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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source

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material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for accuracy, and as far as can be ascertained, remained relevant and up-to-date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The country's name comes from the Arabic *bilad al-sudan*, which means "land of the blacks" [14c]. The Republic of Sudan has a landmass of some 2,505,813 sq km (967,500 sq miles), with the Nile waters entering Sudan just south of Juba, flowing 3,000 km until they reach Lake Nubia on the Egyptian border [2]. Sudan is the largest country in Africa and is bordered by Egypt to the north, by the Red Sea, Eritrea and Ethiopia to the east, by Kenya, Uganda and the Democratic Republic of Congo to the south, and by the Central African Republic, Chad and Libya to the west [7]. The capital city, Khartoum, is situated at the confluence of the Blue and White Nile Rivers. Other major cities include Port Sudan, Kassala, Kosti and Juba [3d].

2.2 The country is administratively divided into 26 states which all have governors appointed by the president. The names of the 26 states are: Al-Buhayrat, Bahr al-Jabal, Blue Nile, Eastern Equatoria, Gadarif, Gezira, Jonglei, Kassala, Khartoum, Northern, Northern Bahr al-Ghazal, Northern Darfur, Northern Kordofan, Red Sea, River Nile, Sennar, Southern Darfur, Southern Kordofan, Upper Nile, Wahdah, Warab, Western Bahr al-Ghazal, Western Darfur, Western Equatoria, Western Kordofan and White Nile [2].

2.3 Sudan has an estimated population of around 30 million made up of many Arab and black African ethnic groups [3b]. The Arab population make up 40% of the population and are the largest ethnic group in Sudan. Arabic is the official language which is spoken by 52% of the population. Many other languages are spoken and English is widely understood [5]. The northern states cover most of Sudan and include most of the urban centres. Most of the 22 million Sudanese who live in this region are Arab-speaking Muslims. The majority also use a traditional non-Arabic language. The southern region has a population of around 6 million and a predominately rural, subsistence economy. The region has been adversely affected by the civil war, resulting in serious neglect, lack of infrastructure development and displacement of many people living there. In this part of Sudan, the people mainly practice traditional indigenous religions and Christianity. There are more ethnic groups in the south than there are in the north who speak a greater variety of languages [3d].

2.4 Sudan's primary resources are agricultural but oil production and export have taken on greater importance since October 2000. Although the country is trying to diversify its cash crops, cotton and gum Arabic remain its major agricultural exports. Grain sorghum (*dura*) is the principal food crop, and wheat is grown for domestic consumption. Sesame seeds and peanuts are cultivated for domestic consumption and increasingly for export. Livestock production has vast potential, and many animals, particularly camels and sheep, are exported to Egypt, Saudi Arabia and other Arab countries. Sudan, however, remains a net importer of food. Problems of irrigation and transportation remain the greatest constraints to a more dynamic agricultural economy [3d]. The national currency is the dinar (1 dinar = 100 piastres) [5].

2.5 As a result of oil exports earnings around US\$500 million in 2000-1, Sudan's current account entered surplus for the first time since independence. In 1993, currency controls were imposed, making it illegal to possess foreign exchange without approval. In 1999, liberalisation of foreign exchange markets ameliorated this constraint to a degree. Exports other than oil are largely stagnant. Spending for the civil war continues to pre-empt other social investments and Sudan's inadequate and declining infrastructure inhibits economic growth [3d].

2.6 The transport system is underdeveloped and is a serious constraint on economic growth. The country's vast area and the availability of only one major outlet to the sea place a heavy burden on limited facilities, especially on the government-owned Sudan Railways and on the road network. For centuries, the River Nile was the main highway of Sudan and the White Nile is still an important link with the southern region. Port Sudan is the country's main port on the Red Sea. The government-owned Sudan Airways airline operates domestic and international services from Sudan's main airport at Khartoum. There are several smaller airports, the most important of which are those at Al-Ubayyid and Port Sudan [6]. An oil pipeline goes from the oil fields in the south via the Nuba Mountains and Khartoum to the oil export terminal in Port Sudan on the Red Sea [3d].

3. HISTORY

From Colonial Rule to Independence

3.1 Sudan was a collection of small, independent kingdoms and principalities from the beginning of the Christian era until 1820-1, when Egypt conquered and unified the northern part of the country. Although Egypt claimed all of present Sudan during most of the 19th century, it was unable to establish effective control over southern Sudan, which remained an area of fragmented tribes subject to frequent attacks by slave raiders. In 1881, a religious leader called Muhammad ibn Abdallah proclaimed himself the Mahdi ("the expected one") and began a religious crusade to unify the tribes in western and central Sudan. His followers took the name "Ansars" (the followers) which they continue to use up to the present day. The Ansars are associated with the single largest political party, the Umma Party, led by one of the Mahdi's descendants, Sadiq al-Mahdi. Taking advantage of conditions resulting from Ottoman-Egyptian exploitation and maladministration, the Mahdi led a nationalist revolt culminating in the fall of Khartoum in 1885. The Mahdi died shortly afterwards but his state survived until overwhelmed by an Anglo-Egyptian force under Lord Kitchener in 1898. Sudan was placed under an Anglo-Egyptian administration in 1899 following the defeat of the Mahdist forces [3d].

3.2 The Anglo-Egyptian administration lasted until 1924, when the British Government introduced a system of "indirect rule" through tribal chiefs and Egyptian involvement in Sudan effectively ceased. Nationalist movements, which began to mobilise in the 1930s, exerted pressure for increased Sudanese participation in government in preparation for full independence. In 1953, elections were held resulting in a victory for the National Unionist Party (NUP). The NUP leader, Ismail al-Azhari, became the first Sudanese Prime Minister in January 1954. On 19 December 1955, Sudan declared itself to be an independent republic which was recognised by Britain and Egypt. Independence as a parliamentary republic was achieved on 1 January 1956 [2]. The Arab-led government reneged on promises to southerners to create a federal system of government, which led to a mutiny by southern army officers that sparked 17 years of civil war (1955 -72) [3d].

From Coalition Governments to the Nimeri Regime

3.3 The National Unionist Party, under Prime Minister Ismail al-Azhari, dominated the first cabinet, which was soon replaced by a coalition of conservative political forces. In 1958, following a period of economic difficulties and political manoeuvring that paralysed the government administration, Chief of Staff Lt. Gen. Ibrahim Abboud overthrew the parliamentary regime in a bloodless coup. Gen. Abboud did not carry out his promises to return Sudan to civilian government, however, and popular resentment against military rule led to a wave of riots and strikes in October 1964 that forced the military to relinquish power [3d].

3.4 A transitional government was formed with representatives from all parties including the Communist Party and the Muslim Brotherhood. Its conciliatory approach to the southern issue proved unsuccessful, however, and following elections in June 1965, a coalition government was formed by the Umma Party and the National Unionist Party. Muhammad Ahmad Mahgoub of the Umma Party became the Prime Minister. The new government faced serious rebel activity in the south and large numbers of southerners were killed by government troops. Political divisions eventually led to the resignation of Mahgoub in July 1966 and the Umma Party president, Sadiq al-Mahdi, was elected as Prime Minister of another coalition government. This coalition government collapsed in May 1967 and Mahgoub became prime minister again. Faced by worsening violence in the south and growing divisions, Mahgoub's government was overthrown in a bloodless coup led by Col. Gaafar Muhammad Nimeri, in May 1969 [2].

The Nimeri Regime

3.5 Nimeri's first two years in power were characterised by the adoption of socialist policies and the forging of an alliance between the new military leadership and the Communist Party. The foundations for a one-party state were laid with the formation of the Sudanese Socialist Union and the country was renamed the Democratic Republic of Sudan. In November 1970, Presidents Nimeri, Qaddafi and Sadat decided to unite Sudan, Libya and Egypt as a single state, which was unacceptable to the Communist Party, which staged a military coup. The coup was led by Major Hashim al-Ata, which resulted in the temporary overthrow of Nimeri in July 1971. With popular support, however, Nimeri was restored to power. A purge of communists followed and 14 people were executed. [2].

3.6 The first presidential election in Sudan's history took place in October 1971, which was won by Nimeri. The Sudanese Socialist Union became the sole legal political party. The Addis Ababa Agreement, signed in March 1972 between the government and the Anya Nya rebels, appeared to establish the basis for a settlement by introducing religious autonomy for the southern provinces [2].

3.7. During 1983 the conflict with the south worsened. In September 1983, the government adopted aspects of Islamic law, with martial law being introduced after April 1984. This provoked the largely non-Muslim south to retaliate and some southerners returned to armed conflict. On this occasion, the rebels were organised into the Sudanese People's Liberation Movement (SPLM), with its military wing the Sudanese People's Liberation Army (SPLA). A series of battles in Bahr al-Ghazal and Upper Nile occurred in 1983-4. Meanwhile, the economy deteriorated severely and by the end of February 1985 disillusionment with the regime was growing. A general strike occurred in March 1985, and on 6 April, Nimeri was overthrown in a bloodless coup led by Lt. Gen. Swar al-Dahab. In December 1985, the country was renamed the Republic of Sudan [2]. Elections took place in April 1986. No single party won outright, however, and a coalition government was formed between the Umma Party, led by Sadiq al-Mahdi and the Democratic Unionist Party, led by Osman al-Mirghani, with al-Mahdi becoming Prime Minister [1].

The Al-Bashir Regime

3.8 Peace negotiations between the government and the SPLM began in Ethiopia in April 1988 but by mid-June were deadlocked. During 1988, reports of human rights abuses increased, particularly concerning the war zone. In late 1988, there were signs of widespread discontent in the army concerning the government's continuing lack of progress in resolving the civil war. A coup by supporters of ex-president Nimeri was foiled in December 1988. On 30 June 1989, a bloodless coup, led by Brigadier Omar Hassan Ahmad al-Bashir (later to become Lt. General) removed al-Mahdi's Government and formed a 15-member Revolutionary Command Council for National Salvation (RCC). The RCC declared its primary aim was to resolve the civil war. A state of emergency was declared and President al-Bashir proceeded to dismantle the civilian ruling apparatus, the constitution and the National Assembly. All trade unions and political parties were abolished. Civilian newspapers were closed down. Several attempts to negotiate a peace settlement to the civil war failed, mainly over the issue of shari'a [1]. On 16 October 1993, the RCC was disbanded having appointed al-Bashir as President and head of a new civilian administration [2].

3.9 The first legislative and presidential elections to be held since 1989 took place during 6-17 March 1996. President al-Bashir, appointed as President by the Revolutionary Command Council (RCC) in October 1993, was elected for a five-year term. The new National Assembly, which replaced the transitional legislature appointed in February 1992, comprised 400 seats [2].

3.10 In October 1997, a 277-member constitutional committee was formed to draft a new constitution. This document was approved by the National Assembly in April 1998 and then submitted to al-Bashir. A referendum on the new constitution was held in May 1998. The results were announced in June 1998 and showed that 96.7% of voters were in favour of the new constitution. The constitution came into force on 1 July 1998. Under its terms, executive power is vested in the Council of Ministers, which is appointed by the president but is accountable to the National Assembly. Legislative power is vested in the National Assembly [2].

3.11 In December 1999, President al-Bashir declared a state of emergency and disbanded the National Assembly two days before it was to vote on a constitutional amendment that would have reduced presidential powers. The amendment called for the creation of a Prime Minister who, though appointed by the president, would be accountable to the National Assembly. It also called for direct elections of the state governors, currently appointed by the President and, if approved, would have made their dismissal contingent on parliamentary approval [7].

3.12 The disbanding of the National Assembly reduced the power of the Parliamentary Speaker and chairman of the ruling political party, Hassan al-Turabi. President al-Bashir suspended articles of the constitution and suspended the political activity of Hassan al-Turabi. On 24 January 2000, President al-Bashir formed a new government, and in May 2000 he froze all activities of the ruling political party [7]. The political rift between the president and al-Turabi became more apparent in June 2000 when al-Turabi launched his own opposition political party called the Popular National Congress [2].

3.13 The state of emergency that was first declared in December 1999 was extended to 31 December 2000 and then extended to December 2001. In December 2001, the state of emergency was extended for another year to

December 2002 [3a]. The state of emergency was further extended again in December 2002 for another year after approval by Sudan's parliament [15b].

3.14 Presidential and parliamentary elections took place from 13-22 December 2000. Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the Presidential Election which had four other candidates. Al-Bashir won 86.5% of the votes while runner-up Gaafar Nimeri won 9.6% of the votes. Sudan's ruling National Congress won 355 out of the 360 National Assembly seats in the Parliamentary Election. The other seats were won by independent candidates [12c].

3.15 On 20 July 2002, at Machakos in Kenya, the Sudanese Government and the Sudan's People Liberation Army (SPLA) signed a protocol, called the Machakos Protocol, to provide a framework for a comprehensive agreement intended to eventually end the civil war and conclusively define the political and constitutional status of southern Sudan. The Machakos Protocol has been cautiously endorsed by a majority of the southern Sudanese, whether within Sudan or elsewhere in the world [21]. The agreement was reached after five weeks of talks in Machakos. The peace agreement did not include provisions for a ceasefire but did address the core grievances of the southern rebels - the right to self-determination and the separation of religion and state. The agreement allows for a referendum on the issue of self-determination of the southern Sudanese after six years. In the interim, it is envisaged that the south will be ruled by a partly independent, secular government and will not be subject to shar'ia law [22].

3.16 The Sudanese Government suspended the Machakos peace talks with the SPLA in September 2002 following the SPLA capture of the town of Torit in southern Sudan earlier in the month. Although the Machakos Agreement did not include provisions for a ceasefire, the Government claimed that the SPLA capture of Torit had been against the "spirit of the accord". The Government demanded guarantees from the SPLA that it would observe a cessation of hostilities before the peace talks could resume [26].

3.17 In November 2002, the Government and the SPLM/A agreed to extend the cessation of hostilities but failed to reach a full accord on the sharing of power and wealth. The Inter-Governmental Authority on Development (IGAD), the regional body overseeing the peace talks, stated that both sides had agreed to extend the "Memorandum on the Cessation of Hostilities" until 31 March 2003 [15a]. In March 2003, the ceasefire agreement was further extended to 30 June 2003 [15d].

3.18 A ceasefire in the Nuba Mountains area became effective in January 2002 after a ceasefire agreement between the Government and the SPLM/A was signed in that month [15c]. The Government and the SPLM/A agreed to renew the ceasefire for a further six months from 20 July 2002 [18b]. The ceasefire agreement was renewed again in January 2003 for a further six months. The ceasefire was brokered by the American and Swiss governments and is being managed and monitored by a Joint Military Commission. The JMC comprises of representatives from both the Government and the SPLM/A and an international monitoring presence, including military and civilian staff. The ceasefire has been respected by all the parties involved [15c].

