonment.

  'When I arrived in Khartoum, security officials held 125 of us coming from Israel on the same flight and then handed us over to National Security who took us to their building in Khartoum's Sahafa District. There they interrogated me about my political history in Darfur and my support for one of the groups opposing the government there. They knew I had participated in public protests in Israel and asked me about that. The next day they took me to another National Security office near Khartoum's Shandi bus station, which the officers there called "the hotel." There they threatened to beat me if I didn't tell the truth.

  'On the third day, they took me to Kober prison in Khartoum and put me in a cell with 28 other people who had also come back from Israel. They held me there for eight weeks including about 20 days in solitary confinement. National Security interrogated me many times in the building they called "the hotel." It was always the same questions about my political views on the conflict in Darfur, which groups I supported there and why I had gone to Israel. At the end of the eight weeks they took me to the prosecutor who charged me with treason for going to Israel. He then released me on bail after my family sold all their land and paid (US)$40,000. They confiscated my passport and banned me from travelling for five years.'[72]

7.1.4 The USSD human rights report for 2015, released April 2016, observed that:

'There were at least two reports of Sudanese citizens residing abroad being deported from their country of residence at the request of the Sudanese government. In December [2015] the Jordanian government forcibly deported 800 Sudanese asylum seekers to Khartoum. The majority of

[72] Human Rights Watch, '"Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel' (ps42-46), 9 September 2014, https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers. Accessed: 29 March 2017

deportees were from Darfur. By year's end there had been no reports of torture or further violence against deportees.'[73]

7.1.5 The same source, however, in its report for 2016 released in March 2017 does not report on the experiences of the 800 returned in 2015[74].

7.1.6 The UK-DIS FFM report, based on a range of sources, noted:

'A number of sources stated that they had no information to indicate that failed asylum seekers / returnees from Darfur or the Two Areas would generally experience difficulties on return to Khartoum International Airport (KIA), or they did not consider that claiming asylum overseas would put such a person at risk per se. Western Embassy (C) noted that they had monitored the forced return of two persons from Europe in 2015 and had no reason to believe that they experienced any difficulties or mistreatment, although the source acknowledged that they were not present throughout the arrival procedure. The diplomatic source mentioned that they had experience of a very few rejected asylum seekers being deported from Switzerland and Norway. According to the source it was unclear whether these returnees could get support upon return to Sudan. However the source added that those sent back from Norway had not faced any problems upon return

'Some sources noted:

- a lack of coordination in the return operations from deporting countries to inform those concerned when precisely returnees would arrive at [Khartoum International Airport] KIA
- a general absence of independent organisations at KIA, including UNHCR, when forcibly returned persons arrived in Sudan, although IOM was present for voluntary returns
- a limited number of enforced returns from Europe

'EAC advised that at the security desk, officers asked a range of questions of failed asylum seekers returning to Sudan (for instance about how long they had stayed abroad; why they did not have a passport; or political affiliations and acquaintances abroad). ACPJS remarked that persons returning without travel documents or under escort would be subject to questioning.

'Several sources noted that Israel and Jordan had deported a number of Sudanese nationals, including persons who had claimed asylum. Sources mentioned that the most recent incident was in December 2015 and involved the large-scale deportation of Sudanese nationals from Jordan, with some sources indicating the number of persons deported was over 1,000 persons.

'Some sources noted that deportees from Israel and some of the deportees from Jordan were arrested on arrival and detained, some may have experienced prolonged detention or physical mistreatment and/or were placed on reporting arrangements or travel restrictions . Other sources noted

[73] USSD, 'Country Reports on Human Rights Practices for 2015', Sudan, section 1d, April 2016, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper. Accessed on 22 August 2016
[74] USSD, Country Reports on Human Rights Practices for 2016, Sudan, 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

that returnees from Jordan had been processed smoothly. There is however lack of detailed, accurate information regarding these events, including information on whether these deportees have been de facto refugees.

'UNHCR was not able to verify whether any of the returnees had been detained. However, the source stated that if a person had a high political profile, one could not rule out the possibility that he could face difficulties with the authorities. Information from some other sources about the deportation of Sudanese nationals from Jordan and Israel also indicated that those returnees who were held in prolonged detention may have been detained because of their political profile.

'Some sources highlighted that those returning from Israel were more at risk of being subjected to thorough questioning and/or arrested upon return than those returned from other countries.' [75]

7.1.7 The same report noted that:

'Several sources noted that those returnees who had a political profile may be thoroughly questioned and/or arrested at KIA.