4. STATE STRUCTURES

The Constitution

4.1 Following the 1989 coup that brought the present regime to power, the constitution of the previous regime was abrogated. In October 1997, a constitutional committee was formed to draft a new constitution which was approved by the National Assembly in April 1998. A referendum on the new constitution was held in May 1998 and the results showed that voters were in favour of the new constitution. The new constitution came into force on 1 July 1998. Under the constitution, executive power is vested in the Council of Ministers, which is appointed by the president but responsible to the National Assembly. Legislative power is vested in the National Assembly [2]. The constitution provides for basic human rights such as the right to life and equality, freedom of association, right to privacy, immunity against arbitrary arrest and detention, freedom of expression and the press, freedom of religion and freedom of movement [4].

The Political System

4.2 Executive authority is held by the president who is also the prime minister, head of state, head of government and commander-in-chief of the armed forces. The current President of Sudan is Lieutenant General Omar Hassan Ahmad al-Bashir. Sudan has a federal government structure made up of 26 states, each with a governor appointed by the president and local cabinet and regional ministers [3d].

4.3 Since 1989, real power has rested with the National Islamic Front (NIF) founded by Hassan al-Turabi, who became Speaker of the National Assembly in 1996. In November 1998, the NIF renamed itself the National Congress (NC). NC members hold key positions in the Government, security forces, judiciary, academic institutions and the media. In 1990, the RCC rejected both multi-party and one-party systems and two years later, established an entirely government-appointed Transitional National Assembly, based on a Libyan-style political structure with ascending levels of non-partisan assemblies. The essentially powerless appointed legislature was replaced following the 1996 elections by an elected National Assembly [3a].

4.4 Presidential and parliamentary elections were held in December 2000. President al-Bashir was elected as president for a five-year term [3a]. The National Congress won 355 out of 360 seats in Parliament. The other seats were won by independent candidates [12c]. The new Parliament took office in February 2001 [3a].

4.5 The legislature is the unicameral National Assembly. Members of the National Assembly are elected by popular vote in parliamentary elections every four years. Of the 360 members of the National Assembly, 270 are directly elected in constituencies, 35 are women representatives, 26 are university graduate representatives and 29 are representatives of the trade unions [5].

4.6 The 1999 Political Association Act lifted the ban on political parties. The 1999 Political Association Act, revised by the 2000 Political Organisational Act, allows political parties to be officially recognised provided they register with the Government. The law, however, imposes the restriction that all new parties must adhere to the ruling party's ideology. New political parties are approved at the discretion of the Government's registrar. The registrar is appointed by the president with the approval of the National Assembly [7].

The Judiciary

4.7 The judiciary is not independent and is largely subservient to the Government. The Chief Justice of the Supreme Court is appointed by the president. As the senior judge in the judicial service, the Chief Justice also controls the judiciary. On occasion, some courts display a degree of independence. Appeal courts on several occasions have overturned decisions of lower courts in political cases, particularly public order courts [3a].

4.8 The judicial system includes four types of courts; regular courts, both civil and criminal; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land, water rights and family matters. Within the regular court system, there are civil and criminal courts, appeal courts and the Supreme Court. Public order cases are heard in criminal courts [3b].

4.9 The Constitutional Court was established in April 1999 to protect the Bill of Rights enshrined in the constitution. The Court's main function is to examine draft laws to ensure that the National Assembly does not adopt laws that conflict with the constitution. Any individual whose rights have been violated can lodge a complaint with the Constitutional Court when all other remedies have been exhausted. Members of the Constitutional Court are appointed by the President with the approval of the National Assembly [7].

4.10 Special three-person security courts adjudicate a wide range of offences, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offences. Special courts, on which both military and civil judges sit, handle most security-related cases. Attorneys may advise defendants but normally may not address the court. Lawyers complain that they sometimes are granted access to court documents too late to prepare an effective defence. Sentences are usually severe and implemented at once, however, death sentences are referred to the Chief Justice and the head of state. Defendants may file appellate briefs with the Chief of Justice [3a].

4.11 In 2001, the Government established emergency tribunals in the western part of the country to try banditry cases. The emergency tribunals are composed of civil and military judges. Defendants are not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during 2002. Sentences ordered by the emergency tribunals have been carried out quickly. The emergency

tribunals have ordered executions during 2002. In May 2002, numerous men in the Darfur region, were reportedly hanged after being convicted of robbery [3b].

4.12 Civil authorities and institutions do not operate in parts of the rebel-held south and the Nuba Mountains. Magistrates in the areas in SPLM/A control follow a penal code roughly based on the 1925 Penal Code. The SPLM has a judicial system of county magistrates, county judges, regional judges and a court of appeals. While officials have been appointed for most of these positions, the court system does not function in many areas due to a lack of infrastructure, communications, funding and an effective police force. The SPLM recognises traditional courts or "Courts of Elders", which usually hear matters of personal affairs such as marriages and dowries and base their decisions on traditional and customary law. Local chiefs usually preside over traditional courts. The SPLM process of conducting a needs assessment for the courts continued in 2002. In rural areas outside effective SPLM control, tribal chiefs apply customary laws. [3b].

4.13 The Government officially exempts the southern states, whose population is mostly non-Muslim, from parts of the 1991 Criminal Act but the Act permits the possible future application of shari'a law in the south if the state assemblies so decide. Parts of the south and the Nuba Mountains fall outside effective judicial procedures and other government functions [3a].

Military Service and the Popular Defence Force

4.14 The law governing military service is the National Service Act 1992 (see Annex E) which makes national service compulsory for all males aged between 18 and 33. The Act was introduced in an attempt to meet the increasing personnel needs of the armed forces [19]. The Ministry of National Defence is the government department in overall control of national service but the administration of national service is carried out by the National Service Administration. National service does not always entail military service as there are alternatives to military service but those called up have no choice as to what kind of national service they do. Persons called for national service must serve in the Sudanese army, the police force, the Public Order Police, in one of the other security forces, in government departments and public projects for social and economic development. People drafted into national service are paid for their services by the Government. Men who have completed their military service receive a certificate stating their national service has been completed and are exempt from future national service call-ups [25a].

4.15 There is also general conscription into the Popular Defence Force (PDF) which is a militia attached to the regular army [9a]. The PDF was created by the Government in 1990 and has its legal basis in the Popular Defence Forces Act 1989 (see Annex D). PDF training involves military training, civil defence training and patriotic and cultural education [19]. The period served in the PDF is 45 days and national service in the regular army lasts for two years. After serving in the PDF, recruits are either returned to their place of education if they are university students or to the front in the south [9a]. Girls are also recruited into the PDF but they work in health and social care and therefore are not required to be on active war service at the front [9b].

4.16 The penalty for refusing to perform military service is a fine and up to three years imprisonment [9b]. It is reportedly difficult to evade military service and a deserter from the army or PDF on being arrested by the authorities will usually be re-conscripted into the armed forces [9a]. The right to conscientious objection is not legally recognised [19].

4.17 In order to make it easier for the military authorities to recruit students, all students' birth certificates were passed to the military authorities in May 1997. Students who have not completed their national service cannot obtain an exit visa. Students are required to complete military service before they are issued with their examination certificates which are needed if they intend to go onto further education. Virtually all students at Khartoum University have thus completed their military service and many have been deployed at the front in the south. Many students avoid military service by seeking refuge abroad, especially in Egypt, with their families [9a].

4.18 One common military conscription procedure is for the military authorities to send prospective conscripts their call-up papers. If those called up for military service in this way fail to report to the military authorities, they will have their pay withheld at work. If they still fail to present themselves to the military authorities, they will be dismissed from their job. This applies whether the persons concerned work in the public sector or private sector [9a].

4.19 There are three common forms of recruitment to the Popular Defence Force and the armed forces:

- students (at secondary school) faced with the need to collect their examination certificates;
- round-ups in the street or other public places such as markets, sports grounds, cinemas and bus stations;
- call-up via employers (in both the public and private sectors) [9a].

4.20 The following categories of people are exempt from national service:

- soldiers of the armed forces, police officers, officers of the Public Order Police and officers of the other security forces;
- students of colleges and institutes preparing for graduation of armed forces officers, police forces or other regular forces, on condition that the student shall continue in his study until graduation; or he should report within 30 days of his cancellation of his study programme to the specified recruitment region authority [9b]

4.21 The following categories of people can have their national service call-up postponed:

- the sole supporter of a family - the father, the husband, the son or the brother until public funds are provided for him to provide for his family
- academics doing their scholarship until they receive their first degree on condition that they are under 32 years of age.

National service may be postponed for a reasonable time for the following persons provided they are under 32 years of age:

- those holding final degrees, should the nature of their certificates require continuation of study or training
- those working in any public service unit whose nature of work in that unit requires him to continue working in that unit for a period as requested by the relevant minister [9b].

4.22 Those people who are exempt or pardoned from national service or have had their national service postponed must obtain a certificate of exemption, pardon or postponement of national service. People who are medically unfit for national service are not officially exempt from national service but are completely pardoned from national service which, effectively, has the same status as being exempt from national service [9b].

4.23 The Director of the National Service Administration (NSA) has the authority to make decisions on applications for partial, temporary or full exemption of national service. The Minister of Defence has the authority to make decision on applications for postponement of national service. Sudanese ambassadors abroad have the authority to make temporary decisions on applications for postponement of service for those residents abroad but they have to contact the NSA in Sudan for a final decision [9b].

4.24 Every person called for national service should present himself to the Region Recruitment Administration in his residential area on the date specified by that authority. The Recruitment Administration should verify identity and hand him a Service Identity Card and inform him of the date he will be called for service and mark his ID card by the assignment prepared for him. Holders of the service ID card should present their cards to their new area of residence service administration within two weeks from the date he changed his area of residence [9b].

4.25 Recruits are drawn from the Christian minority in the south and from those living in the north as well as from the Arab majority population in the north. The Christians who are recruited are often humiliated on account of their being Christians and are also put under pressure to convert to Islam as well as having to fight against their own people in the civil war. Not all conscripts are sent to the front [9a].

4.26 A person's ability to avoid military service depends reportedly on his and his family's connections to the

current regime and also the social and economic position of his family in Sudan. Those persons who have good connections to the regime have a much better chance of ensuring that they are not posted to the less attractive parts of the war zones. Those persons without such connections are at great risk of being posted to the war zones. Thus, sons of government ministers, sons of prominent or wealthy families or the sons of families with other close connections to the Government would generally all be able to avoid military service. Connections with the Government do not necessarily have to be of a political nature. There also exists the possibility for a person to bribe one's way out of performing military service as government employees in general are very badly paid and could therefore be open to offers of bribery [9b].

Internal Security

4.27 In addition to the regular police and the armed forces, the Government maintains an external security force, an internal security force, a militia known as the Popular Defence Force (PDF) and other police forces, including the Public Order Police, whose duties include the enforcing of proper social behaviour in line with Islamic principles. The Popular Police Force, which was made up of nominees from neighbourhood popular committees for surveillance and services to enforce shari'a law was disbanded in 2000. The security forces are under the full control of the Government [3a].

Legal Rights/Detention

4.28 The constitution prohibits arbitrary arrest and detention without charge, however, in practice the Government continues to use arbitrary arrest and detention under the state of emergency provisions. Under the constitution and the Criminal Code, an individual may be detained for three days without charge, which can be extended for thirty days by order of the Director of Security and another thirty days by the Director of Security with the approval of the prosecuting attorney. Under the amended National Security Act, which supercedes the Criminal Code when an individual is accused of violating national security, that individual may be detained for three months without charge, and the detention is renewable by the Director of Security for another three months. Under the current state of emergency, the Government is not constrained by the National Security Act and can detain individuals indefinitely without judicial review. Persons arrested by the security forces are often held incommunicado for long periods of time in unknown locations without access to their lawyers or family members. The law allows for bail except for those accused of crimes punishable by death or life imprisonment [3b].

4.29 In general, the Government detains persons for a few days before releasing them without charge or trial, however, detentions of Popular National Congress (PNC) members and members of political parties belonging to the National Democratic Alliance are generally much longer. There have been unconfirmed reports that the security forces have tortured, detained without charge and held incommunicado members of the PNC. In addition to detentions, government security forces frequently harass political opponents without questioning, and then order them to report to them the following day. This process sometimes continues for days [3b].

4.30 The security forces detained political opponents during 2002. Hassan al-Turabi, former Speaker of the National Assembly and head of the PNC, was arrested in February 2001 and charged with posing a threat to national security and the constitutional order because he signed a Memorandum of Understanding with the SPLM/A calling for citizens to rise against President Bashir. Al-Turabi was placed under house arrest. In August 2002, a presidential decree renewed al-Turabi's detention for another year, and he was moved from house arrest to a maximum security prison, and then to a house owned by the Government [3b].

4.31 There have been reports that refugees are subject to arbitrary arrest. Security forces also detain persons because of their religious beliefs and activities. Detentions based nominally on religion are of limited duration because the practice of religion is not illegal and detainees cannot be held formally on those grounds indefinitely. To prolong detentions, security forces often resort to accusing those arrested for religious reasons of other crimes such as common crimes and national security crimes [3b].

4.32 In accordance with shari'a law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion - the public display of a body after execution. The Government officially exempted the ten southern states from parts of the law that permits physical punishments based on shari'a law. There were no reports in 2002 of court-ordered shari'a punishments, other than lashings, in government-controlled areas of the south. The law can legally be applied in the south if the state assemblies approve it [3b]. According to the 1991 Criminal Act, there are nine offences in total, for which the accused may be sentenced to death:

Sudan, Country Information

- Article 50: Attack on the power of the state and undermining the constitution
- Article 51: Making war on the state
- Article 53: Spying against the country
- Article 126: Apostasy (converting from Islam to another religion)
- Article 130: Murder
- Article 146: Adultery
- Article 148g: Homosexuality
- Article 168: Armed robbery
- Article 177: Embezzlement [9b].

Prisons and Prison Conditions

4.33 Conditions in prisons run by the Government are harsh, overcrowded and life-threatening. Most prisons are old and poorly maintained. Many lack basic facilities such as toilets or showers. Health care and food in prisons is inadequate. Prison officials arbitrarily deny family visits to prisoners. High-ranking political prisoners reportedly enjoy better conditions than other prisoners. Female prisoners are housed separately from men and rape in prison is reportedly a rare occurrence. Minors are often held with adults. In order to care for their children, many women prisoners are forced to take their children with them to prison. Inside prison, children are unable to receive an education. In 2002, the Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organisations monitor prison conditions [3b].

Medical Services

4.34 The overall health status of the Sudanese people is low. As a result of the ongoing conflict in the country, natural disasters like drought and flood and the consequent large-scale population displacement, a significant proportion of the population, especially children and women, continue to be affected by food insecurity due to crop failure; inadequate access to safe drinking water and worsening environmental and hygienic conditions. Poor access to health care services, along with malaria, diarrhoeal disease, acute respiratory infections, inadequate pre-natal, delivery and post-natal care have compounded the health situation of a large proportion of the country. Sudan continues to suffer outbreaks such as meningitis, measles and watery diarrhoea. Acute gastro-enteritis is a common occurrence, particularly after floods and other natural disasters [29].

4.35 Malaria, diarrhoeal disease and acute respiratory infections account for 70% of all hospital admissions. The estimated annual number of malaria cases in the government-controlled areas is 7.5 million and around 35,000 malaria-related deaths occur annually. In the SPLM/A-controlled areas, malaria affects 24-36% of the population [29].

4.36 HIV/AIDS is on the rise in Sudan. The Sudan National Aids Programme estimates that nationally between one and three percent of the population is HIV positive, with marked regional variations. Continuing large-scale internal displacement, the movement of soldiers around the country and war-induced destitution are also key factors in the spread of HIV/AIDS [29].

4.37 The national prevalence rate of malnutrition in Sudan rose from 18% in 1995 to 23% in 1999. The situation is more serious in southern Sudan, where the level is 28%, of which about 15% are severely malnourished. Nutritional status among infants is poor due to low adherence to exclusive breastfeeding and early introduction of supplementary feeding and inappropriate complementary feeding. The Baby Friendly Hospital Initiative, designed to address these issues, is only implemented in a few hospitals and maternity facilities in the main cities [29].

4.38 Inadequate access to safe drinking water and sanitation as well as poor hygiene practices, such as open defecation, are a major cause of several diseases. Epidemics of water-related diseases such as diarrhea are widespread. The ongoing conflict and natural disasters like droughts and floods, resulting in large-scale internal displacement of people; economic difficulties; rapid population growth and institutional problems have seriously affected public water and sanitation facilities [29].

4.39 Women give birth frequently with little access to reproductive health services. More than 40% of deliveries in government-controlled areas and over 60% in SPLM/A-controlled areas are not assisted by a skilled birth attendant. The maternal mortality rate stands at 509 per 100,000 live births in areas under government control. Obstetric complications, stemming from lack of proper care during pregnancy, influence death or long-term morbidity in women [29].

The Education System

4.40 The primary language of instruction in the country's primary schools, secondary schools and universities in both the north and south, is Arabic [2]. The Government provides free primary education from the ages of 7 to 12 years. Intermediate education starts at the age of 13 and lasts three years. Students completing secondary education are eligible for university. Secondary education begins at 16 years of age and lasts up to three years [20]. The south remains the most educationally deprived region of the country, with less than one-seventh of the total number of primary schools, despite having one-fourth to one-third of the country's total population [2].

4.41 Sudan has five universities. Three are located in the Khartoum area. The University of Khartoum is the most prestigious institution of higher education in Sudan. The smallest of the three universities in Khartoum is the Islamic University of Omdurman, which trains Muslim clerics and scholars. National universities that emphasise scientific and technical training were opened in the 1970s at Wad Madani in the Gezira and at Juba in the southern region [6].

Sudanese Nationality Laws

4.42 The conditions and qualifications for the granting of Sudanese nationality in Sudan is governed and regulated by the provisions of the Sudanese Nationality Act 1993. Any person born before the law was enacted is regarded as Sudanese if:

- he has acquired and maintained the status of a Sudanese national by descent
- either he or his father was born in Sudan
- he, at the coming into force of the said Act, is domiciled, since 1 January 1956 or else whose ancestors in the direct male line since that date have all been domiciled in Sudan
- a person who was not born in Sudan and whose father was not born in Sudan, may apply to the Ministry of Interior for an order that he deemed to be Sudanese by descent
- a person born after the enactment of the Act shall be deemed to be Sudanese by descent if his father is Sudanese by descent at the time of birth.

A person born to parents who are Sudanese by naturalisation shall be deemed to be Sudanese by descent if his parents have obtained Sudanese nationality by naturalisation before his birth [25c].

4.43 The Minister of Interior may grant a certificate of naturalisation as a Sudanese to an alien who is defined in the law as a person who is not Sudanese on condition that he:

- is of full age and capacity
- he has been domiciled in Sudan for a period of five years or more

- he is of good character and has not been convicted of a criminal offence involving moral turpitude [25c].

4.44 The applicant has to take the oath of allegiance in the form set out in a schedule attached to the law; as a result he will have the status of being Sudanese by naturalisation from the date of issue of the certificate. The Minister also has the authority to grant a certificate of naturalisation to an alien woman if she can prove that:

- She is a wife of a Sudanese man in accordance with the law

- She has resided with her husband in Sudan for a continuous period of not less than two years from the date of such an application [25c].

4.45 Refugees are not allowed to apply for a certificate of naturalisation as this will conflict with the laws and the international agreements regulating the existence of refugees in Sudan. Any resident in Sudan regardless of his religion, beliefs or ethnic origin may still have the right to enjoy naturalisation unless otherwise he has been deprived from such rights by the president of the republic where:

- he has obtained his certificate of naturalisation by fraud, false representation or the concealment of any material fact

- has, during any war in which Sudan is or has been engaged, unlawfully traded, assisted or communicated with the enemy

- has been convicted or engaged in espionage against Sudan

- if out of Sudan, has shown himself by act or speech to be disloyal or disaffected towards Sudan, or he has been convicted of such an offence in Sudan

- has within five years after the date of his naturalisation, been sentenced in any country to imprisonment for a term not less than one year, for an offence involving moral turpitude [25c].

VA. HUMAN RIGHTS ISSUES

Overview

5.1 The Government's human rights record is poor. Citizens do not have the ability to change their government peacefully. The security forces have been reportedly responsible for extrajudicial killings and disappearances and have reportedly beaten, harassed, arbitrarily arrested and detained incommunicado opponents or suspected opponents of the Government. The security forces and associated militias have reportedly raped women abducted during raids and have detained persons on the basis of their religion. The security forces and militias commit human rights abuses with impunity [3b].

5.2 During 2002, restrictions on press freedom under the National Security Emergency decree continued as the Government frequently arrested editors and journalists and suspended publications that criticised or disagreed with government policy. The Government severely restricts freedom of speech, assembly and association, religion and movement. The Government continued the Islamisation and Arabisation of the country and there were credible allegations of forced Islamisation of non-Muslims. Local human rights NGOs have been harassed routinely. Discrimination and violence against religious and ethnic minorities and government restrictions on worker rights continue. Child labour is widespread and slavery and trafficking in persons remain problems [3b].

5.3 In 2002, anti-government insurgent groups and associated militia forces committed numerous, serious abuses. There were reports of SPLM/A violations to citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controlled. During 2002, the SPLM/A was responsible for extrajudicial killings, beatings, rape, arbitrary detention, and forced military conscription of underage young men. SPLM/A officials were involved in the theft and destruction of property of NGOs and UN agencies in the south.

The participation of the Government and the SPLM in the peace process in 2002 produced some improvement in the overall human rights situation in the south by lessening military and militia attacks against civilians and by expanding the delivery of relief assistance to people affected by the war and continued drought. The parties' agreement to an internationally monitored ceasefire also led to some improvement in the human rights situation in the Nuba Mountains [3b].

5.4 Human rights abuses in the war zones have been committed with impunity by all parties to the conflict, including summary and arbitrary executions, torture, abductions and sexual violence against women and forcible recruitment of children into fighting forces. Tens of thousands have been displaced and face starvation with relief supplies disrupted by insecurity [11].

5.5 The civil war is based on the ethnic, religious and cultural divisions between the warring factions and is regarded as a struggle between the Arab-dominated Islamic government in the north and an alliance of northern Arab opposition political parties and non-Muslim black African rebels from the south. The southern states, ten in total, affected by the civil war are Western Bahr al Ghazal, Northern Bahr al Ghazal, Warab, Al Buhayrat, Western Equatoria, Eastern Equatoria, Bahr al Gabel, Jonglei, Upper Nile and Wahda. Sudan has been in a state of almost continuous war since it became independent in 1956. The current phase of fighting started in 1983 after the government adopted shari'a law. The conflict has also become a battle for resources, in particular the control of oil and the oil fields in the south [7]. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the insurgency [3a].

5.6 During 2002, the Government continued to displace and kill civilian populations, the most active theatre of war being the oilfield areas of Western Upper Nile/Unity State. In those areas, the Government brought in Islamist militia and Arab Baggara militia troops (murahleen) to supplement its regular troops in attacking the civilian population and occasionally the rebels. The murahleen who with the government army forces "protected" the rail line from Babanusa to Wau in Bahr El Ghazal used this role also to carry out several slave raids in 2002. The Government's Committee for the Eradication of Abduction of Women and Children continued to exist but failed to alleviate the slavery problem as local administrations in Baggara areas refused to co-operate in turning over enslaved persons. The Government relied more heavily in 2002 on its growing air force to bomb locations throughout the rebel areas and to reinforce garrison towns. Numerous well-documented incidents of intentional aerial bombing of civilian targets occurred during 2001-2002 [10b].

Freedom of Speech and the Media

5.7 The constitution provides for freedom of thought and expression and freedom of the press is allowed according to law. In practice, however, the Government restricts freedom of speech and the press, especially on the basis of national security. Government suspensions of newspapers, intimidation and surveillance inhibit open public discussion of political issues. Journalists practice self-censorship to avoid harassment and persecution by the security forces. In December 2001, the Government lifted official censorship, however, self-censorship continues [3a].

5.8 The Government exercises control of news reporting, particularly of political topics and criticism of the government, through the National Press Council (NPC) and the security forces [3b]. The NPC applies the 1999 Press Act which gives the NPC the authority to grant licences to the press, register journalists and issue sanctions and penalties. The NPC has the power to revoke licences and confiscate printing presses when serious offences are committed by members of the press [7]. The National Press Council consists of 21 members: 7 selected by the President, 5 from the National Assembly, 7 directly elected by journalists from the Journalists' Union and 2 selected by the Journalists' Union leadership [3a].

5.9 There are a large number of independent daily newspapers, mainly in urban areas and differing political views publicly are reflected to some extent. Several newspapers also reprint articles from the international press, some of which are critical of government policies. There is one government-owned newspaper. Four publications are under intensive scrutiny and the editors of these publications have experienced intimidation and interruption of their work. Newspapers are prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defence or official government statements [3b].

5.10 During 2002, the National Security Offices imposed restrictions on press freedom by suspending publications, detaining journalists and editors, confiscating already printed editions, conducting pre-publication

censorship and restricting government advertising to pro-government media only [3b].

5.11 During 2002, the press was faced with intermittent increased repression. Journalists and editors were detained and questioned about their publications' content; newspapers were fined heavily; and editions of many newspapers were confiscated because of articles the censors did not like although all newspapers were subjected to prior censorship. The newspaper "Al Ayam" was punished by one day's closure for an article discussing the health hazards of female genital mutilation although official government policy opposes the practice [10b].

5.12 Television broadcasting services are controlled directly by the Government and are required to reflect government policies. Sudan Television has a permanent military censor to monitor television news broadcasts to ensure that news broadcasts reflect official views. Sudan National Broadcasting Corporation is Sudan's sole TV broadcaster. It transmits two channels, one of which rebroadcasts a selection of programming including CNN News, which is censored. There are no private television channels broadcasting terrestrially in Sudan. In addition to Sudan's national television station, the Government also maintains a cable network of six channels including CNN, MBC, Dubai TV and Kuwait TV [14c].

5.13 Radio broadcasting services are controlled directly by the Government and are required to reflect government policies. The government-operated Sudan National Radio Corporation provides national and regional radio programmes in Arabic, English and several southern Sudanese languages. There are no privately-owned radio stations in operation. There are other opposition radio stations operating in the region such as the "Voice of Sudan" and "Voice of the National Democratic Alliance", which broadcast on shortwave from transmitters in Eritrea [14c].

Freedom of Religion

5.14 The constitution allows for freedom of religion but the Sudanese Government regards Islam as the state religion of Sudan and Islamic shari'a law remains as the basis for law in the country. In practice, the Sudanese Government restricts freedom of religion. Sudan is a religiously mixed country although Muslims have dominated national government institutions since independence. There are no accurate figures on the sizes of the country's religious populations because of poor census data as a result of two decades of civil war. The security forces reportedly detain persons on the basis of their religious beliefs and activities but such detentions have decreased in recent years. Generally, detentions based nominally on religion are of limited duration because the practice of religion is not illegal. Detainees cannot be held formally on religious grounds indefinitely [3c].

5.15 According to most estimates, between 65 and 75 percent of the population is Muslim and adherents include numerous Arabic and non-Arabic groups. Muslims predominate in the north of the country but there are sizeable Christian communities in northern cities, principally in areas where there are large numbers of internally displaced persons. The total number of southerners in the north is between 1-2 million. Most Sudanese people in the south adhere to either Christianity or traditional indigenous religions but there are Muslims as well, particularly along the historical dividing line between the Arab and Nilotic ethnic groups. There is evidence that many new converts to Christianity continue to adhere to elements of traditional indigenous practices. There are small but influential established communities of Greek Orthodox and Coptic Rite Christians around Khartoum and other northern cities. About 300,000 Coptic Christians live in the north. There are strained relations between the various religious communities [3c].

5.16 At least one third of Sudan's population follow traditional animist religions, particularly in the south and in the Nuba Mountains. Although these animists share some common elements of religious belief, each ethnic group has its own indigenous religion. Virtually all of Sudan's traditional African religions share the conception of a high spirit or divinity, usually a creator god. There exists two conceptions of the universe: the earthly and the heavenly, or the visible and the invisible. The heavenly world is seen as being populated by spiritual beings whose function is to serve as intermediaries or messengers of God; in the case of the Nilotes, these spirits are identified with their ancestors. The supreme deity is the object of rituals using music and dance [6].

5.17 With regard to the question of religious freedom in Sudan, the UN Special Rapporteur on the situation of human rights in Sudan informed the UN General Assembly in November 2001 that it was not true, as some Christian fundamentalists claimed, that religious persecution of Christians was taking place in Sudan. There were grounds for concern about restrictions on religious freedom and discrimination and the growing Islamic dominance in the education system and civil life but there was no systematic oppression of Christian churches [9b].

5.18 Religious groups, like all other organisations, must be registered in order to be recognised or to gather legally. Registration reportedly is very difficult to obtain in practice and the Sudanese Government does not treat all groups equally in the approval of such registrations and licences, particularly evangelical Christian groups. Registered religious groups are exempt from most taxes. It is very difficult for religious groups that are not registered to construct a place of worship or to assemble legally. It is also very difficult for non-Muslim religions to obtain permission to construct places of worship but applications to build mosques are generally granted in practice [3c].

5.19 Muslims may proselytize freely in government-controlled areas but non-Muslims are forbidden to proselytize. Non-Muslims may convert to Islam but apostasy, which includes conversion to another religion, by Muslims is punishable by death. Missionaries continue to operate, running food relief operations, medical clinics and churches in the south. Some also operate in government-controlled areas. Sometimes, however, the authorities harass missionaries and other religiously-oriented organisations and delays their requests for work permits and residence visas. The Sudanese Government is generally least restrictive of Christian groups that historically have had a presence in the country, including Coptic Christians and Greek Orthodox Christians and is more restrictive of newer arrivals [3c].