'Several sources indicated that a person's ethnicity did not generally affect their treatment on arrival at Khartoum International Airport (KIA), or otherwise had no information to the contrary to contradict this assessment.

'Western embassy (C) noted that upon arrival at KIA, Darfuris and persons from the Two Areas may be treated impolitely and probably asked to pay a bribe, but they would not face any difficulties if they already were not 'flagged' by the NISS. NHRMO observed that those from the Two Areas travelling through Khartoum International Airport (KIA) would be subject to more intensive questioning about their background and political involvement, with ethnic Nuba most likely to experience harassment.

'EAC pointed out that there were officers from Darfur and the Two Areas working at the airport, for example Lieutenant General Awad El Dahiya, Head of Passports and Civil Registrations at the Ministry of Interior was from Southern Kordofan.

'EHAHRDP considered that all asylum seekers from Darfur and the Two Areas would be at risk on return.' [76]

7.1.8 Waging Peace reported in a note of January 2017 on the treatment of 5 Sudanese nationals returned to Sudan in 2015 and during 2016 - 2 from Jordan, 1 from Israel and 3 Italy (although the note does not identify 3 people specifically) respectively - based on testimonies from the returnees

[75] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 2.2), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

[76] UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (sections 2.6 and 2.7), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 26 July 2017

or third parties. At least one of the returnees from Jordan was reportedly from Darfur:

'The testimonies and reporting below refer to recent cases where individuals were ill-treated, tortured and even killed post-deportation, and demonstrate the risks facing those forcibly returned to Sudan having claimed asylum elsewhere, particularly, but not limited to, those individuals who engaged in sur place political activity in the country hosting their asylum claim. In total 5 individuals are mentioned in this report, but the absence of further testimony is only due to restricted access to the affected populations, and we are told a great many more could support the claims made in these accounts.' [77]

7.1.9 At least one of the cases reported was a Darfuri:

- Mr Abdalmonim Adam Omer, reportedly a Tunjur from Darfur who had been recognised as a refugee by the UNHCR in Jordan. Mr Omer

  '…on arrival in Sudan following his deportation, he was arrested by the government and detained for 3 days. During these 3 days, he was interrogated and beaten. He was asked why he had left Sudan for Jordan and told he had been presenting Sudan "in a bad way". He was also interrogated about some people he had been associated with in Jordan and some that he had been to church with, as the Sudanese government were looking for them. He was also asked about his tribal affiliation.' [78]

7.1.10 The British Embassy in Khartoum observed in September 2016: 'As reported in our letter of February 2015 [see Annex B of country policy and information note on Rejected asylum seekers] it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.'[79]

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[77] Waging Peace, Recent cases of post-deportation risk, January 2017. Copy on request
[78] Waging Peace, Recent cases of post-deportation risk, January 2017. Copy on request
[79] British Embassy - Khartoum, Letter 'Non-Arab Darfuris in Sudan', 29 September 2016, Annex A.

Annex A: Letter from British Embassy, Khartoum

British Embassy Khartoum

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Country Policy and Information Team
Home Office
29 September 2016

Dear Country Policy and Information Team,

NON-ARAB DARFURIS IN SUDAN

This letter aims to provide an assessment of the situation facing non-Arab Darfuris in Sudan, and whether they face persecution.

The British Embassy is in regular contact with Darfuri groups from civil society, government and political parties. In the course of these contacts, no substantial concerns have been raised over the treatment of non-Arab Darfuris settled in regions outside of Darfur that we would consider ethnic persecution, although many face economic marginalisation having been displaced due to conflict. We are also not aware of reports of systematic targeting of Darfuris from United Nations agencies or other embassies with whom we are in contact.

As found in the UK Home Office-Danish Immigration Service FFM report, we do receive reports of discrimination in education and employment. We also receive reports of harassment of individuals or groups perceived to have an anti-government political stance, such as Darfuri student associations. But these issues are not overriding for Darfuris as opposed to other ethnicities. Any individual with a perceived anti-government stance can face harassment. And many Darfuris (including non-Arab) are represented at senior levels in Government, academia, the security forces, the media and in other institutions.

As reported in our letter of February 2015, it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.

Michael Aron

[Signature]

Her Majesty's Ambassador
British Embassy, Khartoum

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Version control and contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **2 August 2017**

Changes from last version of this note

First version in CPIN format.

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