5.20 Religious minority rights are not protected and Islam is regarded as the state religion, which effectively confers second class citizenship status on non-Muslims. The Government, however, does allow non-Muslims to freely participate in religious services in existing, authorised place of worship. In government-controlled areas of the south, there continues to be credible evidence of prejudice in favour of Muslims and an unwritten policy of Islamisation of public institutions. The Government requires instruction in Islam in schools in the north. In schools in areas where Muslims are not a majority, students have a choice of studying Islam or Christianity. Non-Muslims are discriminated against in Sudanese society. Some non-Muslims have lost their jobs in the civil service, the judiciary and other professions. Few non-Muslim university graduates have found government jobs. Some non-Muslim businessmen have complained of petty harassment and discrimination in the awarding of government contracts and trade licences [3c].

5.21 The Government officially exempts the ten southern states, in which the population is mostly non-Muslim, from parts of the law, which permits physical punishments, including lashings, amputations and stonings based on shari'a law. The Government has reportedly carried amputations as punishment for violent crimes that resulted in death. All those sentenced to amputations reportedly were Muslims. In 2002, however, the Government amputated the right hand of a southern Christian for stealing spare auto parts. In February 2002, Abok Alfa Akok, a southern Christian woman, was sentenced to death by stoning for having an adulterous relationship and becoming pregnant. The Vatican interceded and her sentence was commuted to 75 lashes. There have been recent reports of court-ordered Islamic law punishments, other than lashings, in government-controlled areas of the south. [3c].

5.22 In rebel-controlled areas, Christians, Muslims and followers of traditional indigenous beliefs generally worship freely, however, in recent years southern soldiers have damaged mosques after taking over garrison towns. The Sudan People's Liberation Army prefers a secular government but is willing to allow shari'a law to exist in the north. Christians dominate the Sudan's People Liberation Movement (SPLM) and local SPLM authorities often have a very close relationship with local Christian religious authorities. There is no evidence that this close relationship has resulted in a failure to respect the rights of non-Christian people [3a].

Freedom of Assembly and Political Association

5.23 The Government severely restricts the freedom of assembly and political association. All political parties were banned after the 1989 military coup that brought Omar Hassan al-Bashir to power. The 1999 Political Association Act, as revised by the 2000 Political Organisational Act, lifted the ban on political parties which marked a significant change in government policy. The law allows political parties to be officially recognised provided they register with the Government. New political parties are approved at the discretion of the Government's registrar who is appointed by the president with the approval of the National Assembly. The law, however, imposes the restriction that all parties that are registered must adhere to the ruling party's ideology [7].

5.24 The continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than five individuals, effectively eliminates the right of assembly. The authorities permit only government-authorised gatherings and disrupt gatherings they view as politically oriented or potentially critical of or embarrassing to the Government or the ruling National Congress

Party. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, were denied permission to hold large public gatherings during 2002. The security forces have used excessive force, including beatings, tear gas and firing of live ammunition to disperse unapproved demonstrations. In June 2001, the Government declared a ban on all rallies and public demonstrations in the country and announced that no permits would be authorised or issued. This ban remained in effect during 2002 [3b].

Employment Rights

5.25 The constitution provides for the right of association for economic and trade union purposes, however, the Government restricts this right in practice. The Government prescribed severe punishments, including the death penalty, for violations of its labour decrees. The Trade Union Act established a trade union monopoly. There are no independent trade unions. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally - all other trade unions have been banned. The law does not prohibit anti-union discrimination by employers [3b].

5.26 A government decree temporarily suspended the right to organise and bargain collectively. Although these rights were restored to labour organising committees in 1996, government control of the steering committees means in practice that the Government dominates the process of setting wages and working conditions. The continued absence of labour legislation allowing for union meetings, the filing of grievances and other union activity greatly reduce the value of these formal rights. There have been credible reports that the Government routinely intervenes to manipulate professional and trade union elections in favour of its own supporters. The constitution provides for the right of organisation for economic or trade union purposes, however, the current emergency decree continues to supercede the constitutional provisions [3a].

5.27 A tripartite committee comprising representatives of the Government and the SWTUF set business wages. Specialised labour courts adjudicate standard labour disputes, however, the Ministry of Labour has the authority to refer a dispute to compulsory arbitration. A labour code has been in effect since December 2000, which strengthened government control over trade unions and continues to deny trade unions autonomy to exercise their basic rights to organise or to bargain collectively. The code provides that unions should be democratic, national and neutral, defend the welfare of their members and should raise productivity. There is nothing in the code regarding organisational structure, strikes or term limits. Union funds are subject to control by the auditor general [3b].

5.28 The legal minimum wage is enforced by the Ministry of Labour which maintains field offices in most major cities. Employers generally respect the minimum wage legal requirement. Workers who have been denied the minimum wage can file a grievance with the local Ministry of Labour field office, which is then required to investigate and take appropriate action if there is a violation of the law. The working week is limited by law to an 8-hour day, with a rest on Friday, which is generally respected [3b].

5.29 Legal foreign workers have the same rights as Sudanese workers. Illegal workers have no such protection and, as a result, typically work for lower wages in worse conditions than legal workers. Southern internally displaced persons occupy the lower paying occupations and are subject to economic exploitation in rural and urban industries and activities [3b].

5.30 The constitution prohibits forced or compulsory labour but slavery continues, particularly affecting Dinka women and children from northern Bahr al Ghazal. The taking of slaves, particularly in the war zones and their transport to parts of central and northern Sudan continues. There have been frequent and credible reports that Arab Baggara raiders, supported by government soldiers, took women and children as slaves during raids in Bahr al Ghazal State. The Government has not taken any action to halt these practices and continues to support some Baggara tribal militias. The majority of the victims were abducted in raids on settlements carried out by government-affiliated militias accompanying and guarding troop trains to the southern garrison town of Wau. During the raids, the militias, which frequently are not paid by the Government, obtain alternative payment through these acts by abducting women and children, looting villages and stealing cattle to take to the north. Civilians were often killed and villages were destroyed [3a].

5.31 Following the raids, there were credible reports of practices such as the sale of and purchase of children, some in alleged slave markets, and the rape of women. Abductees are frequently forced to herd cattle, work in the fields, fetch water, dig wells and do housework. Abductees are sometimes subjected to torture and rape and are sometimes killed. These practices all have a pronounced racial aspect as the victims are all black southerners

and members of the native ethnic groups of the Nuba Mountains [3a].

5.32 The Government has denied that slavery is practiced but acknowledges that abductions occur. The Government also denies involvement or complicity in slavery and states that hostage taking often accompanies tribal warfare, particularly in war zones not under government control [3a].

People Trafficking

5.33 The law does not prohibit trafficking in persons specifically but the constitution prohibits slavery and forced labour. Slavery, forced labour and people trafficking reportedly goes on in Sudan. Slaves reportedly are taken from the war zones of the south and transported to the central and northern parts of Sudan. There have been credible reports of practices such as the sale and purchase of children [3a].

5.34 Trafficking is generally initiated by government-affiliated militias accompanying troop trains to the southern garrison towns of Aweil and Wau. The militias abduct women and children as remuneration for their services. The militias keep some of the abductees for domestic servitude, forced labour or as sex slaves. Other slaves are given to relatives or other members of their ethnic groups for similar purposes. The majority of the abductees are taken to the government-held part of the country [3a].

5.35 In 1996, the Government established the Special Commission to Investigate Slavery and Disappearance but a report has not been published by the Commission. In 1998, the Government formed the CEAWC, under the Ministry of Justice and comprised of government officials from different ministries and departments, which oversees traditional chiefs who attempt to identify and locate abductees. Since its creation, approximately 300 abductees have been returned to their homes but 10,000 to 12,000 slaves remain in captivity, the majority of whom are Dinkas. The Government has not recorded the identity of the abductors or forced labour owners and has not prosecuted them [3a].

Freedom of Movement

5.36 The constitution provides for freedom of movement and residence and exit from and entry into the country but in practice freedom of movement is severely restricted by the Government. The Government routinely restricts travel into many areas of the country including the south. Movement is generally free for other citizens outside the war zones but travellers who fail to produce an identity card at checkpoints risk arrest. Women may not travel abroad without the permission of their husbands or male guardians [3a]. In general, no land border crossings into or out of Sudan can be safely crossed, with the exception of the Wadi Halfa crossing into Egypt. There are no restrictions on the import of foreign exchange and export is allowed up to the amount imported. The import/export of Sudanese currency is prohibited. Alcohol is strictly forbidden. Travellers arriving in Sudan with alcoholic beverages are liable to immediate arrest [20].

5.37 Foreigners need permits, which are often difficult to obtain and sometimes refused, for domestic travel outside Khartoum. Foreign diplomats can travel to many locations under government escort. Foreigners must register with the police on entering the country, seek permission to move from one location to another, and re-register at each new location within 3 days of arrival. In December 2000, the Government announced restrictions on travel by diplomatic, international and regional organizations and others into rebel-controlled areas without prior written permission from the Ministry of External Affairs. [3a]. Nationals of Israel and foreign nationals whose passports contain Israeli visas are prohibited from entering Sudan [20].

5.38 Insurgent movements also require that foreign NGO personnel obtain permission before travelling to areas that they control although they generally grant permission. NGO workers who have worked in government-held territory encounter problems receiving permission to work or travel in insurgent-held territory. In March 2000, the SPLA drew up a memorandum of understanding for NGOs to sign that restricted much of their work in the southern part of the country and as a result many NGOs left the country [3a].

5.39 Sudanese national passports are issued by the Passports and Immigration Department in Khartoum. Any Sudanese citizen can have a national passport issued to him provided he can produce valid proof of nationality and an identity card. Sudanese nationals abroad who have passports that have expired can apply to the nearest Sudanese embassy or to the passport issuing authorities in Khartoum for a new passport. Sudanese citizens wanting to leave Sudan must have an exit visa stamped in their passports obtainable from the Ministry of the

Interior. There are two types of exit visa that have been in use since May 1998. One type of visa is issued to Sudanese nationals travelling abroad to work and the other type of exit visa is issued to everyone else. Sudanese citizens wishing to travel to a country that requires Sudanese citizens to have a visa for entry have to produce an entry visa for that country before an exit visa can be issued by the Sudanese authorities. The law allows the authorities to refuse issuing an exit visa to a person wishing to travel abroad. The decision is taken by a court which informs the Ministry of Internal Affairs and the immigration authorities about its decision [9b]. It is reportedly difficult for journalists, lawyers and media reporters to obtain exit visas because the Government suspects people from these professions to be in possession of information the Government does not want the outside world to know about [9a].

5.40 The Government denies exit visas to certain categories of persons such as policemen and physicians [3b]. The airport security police at Khartoum have a register of persons wanted by the police. These are individuals who have had civil proceedings made against them and are therefore criminals or suspect criminals [9b].

5.41 The procedures on departure from Khartoum Airport are relatively straightforward. After the first baggage check, the traveller has to present his passport with an exit visa. The visa is stamped and a departure form is completed by the traveller himself. This is registered on computer. In addition, a check is made to ascertain whether the traveller's name appears on the airport's list of wanted persons. His baggage is then checked again by the customs authorities. Before the traveller is allowed to enter the aircraft, his passport is checked again [9b].

5.42 In general, Sudanese nationals who have been abroad for some time can enter Sudan without any problems provided they have valid travel documentation. There is no written decree, regulation or law in force issued to border guards stating that all returning Sudanese nationals who have been abroad for more than one year should be arrested and detained for questioning [9b][25d]. There is a tax regulation, however, that stipulates that Sudanese nationals who have been abroad for more than one year and have worked abroad must pay tax on their foreign income, either at a Sudanese embassy or to the tax authorities on their return to Sudan. Returning Sudanese nationals, therefore, may be questioned about any income they have received abroad or any tax they owe to the Government [9b]. Returning Sudanese who are found guilty of tax evasion will not be able to obtain an exit visa, which is legally required for foreign travel, should they want to travel abroad again [9a].

5.43 Leaders and high-ranking members of opposition political parties, who are already known to the security forces, may encounter problems with the security forces on return to Sudan [9a]. This, however, would not apply to members of the Umma Party as the leader and leading members of the Umma Party have returned to Sudan without any hindrance by the security forces [12a][12b]. People returning to Sudan from countries having strained or hostile relations with Sudan may be questioned about their activities in the country or countries they had been in [9a].

5.44 The law includes provisions for the granting of refugee or asylum status in accordance with the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. The Government co-operates with the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organisations and accorded refugees relatively good treatment. The UNHCR has reported that there were approximately 349,209 refugees in Sudan, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of Congo and Somalia in 2002. Approximately 150,000 additional refugees are in camps and the rest are in urban areas throughout the country. There have been some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees cannot become resident aliens or citizens regardless of their length of stay in the country but the Government has allowed a large number of refugees to work. There have been no reports of the forcible repatriation of refugees, regardless of their status [3b].

Arbitrary Interference with Privacy

5.45 The constitution provides for the inviolability of communication and privacy, however, the Government routinely interferes with its citizens' privacy. The security forces frequently conduct night searches without warrants and they have targeted persons suspected of political crimes. Government forces occupied the offices of the Popular National Congress Party during 2002. In the north, security forces have also searched the residences of persons suspected of making alcoholic beverages, which is illegal under Islamic law. Security personnel frequently open and read mail and monitor telephones. The Government restricts the ownership of satellite dishes by private citizens through the use of its licensing requirement. A wide network of government informants conduct pervasive surveillance in schools, universities, markets, workplaces and neighbourhoods [3b].

Female Genital Mutilation

5.46 Female genital mutilation (FGM) is defined by the World Health Organisation as all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other non-therapeutic reasons. There are three surgical forms of FGM. Sunna circumcision involves the removal of the prepuce and the tip of the clitoris. Excision or clitorodectomy involves removal of the clitoris and often all the labia minora. It is also the most common operation and is practiced throughout Africa, Asia the Middle East and the Arabian peninsular. Infibulation or pharonic circumcision involves excision and the removal of the labia majora [23].

5.47 FGM is practiced widely in Sudan, although previously concentrated in the north, it is gradually moving towards the west and south of Sudan. Due to the civil war and the large numbers of internally displaced people in Sudan, the groups who did not traditionally practice the custom are increasingly adopting the practice of FGM. FGM is being carried out in the IDP camps outside of Khartoum and has spread to tribes in the south and west of Sudan, including the Dinka, Nuba and Fellata [23].

5.48 An estimated 90% or more of girls and women in the north have undergone FGM. The most severe type of FGM - infibulation - is also the most common type practiced in Sudan. The practice of female genital mutilation is typically performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, causing severe pain, trauma and risk of infection. No form of FGM is illegal under the 1991 Criminal Act but the law forbids doctors and midwives from performing infibulation. The Government, however, has neither arrested nor prosecuted any person for violating the health law against infibulation. A growing number of urban, educated families are abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the less severe form of FGM, "sunna", as an alternative to infibulation. The Government does not support FGM and it has introduced information about FGM in some public education curriculums. One local NGO is working to eradicate FGM [3b].

5.49 Sudan was the first African country to outlaw FGM. It was first condemned by the Sudanese Medical Service in the 1930s and in 1944, the Sudan Ministry of Health launched an intensive campaign to put an end to the practice of infibulation. The spread of education about FGM, more than anything, brought some decline in the practice. Legislation to proscribe FGM was finally enacted in the 1946 Penal Code, which prohibited infibulation, but permitted Sunna. The law was ratified again in 1957, when Sudan became independent. In 1991, the Government affirmed its commitment to the eradication of the traditional form of FGM, however, the 1991 Penal Code (also known as the 1991 Criminal Act), which supercedes all the previous penal codes, does not mention FGM, leaving its current legal status unclear [23].

5.50 FGM is carried out throughout all sections of Sudanese society, however, the most extreme infibulation while remaining widespread in rural areas, is dying out in most of the larger towns and is tantamount to a taboo subject amongst the educated. In 1990, a Sudanese demographic and health survey showed widespread support for FGM, however, there was a difference in attitude to FGM between educated and non-educated women. The report showed that women with no education or only primary education generally supported FGM, but under half of women with senior education did so [23].

5.51 Custom and tradition are by far the most frequently cited reason for FGM and defines who is in the group; this is reinforced in Sudan where FGM is carried out as an initiation into adulthood. The operation is celebrated with great festivity by the families and the day of the operation is considered to be the most important day in the girl's life [23].

5.52 FGM is seen as an important method of control over women's sexuality, both in terms of ensuring chastity and reducing the female libido. In Sudan, the intact result of FGM provides the respect and economic value of the bride to her patri-line and to her spouse who is dependent upon her unquestioned virginity. FGM symbolises the woman as obedient, docile, faithful and the upholder of tradition [23].

5.53 The common word for the FGM operation is "tahir" meaning purification and the girl undergoing the procedure is referred to as the bride, possibly as the first step in her future role as a wife. In Sudan, the girl is actually decorated as a bride, with jewels and henna and after the operation she lies on a couch, decorated with red strings and wearing a scarab, which is supposed to protect her. In addition she receives gifts, including jewellery, money and cloth [23].

5.54 FGM is now carried between April and July, during the long school holiday and early in the morning to avoid the hot weather. The actual day of circumcision is one of fear and pain but also accomplishment and recognition as a full adult marriageable member of society. The girl gets more recognition, including attention, special beautiful clothing, special food and jewellery, after this coming of age ritual than at any other time in her life except on her marriage day. Often, girls have no choice about undergoing FGM and are stigmatised if they do not. The girls who have not undergone FGM are placed under enormous social pressure to do so and are widely ridiculed with taunts of "ghalfa" (uncircumcised) and "nigisha" (unclean) [23].

5.55 In Sudan, 35 percent of FGM operations are carried out by midwives, 0.7 percent by physicians and 64 percent by local women (excisors). These women have generally acquired their skills from their mothers or other female relatives and are often also the community's traditional birth attendants. The type of operation is decided by the girl's mother or grandmother beforehand. Payment is made to the excisor before, during and after the operation, to ensure the best service. This payment, partly in kind and partly in cash, is a vital source of livelihood for the excisors and the FGM operation is a vital source of income for the birth attendants, which causes difficulties to those campaigning for the eradication of FGM [23].

5.56 The rural practice of infibulation is carried out, for the most part by using unsterile instruments, increasing the chances of post-operative complications. A typical operation takes between 10 and 20 minutes, depending on its nature. In most cases, an anaesthetic is not administered. The girl is held down by three or four women while the operation is done. The wound is then treated by applying mixtures of local herbs, earth, cow dung, ash or butter, depending on the skills of the excisor. If infibulation is performed, the child's legs are bound together to impair mobility for up to 40 days. If the child dies from complications, the excisor is not held responsible; rather, the death is attributed to evil spirits or fate [23].

VB. HUMAN RIGHTS: SPECIFIC GROUPS

Women

5.57 Some aspects of the law including certain provisions of Islamic law as interpreted and applied by the Government and many traditional practices discriminate against women. Gender segregation is common in social settings. Under Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference. Women are ensured inheritance from their parents; however, a daughter inherits half the share of a son and a widow inherits a smaller percentage than do her children. It is much easier for a man to initiate divorce proceedings than for women. Muslim men can marry non-Muslims but Muslim women cannot marry non-Muslims unless the man concerned converts to Islam. Also under Islamic law fathers are favoured in child custody cases. Women cannot travel abroad without the permission of their husbands or male guardians [3a].

5.58 The percentage of women in government or politics does not correspond to their percentage in the population although they have the right to vote. There is one female minister, who serves as a government advisor; one female state minister, who serves on the Council of Ministers and is the former head of the legislative committee of Khartoum State and there is one female Supreme Court judge [3a].

5.59 Domestic violence against women in Sudan is a serious issue although there are no reliable statistics. Many women are reluctant to submit formal complaints against such abuse although domestic violence is a legal ground for divorce. The police do not normally intervene in incidences of domestic disputes. The punishment for rape under the 1991 Criminal Act varies from 100 lashes to ten years imprisonment to death. In most cases, convictions for rape are not announced, however, observers believe that sentences are often less than the maximum provided by law. Women from the south are vulnerable to harassment, rape and sexual abuse. The Government has not addressed this issue. There are no specific laws regarding sexual harassment [3a].

Children

5.60 Children continue to be the most vulnerable group in Sudan. They are the principal targets of raids conducted by militias and they are recruited into the armed forces by both the Government and its opponents. As internally displaced persons, they are subject to abuse in camps [7].

5.61 The Government operates camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they are detained for indefinite periods. Health care and schooling at the camps are generally poor and basic living conditions are often primitive. All the children in the camps, including non-Muslims, must study the Koran and there is pressure on non-Muslims to convert to Islam [3a].

5.62 The legal minimum age for workers is 18 years but the law, however, is not enforced in practice. Children as young as 11 or 12 years of age work in a number of factories, particularly, outside Khartoum. In addition, severe poverty has produced widespread child labour in the informal, unregulated economy. In rural areas, children traditionally assist their families with agricultural work from a very young age. The constitution provides that the Government protect children from exploitation but this has resulted in no changes in practice. The Government has not taken any action to investigate abuses or protect child workers. The law prohibits forced and bonded labour by children but the Government does not enforce it effectively and there have been reports that children have been taken as slaves. Child labour exists in SPLM/A-held areas, particularly in the agricultural sectors. Child labour in such areas is exacerbated by a lack of schools, extreme poverty and the lack of an effective legal minimum age for workers [3a].

Ethnic Groups

5.63 Sudan's population is a very diverse multi-ethnic mix of more than 500 Arab and black African ethnic groups who speak many different languages and dialects. Northern Muslims, who form a majority of approximately 16 million persons, have traditionally dominated the Government. In contrast, the population in the south are mostly animists or Christians from black African ethnic groups and total approximately 6 million people and seek independence or some form of regional self-determination from the north. The Arab Muslim majority and the Arab-dominated government discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who do not speak Arabic experience discrimination in education, employment and other areas. The use of Arabic as the language of instruction in higher education discriminates against non-Arabs [3a].

5.64 Sudanese who consider themselves Arabs are, for the most part, racially mixed, and many of them are indistinguishable from black southerners. Despite a common language and religion, the Arabs do not constitute a cohesive group - they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers and pastoral nomads. The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The tribal system has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels. Each Arab tribe or cluster of tribes is in turn part of a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah [6].

5.65 Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north. The most notable of these are the Nubians, who live along the Nile in the far north and in southern Egypt. Most Nubians speak Arabic as a second language. The same applies to the Beja who inhabit the Red Sea Hills. Although they adopted Islam, these pastoral nomads have retained their Bedawiye language, which belongs to the Cushitic branch of the Afro-Asiatic language family. Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west. North of the Fur are the Zaghawa, who are scattered in the border region [6].

5.66 The most important linguistic grouping in the south is that of the Nilotes, who speak various Eastern Sudanic languages. Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost 20% of Sudan's population. The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the west bank of that river. The Nuer live farther south, east of the Mountain Nile [6].

5.67 There are more than one hundred languages spoken as mother tongues in Sudan. Arabic is the official national language and is the most common medium for the conduct of government, commerce, and urban life throughout the country. English has been acknowledged as the principal language in the south since 1972. The languages spoken in Sudan belong to three families of African languages: Afro-Asiatic, Nilo-Saharan and Niger-Congo. The most important of Afro-Asiatic languages are Arabic and the Bedawiye language of the Beja. The Nilo-Saharan languages, including Dinka, Nuba, Nuer and Shilluk account for the next largest number of speakers. The Niger-Congo family is represented by the Azande, Banda, Sere and many other smaller ethnic groups. To overcome these language barriers, the vast majority of Sudanese are multi-lingual, with Arabic and to a lesser extent, English as a second language [6].

5.68 The Massaleit, who are black African Muslims, claim that the Government is engaged in a policy of "Arabisation" and that government-sponsored militia groups are trying to eradicate western Sudan of Massaleit and other black tribes. They live in Darfur State which is in the north west of Sudan [7].

5.69 The Nuba people are a somewhat isolated farming community who live in the Nuba Mountains area in Southern Kordofan State in central Sudan. As the Nuba people live in central Sudan, they are not regarded as southern Sudanese. A third of the area consists of the mountains or hills themselves, with most of the rest being fertile, clay-heavy plains. The area contains few significant roads or towns. The Nuba people are not related to the Nubians who live farther north. They are a complex people of black ethnic groups with many cultures who speak more than fifty languages. They practice religious and ethnic tolerance and are a mixture of Christians, Muslims and followers of traditional animist religions [24].

5.70 The Government suspects that many Nuba people support the SPLA or have sympathies with the SPLA even though they may not be SPLA members as the SPLA have been operating in the Nuba Mountains. The Government, therefore, views the Nuba people as legitimate military targets. During 2001, the Government made sustained military attacks in the Nuba Mountains area. In May 2001, the Government attacked the region, bombing extensively and burning down six villages, resulting in the displacement of more than 15,000 people. The Government persistently denied humanitarian access to civilians in the SPLA-held Nuba Mountains, through flight denials and shelling of airstrips used for unapproved relief deliveries. After years of negotiations, the United Nations in October 2001 succeeded in making the first-ever delivery of relief to the Nuba Mountains with government permission [10a].

5.71 In January 2002, the SPLM/A and the Government agreed to a six-month renewable military ceasefire in the Nuba Mountains area after six days of negotiations in talks in Switzerland. The SPLM/A welcomed the ceasefire as it allows the Nuba people to receive international humanitarian assistance. The Government also welcomed the ceasefire as it would help to facilitate the work of aid agencies and would contribute to the region's rehabilitation and development. An international monitoring unit has been given the responsibility to oversee the implementation of the ceasefire [17]. The Government and the SPLM/A agreed to renew the ceasefire for a further six months from 20 July 2002 [18b]. The ceasefire agreement was renewed again in January 2003 for a further six months. The ceasefire has been respected by all the parties involved [15c].

Treatment of Homosexuals

5.72 Under the 1991 Criminal Act, homosexual activity is illegal in Sudan. A first time offence of buggery carries a penalty of up to five years imprisonment and fifty lashes; the same again for a second offence and for a third offence the death penalty or a sentence of life imprisonment is applied. There are no specific penalties that apply to lesbians. Homosexual activity is known to go on in Sudanese society but not openly. According to information obtained from the British Embassy in Khartoum in 2001, there have been no reports to indicate that the security forces persecute known homosexuals [25b].

Human Rights Groups

5.73 Due to government restrictions, there are only two independent domestic human rights organisations - the Sudan Human Rights Group and the Sudan Human Rights Organisation (SHRO). The SHRO operated from Cairo until 2000 when the Egyptian Government asked them to close their offices. There are also two local NGOs that have address health concerns related to the practice of female genital mutilation and other traditional practices [3b].

Opposition Political Parties

5.74 All political parties were banned after the 1989 military coup that brought Omar Hassan al-Bashir to power. The 1999 Political Association Act, as revised by the 2000 Political Organisational Act, lifted the ban on political parties which marked a significant change in government policy. The law allows political parties to be officially recognised provided they register with the Government. The law, however, imposes the restriction that all parties that are registered must adhere to the ruling party's ideology. New political parties are approved at the discretion of the Government's registrar. The registrar is appointed by the President with the approval of the National Assembly [7]. Political activity in Sudan is severely restricted. During 2002, there were reports that the security forces regularly beat, severely flogged, harassed, arbitrarily arrested and detained and kept incommunicado

opponents or suspected opponents of the Government [3b].

The Democratic Unionist Party

5.75 One of the main opposition political parties is the Democratic Unionist Party (DUP). The DUP, formed in 1968 through the merger of two long-established parties, is a largely secularist Islamic centre party. It is supported primarily by the Khatmiya Islamic order. After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995. It was in his capacity as NDA chairman that Mirghani held talks with President al-Bashir in Eritrea in September 2000. A statement issued after the meeting recorded the two sides' determination to bring about an end to the civil war and to create conditions for voluntary unity between the north and south. Mirghani, however, did not announce any plans to return to Sudan or to end the DUP's participation in the NDA [8]. The DUP is also split into a number of smaller factions [9b].

5.76 Mirghani advised his followers to boycott the presidential and legislative elections held in December 2000. Not all DUP members supported Mirghani's insistence that the DUP should maintain its stance as a party in exile. Siddiq al-Hindi returned to the country in 1997 to establish a faction of the DUP with himself as chairman. In February 2001, al-Hindi and two other members of his faction accepted ministerial portfolios in the al-Bashir Cabinet [8].

The Umma Party

5.77 Another of Sudan's main political parties is the Umma Party (UP), currently led by Sadiq al-Mahdi. During the last period of parliamentary democracy, the UP was the largest political party in the country and Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989. Originally founded in 1945, the UP was the political organisation of the Islamic Ansar movement. Its supporters follow the strict teachings of the Mahdi who ruled Sudan in the 1880s. Since Sudan became independent in 1956, the UP has experienced alternating periods of political prominence and persecution [28].

5.78 In November 1999, the Government signed a peace accord with the Umma Party. The UP stated that the accord called for the establishment of a democratic federal system of government in Khartoum and for a referendum on self-determination for the south of the country. The agreement was finalised in Djibouti, where East African leaders met to discuss the long-running war, as well as the conflict in Somalia [14a]. In March 2000, the UP left the National Democratic Alliance [13]. The premises of the UP, which had been seized by the Government in 1989, was handed back to the UP [18a]. In April 2000, thirty exiled leading figures of the UP returned to Sudan in accordance with the November 1999 peace accord with the Government [12a].

5.79 On 23 November 2000, Sadiq al-Mahdi, the leader of the Umma Party, returned to Sudan after four years of exile in Egypt. This was a voluntary return with no pre-conditions attached by the Government and with the full approval and knowledge of President al-Bashir. A large crowd of UP followers met al-Mahdi on his arrival in Sudan. There were no reports that this crowd was broken up by the security forces. This is in line with the UP's policy of constructive engagement with the Government to achieve the political and constitutional changes it wants [12b][14b]. Thousands of people gathered to hear al-Mahdi preach at the mosque of his great-grandfather and religious leader, the Mahdi. In his address, he urged people to work together to solve Sudan's problems peacefully. He said that he had come back to work with all parties for a return to democracy and to end the civil war [14b].

5.80 The Umma Party did not contest the December 2000 elections, nor did it accept an offer of ministerial representation in the Cabinet appointed in February 2001. Mahdi, however, did play an active role in 2001 in the search for a peaceful solution to the conflict in Sudan. He travelled abroad to attend meetings organised by various mediators between rival Sudanese factions [8].

The Sudanese Communist Party

5.81 The Sudanese Communist Party (SCP) was formed in 1944 and established a strong support base in universities and labour unions. Although relatively small, the SCP became one of the country's best organised political parties by 1956 when Sudan obtained its independence. The SCP was also one of the few parties that recruited members in the south. The various religiously affiliated parties are opposed to the SCP [28]. In 1971,

the SCP was banned by President Nimeri who accused the party of supporting an attempted coup. Several hundred leading members of the SCP were imprisoned and a few were executed. After Nimeri's fall, the SCP was reorganised and it won three seats at the parliamentary elections in 1986. Since the coup in 1989, the SCP has been behind one of the most effective opposition campaigns against the current regime [9b].

5.82 The SCP is split into at least two factions led respectively by Mohammad Ibrahim Nogud and Al Khatim Adlan. Adlan's faction is not a member of the NDA but both factions of the SCP are banned in Sudan and are both under surveillance by the security forces. The SCP traditionally has found its support amongst students and trade unionists. The SCP had support in both southern and northern Sudan and was opposed to the religiously-based parties such as the DUP and UP [9b].

The Baa'th Party

5.83 The Baa'th Party of Sudan is relatively small and sided with the Baa'th Party of Iraq in the major schism that divided this pan-Arab party into pro-Iraqi and pro-Syrian factions. The Baa'th Party remains committed to unifying Sudan with either Egypt or Libya as an initial step in the creation of a single nation encompassing all Arabic-speaking countries, however, the Baa'th Party's ideological reservations about the existing regimes in those two countries precluded active political support for this goal. The Nimeri and al-Bashir governments alternately tolerated and persecuted the Baa'th Party [28].

The Popular National Congress Party

5.84 In December 1999, President al-Bashir declared a state of emergency and disbanded the National Assembly two days before it was to vote on a constitutional amendment that would have reduced presidential powers. The disbanding of the National Assembly reduced the power of the Parliamentary Speaker and chairman of the ruling political party, Hassan al-Turabi. President al-Bashir suspended articles of the constitution and suspended the political activity of Hassan al-Turabi. On 24 January 2000, President al-Bashir formed a new government and in May 2000, he froze all activities of the ruling political party [7]. The political rift between al-Turabi and al-Bashir widened in June 2000 when Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNCP) [2].

5.85 Hassan al-Turabi was arrested in February 2001 and charged with posing a threat to national security and constitutional order because he signed a MOU with the SPLM/A calling for citizens to rise up against President al-Bashir. He was subsequently placed under house arrest. In August 2002, a presidential decree renewed al-Turabi's detention for another year and he was moved from house arrest to a maximum security prison and then to a house owned by the Government. He remains under house arrest [3b].

The National Democratic Alliance

5.86 The National Democratic Alliance (NDA) is not a political party but could be regarded as a political alliance. The NDA was formed after the 1989 military coup as an umbrella organisation linking a disparate group of opponents of the al-Bashir regime. From 1995, the NDA was chaired by Osman al-Mirghani, the exiled leader of the DUP [8]. The Umma Party was a member of the NDA but left it in March 2000 with the full knowledge and approval of the Government [13].

5.87 The NDA is composed of the political parties, trade unions and officers of the Legitimate Command of the Sudanese armed forces, the armed factions and independent national personalities which signed the NDA's National Charter of October 1989. The number of the signatories of the NDA charter reached 13 parties, 56 unions and federations, armed factions and other groupings and national personalities. The NDA has set up its headquarters outside Sudan in Asmara, the capital city of Eritrea. There are also branch offices in Cairo, Nairobi, Washington and London. The current Leadership Council of the NDA includes the following organisations:

The Democratic Unionist Party

The Sudan People's Liberation Army

The Sudan's People Liberation Movement

The Union of Sudan African Parties

The Sudanese Communist Party

The General Council of the Trade Unions Federation

The Legitimate Command of the Sudanese armed forces

The Beja Congress

The Sudan Alliance Forces

The Federal Democratic Alliance

The Free Lions Association

The Arab Baa'th Socialist Party

independent national figures

representatives of the liberated areas

The Sudanese National Party [16]

5.88 The second conference of the NDA held in Massawa, Eritrea, in September 2000, issued its resolutions and organisational recommendations regarding the structure of the NDA. The Congress is composed of the representatives of all the political parties, trade unions, military and women federations, student organisations and independent individuals that are members of the NDA. Each organisation will be represented according to the criteria determined by the Leadership Council. The congress should be held once every two years. It is responsible for the designing, reviewing and evaluation of all the policies and programs of the NDA. It also elects the President of the NDA and its leading and executive bodies [16].

5.89 The Leadership Council consists of the leaders of the member organisations of the NDA and a representative of the independent individual members. The LC is the supreme political leadership of the NDA that supervises and follows up the implementation of the decisions and directives issued by the conference and those issued by the LC itself. The LC chooses the NDA's Secretary-General as well as the heads of the various secretariats. The LC holds regular meetings. Resolutions are taken by consensus and the consensus is considered valid if the objections does not exceed two members of the LC [16].

5.90 The Executive Bureau (EB) is composed of the Secretary-General together with the heads of the following secretariats:

Foreign Relations Secretariat

Organisation and Administration Secretariat

Information Secretariat

Humanitarian Affairs and Liberated Areas Secretariat

Liaison Secretariat within Sudan

Financial Secretariat

The EB is entrusted with carrying out the executive works and duties of the LC and its resolutions and

recommendations. It holds regular meetings. All its members should be full-time devotees [16].

The Sudan People's Liberation Movement/Army

5.91 The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). Both the SPLM and SPLA are led by John Garang. The SPLA remains the principal military force in the insurgency [3a]. The SPLM was created in 1983 when the Government tried to impose shari'a law on the entire country. The SPLM broke into two factions in 1991 with the mainstream SPLA continuing to demand regional autonomy and the South Sudan Independence Movement seeking full independence for the south. The two factions began fighting one another as well as government forces. The SPLM strengthened its position when it joined the National Democratic Alliance in 1995 [27]. The SPLM/A campaigns for the removal of the current regime from power and self-determination for the people of southern Sudan. Any Sudanese national can join the SPLM/A regardless of ethnic origin or religion. Most of its membership is drawn from three provinces in southern Sudan - Eastern Equatoria, Western Equatoria and Bahr al Ghazal but the movement also has members from the Nuba Mountains, the Blue Nile State and from the Darfur region [9a].

5.92 With all membership applications, new members are checked out to guard against infiltration of the movement. A system has been established whereby it is only possible to join on the recommendation of two known existing members. Prospective members are also required to report to an SPLM/A office, where, in addition to identifying themselves, have to complete a form and be interviewed by people from the SPLM/A. Membership is valid for two years, after which time it has to be renewed. Upon renewal, members have to apply in person at a SPLM/A office to have his membership renewed. Those failing to renew their membership still remain registered with the movement. All members are given a registration member, as shown on their membership card. SPLM membership cards contain personal information, the date of the card's expiry and a photograph of the cardholder. The photograph used to be fixed manually but now the procedure used is to scan it into the card [9a].

ANNEX A:

CHRONOLOGY

1899 - Sudan ruled as an Anglo-Egyptian condominium, following the defeat of the Mahdist forces.

1953 - British and Egyptian authorities set up a plan for independence and elections held. National Unionist Party (NUP) wins.

Jan 1954 - Ismail al-Azhari becomes first Prime Minister (PM).

1955 - Rebellion against rule from the north occurs in southern Sudan.

19 Dec 1955 - Parliament unanimously declares Sudan an independent republic.

1 Jan 1956 - Sudan becomes a formally independent country.

1956 - Soon after independence Azhari's Government replaced by coalition of Umma Party (UP) and the People's Democratic Party (PDP). Abdallah Khalil becomes PM.

Nov 1958 - Military coup, army takes control of the state. Gen. Ibrahim Abboud takes control.

Oct 1964 - Police fire on student demonstrators in Khartoum. General strike follows and Abboud is forced to hand over power to a civilian committee. Transitional government formed including members of the Sudanese Communist Party and Muslim Brotherhood.

March 1965 - Conference in Khartoum fails to reach agreement on country's constitutional future.

June 1965 - Elections result in UP-NUP coalition. Muhammad Mahgoub becomes PM. Serious rebel activity occurs in south.

Nov 1965 - Government becomes increasingly right-wing and SCP is banned.

July 1966 - After split in UP, and defeat on a vote of censure, Maghoub resigns and Sadiq al-Mahdi becomes PM.

May 1967 - Al-Mahdi defeated in the Assembly and Maghoub becomes PM for second time.

Jan 1968 - Assembly dissolved following neglect of domestic problems and a series of defeats in parliament.

April 1968 - Elections lead to Democratic Unionist Party (DUP - formed from merger of PDP and NUP) winning most seats. Maghoub continues as PM.

May 1969 - Government overthrown in a bloodless coup by Col. Gaafar Muhammad Nimeri. All existing political institutions and organisations abolished. Democratic Republic of Sudan proclaimed. Supreme authority in hands of Revolutionary Command Council (RCC).

July 1971 - Sudanese Communist Party staged a coup under Maj. Hasim al-Ata. Within three days, with popular support, Nimeri returned to power, and a purge of communists takes place.

March 1972 - Addis Ababa Agreement signed between Government and Anya Nya rebels, introducing regional autonomy for 3 southern provinces.

April 1973 - Permanent constitution endorsed.

Nov 1973 - Elections to Regional People's Assembly for southern Sudan take place.

April 1974 - Elections for National People's Assembly held.

Jan 1980 - Sudan divided into 5 regions in addition to the south and Khartoum which retained a special status and administrative structure.

Dec 1981 - Elections for National People's Assembly held.

April 1982 - New Southern People's Assembly elected.

April 1983 - President Nimeri re-elected for a third term.

May/June 1983 - South divided into 3 smaller sub-regions, each with own assembly in order to quell unrest, and prevent Dinka domination.

Sept 1983 - The government imposes aspects of Islamic shari'a law, seen as a betrayal by the largely non-Muslim south. Some southerners returned to armed conflict in what was commonly known as Anya Nya II. In the north, discontent is reflected by a series of strikes in the public sector.

April 1984 - Nimeri declares a state of emergency and martial law is introduced.

July 1984 - National People's Assembly rejects Nimeri's proposed constitutional amendments to make Sudan a formal Islamic state.

6 April 1985 - Nimeri deposed in a bloodless military coup, Gen. Abdel-Rahman Swar al-Dahab becomes new leader. Dr Gizuli Dafallah, a prominent trade unionist, appointed PM. In response to the coup, the SPLM initially declared a ceasefire. However, the SPLM refused to negotiate and fighting resumed.

Dec 1985 - Name of country officially changed to 'the Republic of Sudan'.

April 1986 - Elections result in Sadiq al-Mahdi's Umma Party forming a coalition with the DUP. Sadiq al-Mahdi becomes PM.

July 1986 - Sadiq al-Mahdi meets with the SPLM leader John Garang to find a peaceful solution to the conflict.

Aug 1986 - All contacts between the government and SPLM discontinued after the SPLM shoots down a Sudan Airways aircraft killing 60 civilians. Later in the month, the SPLM launch new offensive.

April 1988 - Al-Mahdi dissolves his government and resigns as PM, but is returned as PM on 27 April.

May 1988 - New "government of national unity" is formed comprising of DUP, UP, NIF and some southern parties.

Nov 1988 - Representatives of SPLM meet senior DUP officials and agree to end the civil war if several conditions are met including the suspension of the Islamic code, and the lifting of the state of emergency.

Dec 1988 - State of emergency declared amid reports of an attempted military coup. The DUP withdraw from the coalition after al-Mahdi causes a political crisis by requesting a national constitutional conference whilst refusing to incorporate the agreement between the DUP and SPLM. Demonstrations and a national strike take place over increases in prices.

Feb 1989 - Dr Hassan al-Turabi, leader of the National Islamic Front (NIF), becomes Deputy Prime Minister. Later in the month, al-Mahdi threatens to resign after row with the army.

March 1989 - Al-Mahdi agrees to form a new broad-based government which would begin peace negotiations with the SPLM. Despite 30 political parties and 17 trade unions endorsing the DUP-SPLM agreement, the NIF refuses to endorse the agreement and are excluded from the new government.

30 June 1989 - Lt. Gen. Omar Hassan Ahmed al-Bashir assumes power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) is formed. Al-Bashir rapidly dismantles the civilian ruling apparatus. Civilian newspapers are closed, political parties are banned and a state of emergency declared. 30 members of the former government detained.

July 1989 - Early in the month a new 21 member Cabinet is announced, which includes 16 civilians, 4 southerners and several considered sympathetic to Islamic fundamentalism. Lt-Gen. al-Bashir declares a one-month unilateral ceasefire.

23 April 1990 - Claims that a further coup has been foiled, resulting in the execution of 28 army officers on 24 April.

Feb 1991 - The RCC enacts a decree which divides Sudan into nine states, which in turn are sub-divided into 66 provinces and 281 local government areas. Al-Bashir introduces a new penal code based on shari'a law - the Criminal Act 1991. The three southern states are exempt from the code, effective from 22 March 1991. The SPLM regarded the application of shari'a law in the north as unacceptable.

April 1991 - 20 army officers are executed for an alleged coup attempt and 2 RCC members are dismissed from their posts without explanation. A one-month amnesty for opponents to the regime is declared.

August 1991 - Late August sees a split in the SPLA. The new faction is favoured by the Nuer people, whilst the Dinka still support Garang.

Nov 1991 - Fierce fighting is reported between the two SPLA factions, with several thousand civilians massacred before a ceasefire is negotiated. At the end of the month, the Government announces a one-month amnesty for rebels wishing to surrender.

24 Feb 1992 - A 300 member, transitional National Assembly is created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri.

March 1992 - Government forces launch a new offensive against the SPLA.

May 1992 - OAU sponsors peace negotiations in Abuja attended by Garang, Lam Akol and the Government. The Government refuses to hold a referendum on self-determination for the south. All parties agree to continue negotiations.

July 1993 - The SPLA under Garang launch a major offensive after alleging it had been attacked by government forces aided by other SPLA factions. A Government reshuffle strengthens the NIF's position.

Aug 1993 - The Government launches its own offensive attacking SPLA-held towns near the Ugandan border. The Nuba people in central Sudan are reported to have been threatened by government forces. The US places Sudan on its list of countries supporting terrorism on 18 August.

Sept 1993 - The SPLA are reported to have checked the Government forces' advance.

16 Oct 1993 - The RCC is disbanded having appointed al-Bashir as President and head of a new civilian administration.

Jan 1994 - The two principal rival factions of the SPLA agree to a ceasefire. Government forces reported to have launched another offensive. Thousands of civilians flee to Uganda.

Feb 1994 - Sudan is redivided into 26 states instead of nine. The executive and legislative power of the states is expanded. Southern states expected to be exempt from shari'a law.

10 April 1994 - Legislation adopted to provide an independent commission, appointed by the President, to supervise the election process.

20 June 1994 - Sadiq al-Mahdi is arrested for allegedly having plotted to overthrow the Government. No charges are brought against him and he is released on 3 July 1994.

23 July 1994 - The Government announces a unilateral ceasefire.

28 July 1994 - Garang's faction of the SPLA responds with a ceasefire.

Oct 1994 - A government offensive aimed at severing the SPLA's supply lines from Uganda and Zaire goes wrong. The army and PDF forces suffer defeats north of Juba.

March 1995 - Col. Garang announces that the faction under his command has joined forces with rebel groups in the north, under the title of the New Sudan Brigade.

27 Mar 1995 - Reports that former US President Jimmy Carter has persuaded the Government to declare a unilateral ceasefire for two months. The SPLA and SSIM respond by declaring ceasefires of their own.

27 May 1995 - The Government extends its ceasefire for a further two months, however government violations of the ceasefire are reported. Mid-May Sadiq al-Mahdi was again arrested.

15 June 1995 - The NDA, including the SPLA, DUP, UP and SCP hold a conference in Asmara and announce plans for self-determination once the al-Bashir regime is ousted.

July 1995 - Egypt imposes visa and permit requirements on Sudanese visitors and residents amid strained relations between the two countries.

Aug 1995 - Al-Bashir announces that legislative and presidential elections will take place in 1996. Some political prisoners including Sadiq al-Mahdi are released.

Jan 1996 - US withdraw their diplomatic personnel from Sudan amid fears for their safety. Prior to their withdrawal, the UN Security Council had unanimously adopted Resolution 1044, accusing Sudan of supporting terrorism, and condemning Sudan's role in the assassination attempt on President Mubarak. The resolution also demanded the extradition of three individuals implicated in the incident.

6/17 Mar 1996 - First legislative and presidential elections since 1989 take place. Opposition groups do not field candidates and al-Bashir returned for further 5-year term. Dr al-Turabi (NIF) elected speaker of the National Assembly.

May 1996 - A second faction of the SPLA concludes a peace agreement with the Government. May - July many foreign Muslims present in Sudan, including the "Afghan Arabs" and the Saudi national, Osama Bin Laden, are allegedly instructed to leave.

Dec 1996 - Sadiq al-Mahdi flees the country to Eritrea, several members of the Ansar order are detained.

Jan 1997 - The President promises a referendum on the new constitution and releases 249 prisoners. Rebel forces make considerable gains and lectures at Khartoum University are suspended to allow students to join the PDF.

March 1997 - Opposition forces make substantial gains capturing the garrison town of Yei. At the end of the month, Garang states he has control of the whole of White Nile and Western Equatoria.

21 April 1997 - The southern factions who had signed the peace charter in early 1996 finalise and sign the Peace Accord. Signatories are, SSIM, SPLA-Bahr Al-Ghazal faction, Union of Sudan African Parties, Bor Independence Group and Equatoria Defence Force. The SPLA-Nuba Mountains faction under Muhammad Kafi signs a separate agreement. The SSIM forces start reinforcing the government garrison at Juba. Some political detainees held since early 1997 start to be released.

Oct 1997 - President Bashir forms a 377-member commission to draft a new constitution. Peace talks under the auspice of the IGADD open in Nairobi on 29 October 1997.

May 1998 - Voting took place between 1 and 20 May in a referendum on the new constitution, results were expected at the end of June.

August 1998 - On 8 August, the US closed its embassy. On 20 August, the US launched an attack on the Shifa factory in Sudan. Leonardo Franco was appointed UN Special Rapporteur for Sudan, to replace Gaspar Biro, who resigned in April 1998.

Jan 1999 - The National Democratic Alliance holds a mass political rally on 1 January in Omdurman. The Political Association Act comes into effect. At least 30 people are killed in tribal clashes between the Massaleit and a group of nomads. The ceasefire is renewed for a further 3 months on 15 January. The Sudan Alliance Forces claimed to have killed 53 soldiers in fighting from 17-28 January. 147 rebels are killed in fighting with government troops at Buny in the southern Blue Nile region on 28 January. The voting age is changed from 18 to 17.

July 1999 - On 4 July, the national currency was changed to the Dinar.

Oct 1999 - On 10 October 1999, Sudan's ruling National Congress elected President Bashir as its president and as its candidate for the 2001 presidential elections. Hassan al-Turabi was re-elected as Secretary General and also as Parliament speaker.

November 1999 - On 26 November, the Sudanese government and the opposition Umma Party signed a peace accord which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance.

Dec 1999 - On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow

Jan 2000 - President Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. In the reshuffle, the four key ministers kept their posts. Most of the ministers who retained their portfolios were Bashir's allies, as were five who were re-shuffled, as well as at least five of the 10 newcomers.

Feb 2000 - Talks between the government and the rebels failed to make any progress. Government air force planes attacked a school in the rebel-held part of the Nuba Mountains.

March 2000 - The Umma Party withdrew from the exiled Sudanese National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara.

The Government extended the state of emergency until the end of 2000.

April 2000 - Exiled leaders of the Umma Party return to Sudan. Fighting between the SPLA forces and government forces continues.

May 2000 - Tensions between Hassan al-Turabi and President al-Bashir increase as al-Turabi is suspended as Secretary General of the National Congress. Fighting between Ethiopian and Eritrean troops has forced over 30,000 Eritrean refugees to cross into Sudan's eastern district of Kasala.

June 2000 - Fighting between Government forces and rebel forces in the region close to the oil fields reported. Hassan al-Turabi is removed from the position of Secretary General of the National Congress Party and forms new political party called the Popular National Congress.

September 2000 - Women banned from working in public places involving contact with men in Khartoum State. Protest riots follow. Student riots occur throughout Sudan as a protest against renewed military conscription and economic hardship. Reports of fighting between rebel forces and Government forces. Peace talks are held between rebel groups and government representatives. Sudan's General Elections Commission announced that parliamentary and presidential elections would be held in December 2000.

November 2000 - Sadiq al-Mahdi returns to Sudan after spending several years in exile with the full approval and knowledge of President al-Bashir.

December 2000 - Presidential and Parliamentary Elections took place from 13 to 22 December 2000. Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the Presidential Election which had four other candidates. President al-Bashir won 86.5% of the votes while runner-up Ga'afar Nimeri won 9.6% of the votes. Sudan's ruling National Congress won 355 out of the 360 National Assembly seats in the country's Parliamentary Election. The five other seats were won by independent candidates. President al-Bashir extended the state of emergency in Sudan for another year.

February 2001 - On 12 February, President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNCP) and senior members of the PNCP were arrested following allegations that the party was developing links with the SPLA.

September 2001 - The United Nations Security Council lifts diplomatic sanctions that were imposed against Sudan in April 1996. The senior members of the PNCP who were arrested in February are released from custody but al-Turabi remains under "house arrest".

January 2002 - Military ceasefire becomes effective for six months in the Nuba Mountains between the SPLA and government forces following a ceasefire agreement.

June 2002 - The Government extended the ceasefire in the Nuba Mountains region for another six months.

July 2002 - A peace deal was signed by the Government and the SPLM/A after five weeks of talks. The peace deal includes agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approve of the peace deal. No agreement was reached regarding a ceasefire.

August/September 2002 - Fighting breaks out between SPLA and government forces in the south. The Government responds by suspending peace talks with the SPLM/A.

October 2002 - The Government and the SPLM/A sign a MOU agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resume.

November 2002 - The cessation of hostilities agreement is extended until the end of March 2003. A MOU is signed on "Aspects of Structures of Government". The peace talks are adjourned until January 2003.

December 2002 - Sudan's parliament approves of the extension of the state of emergency for another year.

January 2003 - The peace talks between the Government and the SPLM/A resume in Nairobi. The Nuba Mountains ceasefire is renewed for a further six months until July 2003.

ANNEX B

LIST OF THE MAIN POLITICAL PARTIES [2]

Alliance of the People's Working Forces

Based in Khartoum. The leader is Gaafar Muhammad Nimeri. The acting Secretary General is Kamal ad-Din Muhammad Abdullah.

Democratic Unionist Party (DUP)

Leader - Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. Formed in the late 1960s by a merger between the National Unionist Party and the People's Democratic Party. DUP has its base in the muslim Khatmiyyah sect. DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group.

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman - Philip Abbas Ghabbush.

Independent Democrats

Based in Khartoum. Leader - As-Samawitt Husayn Osman Mansur.

Islamic-Christian Solidarity

Based in Khartoum. Founder - Hatim Abdullah az-Zaki Husayn.

Islamic Revival Movement

Based in Khartoum. Founder - Siddiq al-Haj as-Siddiq.

Islamic Socialist Party

Based in Khartoum. Leader - Salah al-Musbah.

Islamic Ummah Party (IUP)

Officially registered as a political party on 13 April 1999. Leader - Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi and is allied with the Government.

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress.

Moderate Trend Party

Based in Khartoum. Leader - Mahmud Jiha.

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party.

Nile Valley Conference

Based in Khartoum. Founder Lt-Gen. (rtd) Umar Zaruq.

Popular Masses' Alliance

Based in Khartoum. Founder - Faysal Muhmad Husayn.

Popular National Congress Party

This is a relatively new political party set up by Hassan al-Turabi, the current leader, in June 2000 after he was expelled from the ruling National Congress. Sometimes referred to as the People's National Congress Party.

Socialist Popular Party

Based in Khartoum. Founder - Sayyid Khalifah Idris Habbani.

Sudanese Central Movement

Based in Khartoum. Founder - Dr Muhammad Abu al-Qasim Haj Hamad.

Sudanese Green Party

Based in Khartoum. Founder - Prof Zakaraia Bashir Imam.

Sudanese Initiative Party

Based in Khartoum. Leader - J'afar Karar.

Sudanese National Party (SNP)

Based in Khartoum. Leader - Hasan al-Mahi - participates in NDA.

Umma Party (UP)

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi. The party was a member of the NDA until March 2000 when it withdrew its membership. The leader - Sadiq al-Mahdi - returned to Sudan in November 2000 after being in exile.

United Democratic Salvation Front (USDF)

Based in Khartoum. Political wing of the Sudan People's Defence Force. Leader - Riek Mashar Teny-Dhurgon.

ANNEX C:**GLOSSARY****Beja Congress**

Armed opposition group and part of the NDA.

Leader - Shaykh/Imam Taha Ahmed Taha

Criminal Act 1991 (also known as the Penal Code 1991)

Based on shar'ia law but southern states are exempt from parts of the Act.

Liberation Front for Southern Sudan (LFSS)

A rival faction to the original SPLM.

Legitimate Command of the Sudanese Armed Forces (LC-SAF)

Formed from dissident military officers from Sudan. It is a part of the NDA. Leader - Lt-Gen Abd al-Rahman Sa'id. Its members are normally military or ex-military officers of some rank.

National Congress

Ruling political organisation - was known as the National Islamic Front until November 1998. The leader is President al-Bashir.

National Democratic Alliance (NDA)

The NDA is not a political party but is an alliance of opposition political parties and rebel groups and is based in Asmara in Eritrea. The chairman is Osman al-Mirghani and the Secretary General is Mubarak al-Mahdi. Member parties of the NDA include the Beja Congress, Baa'th Party (Iraq faction), the Baa'th Party (Syria faction), the Sudanese Communist Party (Mohammed Ibrahim Nogud faction), the Democratic Unionist Party (Mirghani faction), the Sudan African National Union, the Sudan Federal Party, the Sudanese National Party, the Sudan People's Democratic Front, the Three Lions (Arab rebel group), the Legitimate Command, the Liberation Front for Southern Sudan, the Southern Sudan Defence Force, the South Sudan Independence Movement, the Sudan Alliance Forces, the Sudan Federal Democratic Alliance, the Sudan People's Liberation Movement and its military wing, the Sudan People's Liberation Army.

Sudan Alliance Forces (SAF)

Formed in 1994. Small armed opposition group which is based in Eritrea. Leader is Brig. Abdul Aziz Khalid Osman. Member organisation of the National Democratic Alliance.

Sudan Human Rights Organisation (SHRO)

A well-known non-political independent human rights organisation. Its main aims are the promotion and defence of the human rights and freedoms of the Sudanese people. It was founded in 1984 by a group of Sudanese professionals and scholars as a branch of the Arab Human Rights Organisation. It was officially registered as a human rights organisation in 1985.

Sudan Organisation Against Torture

London-based NGO.

Sudan People's Liberation Army (SPLA)

Military wing of the SPLM. Leader - John Garang. The SPLA was created in 1983 as the armed wing of the SPLM at the start of the civil war. The majority of SPLA members are from the Dinka ethnic group. They claim to be fighting for a secular and democratic Sudan but not for full independence for southern Sudan from northern Sudan. Member organisation of the NDA.

Sudan People's Liberation Movement (SPLM)

Opposition political movement for southern Sudanese people. The SPLM want self-determination for the southern Sudanese and a secular and democratic Sudanese government. Leader - John Garang. Member organisation of the NDA.

ANNEX D:**THE POPULAR DEFENCE FORCES ACT 1989**

In accordance with the third constitutional decree for 1989, the National Salvation Revolution Command Council (RCC) approved the following Act:

1. This Act is called the "Popular Defence Forces Act for 1989" and shall be in force on the day of endorsement.
2. This Act cancels and replaces previous similar Acts.
3. Definitions:

Commander General - Commander of the armed forces

Commander - Commander of the popular forces

Popular Forces - forces established by this Act

4. A paramilitary force to be formed from Sudanese citizens called popular defence forces.
5. The objectives of forming the popular forces are:
 - to train citizens on military and civil capabilities
 - to raise security awareness and military discipline among them, in order to act as a support force to the other regular ones on request
6. The functions of the popular forces are:

- to assist the popular forces on request
- to participate in defending the country and help in relief and emergency situations
- to carry out any other function as requested by the Commander General

7. The commander of the popular forces shall be appointed from the armed forces with the rank of brigadier or above. The Commander General may appoint any number of officers from the armed forces to work under the commander. The "Council" may appoint, after the agreement of the Commander General, any number of persons from the other regular forces to work under the commander at the headquarters of the popular forces.

8. The responsibilities of the commander are:

- to issue the annual training calendar
- to issue the permanent rules and regulations of the popular forces
- to issue proper instructions for good conduct, discipline and performance of the popular forces

9. The set up of the popular forces (council) is as follows:

- armed forces Chief of Staff (president)
- popular forces commander (secretary)
- Director of police
- Director of prisons
- Director of civil defence
- public service chamber under-secretary
- Sudan security forces representative
- local government representative
- any other suitable person appointed by the commander

10. The functions of the Council are to advise the Commander General on all matters concerning the popular forces and in particular the following:

- location of training fields
- matters concerning military, cultural and national training
- matters concerning duties and activities of the popular forces

11. The conditions for enlisting are as follows:

- those enlisted must be Sudanese nationals
- those enlisted must be over sixteen years of age
- those enlisted must be medically fit
- those enlisted must have a record of good conduct

12. The Commander General may issue instructions to call upon the popular forces in any of the following circumstances:

- training purposes
- disasters and emergency situations
- war or expectation of war

13. All governmental unit directors, public and private sector corporations or any other employer should give leave of absence for those called in to join the popular forces.

14. The training of popular forces will be in accordance with the annual training calendar issued by the commander (item no. 8 of the Act) and will include the following:

- military training
- civil defence
- national counselling
- cultural counselling

15. The ratio of enlisted employees to the popular forces should not exceed 25% of the workforce in any one organisation.

16. Recruits have the following rights and duties:

- right of employment, salary, increments and promotion during his call-in and training period, in the public and private sector. The private sector shall continue salary payment of the recruit for up to three months.
- the right to continue education is preserved for the student recruit
- training and recruitment periods will be considered for civil service purposes

17. The popular forces are subject to the military rules and courts.

18. The recruit may be exempted for any of the following reasons:

- medical
- discipline
- family
- security

19. The popular forces will have an autonomous budget under the responsibility of the Commander General.

20. The Commander General may issue the necessary rules, regulations and orders concerning the overall set up and organisation of the popular forces and may include the following:

- period and extension of service
- training equipment and uniforms
- monthly remuneration
- living and lodging expenses
- recruitment procedures

Endorsed by Omar H A Al-Bashir

President RCC

ANNEX E:

THE NATIONAL SERVICE ACT 1992

In the name of God, the Compassionate, the Merciful

In accordance with the third constitutional order for the year 1989, the National Salvation Revolutionary Command

Council issued the following Act:

A. The First Chapter - Preliminary Provisions: Name of the Act and its Date of Enforcement

1. This Act is called "The National Service Act for the year 1992"; it shall be effective on its endorsement date.

Cancellation

2. This Act cancels the 1989 National Compulsory Service Act.

Interpretation

3. In this Act, and unless the text stipulates otherwise:

- The Minister shall mean the Defence Minister
- The Council shall mean the National Service Administrative Council
- The General Commander shall mean the Commander General of the armed forces
- The Director shall mean the Director of the National Service Administration
- The Administration shall mean the National Service Administration
- The regular forces shall include all regular forces established in accordance with law
- The service shall mean the national service carried out according to this Act
- The recruit shall mean the person who carries out the national service according to this act

Objectives of National Service

4. National service aims for the following:

- a. To encourage the desire for struggle and encourage combatants to further develop the qualities of championship and self-assurance and to be ready for martyrdom and to dismiss inactivity and the fear of danger
- b. To encourage the desire for discipline and commitment to the organised and harmonised group, and develop qualities of obedience, co-operation, leadership and dismiss selfishness and fear of danger
- c. To encourage the desire for attachment and association to the group, the country and religion, and to overcome being fanatic to family, sector or region
- d. Preparation of organised forces for military and defence work, development activities, social service or any other activity for the general welfare
- e. To educate and train the youth to be medically fit and in good conduct, or to prepare them by educational methods, cultural methods and orientation guidance or to be trained for some profession, or job, or to develop their abilities and initiative.

Establishment of the Council and its Formation

5.1 A council shall be established and be called "The National Service Council" and contain:

- a. Defence Minister. President
- b. Chief of Staff. Member
- c. Director of Police. Member
- d. General Security Director. Member
- e. Commander of Popular Forces. Member
- f. Under-Secretary, Ministry of Finance and Economic Planning. Member
- g. Under-Secretary, Ministry of Education. Member
- h. Under-Secretary, Ministry of Health. Member
- i. Under-Secretary, Ministry of Agriculture. Member
- j. Under-Secretary, Ministry of Works and Public Utilities. Member
- k. Under-Secretary, Chamber of Service Affairs. Member
- l. Director, National Service Administration. Member and Secretary

5.2 The Council with the consent of the Minister may nominate three persons to the membership of the Council.

5.3 The regulations will organise the Council's meetings, provision of recommendations and approval of decisions.

The Duties of the Council

6. The Council shall have the following duties:

- a. To issue recommendations concerning the implementation of the recruitment plan for national service
- b. To issue recommendations concerning orientation courses, training, guidance and education of the recruits and their place of employment
- c. To recommend to the Minister the rules and regulations and necessary orders required for the implementation of this Act
- d. To advise and give opinion on any matters presented by the Minister concerning national service.

B. The Second Chapter - Imposition of Service

7. Every Sudanese citizen aged from eighteen years to thirty three years of age is subject to national service.

The Service Places

The recruit shall do the service in any of the following places:

- The armed forces
- The police or other regular forces
- Government or public sector units
- Public projects in development, economic or social service

8.2 Division of Service, organisation, distribution of recruits to sites, shall be according to the regulations issued by the Minister.

Duration of the Service

9.1 The duration of the service is 24 months.

9.2 The duration of the service for university graduates, high institutes or equivalent shall be reduced to twelve months. It shall also be reduced to eighteen months for those who have completed secondary high school level or equivalent.

9.3 The director shall specify, with the consent of the Minister, the service period for those recruits in the previous 1989 compulsory service law or other similar service, provided that it does not exceed twenty four months.

9.4 The service reduction period for the recruit shall be considered on the basis of the academic qualification at the start of the service.

9.5 It is possible to reduce the service period by deducting any previous military service for the recruit in accordance with the law regulating and evaluating that previous service.

Exemption from Service

10. The following persons shall be exempt from the order of article 7 of this Act:

- (1) The officers, sub-officers and soldiers of the armed forces, police forces and other regular forces.
- (2) The students of colleges and institutes preparing for graduation of armed forces officers, police forces or other regular forces, on condition that the student shall continue in his study until graduation; or he should report within 30 days of his cancellation of his study programme to the specified recruitment region authority.

Pardon from Service

11.1 Any person who is medically unfit to do any service duty is completely pardoned from the service.

11.2 Those persons who are completely medically fit shall carry out the service that suits their abilities.

Postponement of Service

12.1 The service shall be postponed for the sole supporter of the family - the father, the husband, the son or the brother until public funds are provided for him to provide for his family.

12.2 The service may be postponed for those academics doing their scholarship until they receive their first degree on condition that they are under 32 years of age.

12.3 The service may be postponed for a reasonable time for the following persons provided they are under 32 years of age:

- a. Those holding final degrees, should the nature of their certificates require continuation of study or training.
- b. Those working in any public service unit whose nature of work in that unit necessitates his stay for an orientation period according to the request of the relevant minister.

12.4 The abovementioned persons whose service period were postponed should report to the relevant recruitment region within 30 days from the cessation of the cause of postponement or upon reaching 32 years of age.

Applications for Pardon or Postponement

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

13.2 Sudanese ambassadors and consulars abroad have the authority to make temporary decisions on applications for postponement of service for those residents abroad and they have to notify the Administration immediately for a final decision.

C. Third Chapter - Recruitment and Service Activities: Regions of National Service

14. For the purpose of national service, the Government of Sudan is divided into regions; the regulations will specify the region and their duties.

Presence at Recruitment Centres

15.1 Every person who is called for service should present himself to the Region Recruitment Administration in his residential area on the date specified by that authority; the Recruitment Administration should verify identity and hand him the "Service Identity Card" and inform him of the date he will be called for service and mark his ID card by the assignment prepared for him.

15.2 Under-Secretary of ministries, directors of corporations, heads of government departments, universities, institutes and school directors, company directors, business owners, employers, administration and public officials, should report to the Regional Recruitment Commander in their area with the names and addresses of those attached to them who were called for service.

The Service ID Card

16.1 Everyone who is called for service shall obtain an ID service card which he should keep and replace immediately if it has been lost and he cannot carry more than one ID card.

16.2 Holders of the service ID card should present their cards to their new area of residence service administration within two weeks from the date he changed his area of residence.

16.3 The regulations shall specify the order of the service ID card and necessary fees.

Recruitment Service Appeals

17.1 Appeals against area commander service recruitment decisions are presented to the director whose decision is final.

17.2 Appeals against the director's decisions are submitted to a committee formed from one member from the Attorney General Chamber and two army officers. The Minister shall issue an order for the formation of this committee and its regulations. The decisions of the committee are final.

17.3 Appeals should be presented within two weeks from knowledge of the reasons for the appeal.

Medical and other Committees

18. The director shall form the necessary medical committees, cultural or professional committees, exemption and postponement verification committees. The Minister shall form higher committees to revise and regulate the work of those committees.

19. Those who are subject to national service recruitment shall be called in gradually every year according to age and sex; the regulations shall stipulate how those called in are to be called in and how to deal with those called in who do not call in. The Minister decides on the number to be recruited to give certificates for those who will join later. The service period of the recruitment will commence on the date the regional commander accepts them for national service.

The Fourth Chapter

20.1 The recruits are subject to the laws of the armed forces during their service period.

20.2 The rules and regulations of the service recruit place shall be applied in such cases as death, martyrdom, loss or any accident attributed to the service, during the service or the call-in periods.

21. Those who are called in for service are not allowed to leave the country for any reason without receiving a certificate of exemption, pardon or relief, fulfillment or postponement of service and recruitment.

Students of Universities, Institutes and Schools

22. Those who are called in for service are not allowed to join, or be attached to, or remain in any university, college, institute or schools in Sudan or receive graduation certificates, unless he is carrying an ID service card or any other certificates as stipulated in article 27 of this Act.

Employment

23. Those who are called in for service are not allowed to be employed, or remain in his job or work, or be given licence to do any work or profession, or register in the employment cadre, unless he is carrying an ID service card or any of the other certificates stipulated in article 27 of this Act.

Reservation of the Recruits' Jobs and Positions

24.1 Institutions which employ more than 50 persons should reserve the jobs of those who were recruited from their place of work and re-employ them after the service period without the loss of any benefits or promotion because of it, and should consider it as an actual work period for after-service benefits; provided a re-employment application is presented within 30 days from the end of the service period.

24.2 Universities, institutes and schools should reserve the recruit's place, or his right to join or graduate from them, provided this does not disrupt their study system and his application is presented within reasonable time.

Continuation of Service with the Armed Forces

25. After completion of his national service period, the recruit has the right to continue his service with the armed

forces as a volunteer and with new conditions prevailing in the armed forces; his period of service as a recruit shall be calculated for pension purposes. Should the recruit choose not to volunteer, he will be registered for the reserve service according to its laws.

Priority of Nomination for the Recruit

26. The recruits who were not employed or nominated shall have the same chance as their colleagues at graduation, when taken for employment in the public sector for the first time after the completion of service, provided they prove that their recruitment has hindered their employment with their colleagues and that they fulfil the required employment conditions.

Certificates Issued by the Ministry of Defence

27. The Ministry of Defence shall provide the following certificates for holders of service ID cards who meet the conditions of this Act, after payment of fees:

- a. Exemption of service certificate according to article 10
- b. Pardon from service certificate according to article 11
- c. Postponement of service certificate according to article 12 of this Act

General Laws; Penalties

28.1 Whoever contravenes this Act shall be punished by imprisonment for a period not exceeding three years, or shall be fined, or shall be punished by imprisonment and a fine.

28.2 The above penalties apply to any person who purposely assists someone to avoid or postpone the service recruitment, either by withdrawing, deleting or dropping his name intentionally from the lists, or causing or helping to cause him a malignant accident, or by giving false information, or hiding him or using any other means for this purpose.

28.3 Any person subject to do the service shall be punished with imprisonment for a period not less than two years and not exceeding three years who does not present himself for recruitment, or tries to avoid the service through deceit, or by inflicting harm to himself. This person will immediately join the service after the completion of the penalty period upon the request of the Commander of Recruitment.

Recruitment Administration Powers

29. The director and his deputies shall have the powers and authority of the police force regarding the implementation of this Act or any regulations issued through it.

Freezing of the Criminal Accusation

30. Criminal claims will cease according to this Act against service recruits if they reach the age of 50 years.

Regulation and Orders

31. The Minister shall issue the regulations and orders necessary to implement this Act.

Issued under my endorsement on the 6 of Shaaban 1412 Higria corresponding to 20 February 1992.

Lt. Gen. Omar Hassan Ahmed al Bashir, Chairman of the National Salvation Revolutionary Command Council.

ANNEX F**LIST OF THE MAIN ETHNIC GROUPS OF SUDAN**

Sudan's population of around 27 to 30 million is a very diverse multi-ethnic mix of more than 500 Arab and black African ethnic groups who speak many different languages and dialects. This ethnic mix is broadly divided into Arab Muslim ethnic groups and black African ethnic groups. Northern Sudan is largely populated by Arab Muslim ethnic groups and southern Sudan is largely populated by black African ethnic groups who are mostly Christian or follow traditional indigenous religions. Minorities of Arab ethnic groups live in southern and central Sudan and minorities of black ethnic groups live in central and northern Sudan.

Arab Ethnic Groups (mostly northern Sudan and parts of central and southern Sudan)

Baggara, Batahin, Beni Helba, Budairia, Dar Hamid, Habbania, Hamar, Hamr, Hassania, Hawasma, Hawawir, Jawamia, Kababisch, Kawahila, Kinana, Jaalin, Jim, Manasir, Masiria, Musallmia, Rubatab, Rufaa, Ruzaikat, Schaikia, Schukria, Selim, Taischa

Non-Arab Ethnic Groups Collectively known as the Beja (north east Sudan)

Amarar, Beni Amer, Bischarin, Hadendoa

Black Ethnic Groups (north west Sudan)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa

Black Ethnic Groups Collectively Known as the Nubians (central and part of northern Sudan)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi

Black Ethnic Groups Collectively Known as the Nuba (central Sudan)

Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi, Temeini

Black Ethnic Groups (central and southern Sudan)

Baka, Bongo, Kreisch, Ndogo

Black Ethnic Groups (southern Sudan)

Acholi, Anuak, Azande, Banda, Bari, Berta or Schankalla, Dinka, Karamojo, Koma, Lango, Lotuko, Luo, Madi, Mangbetu, Moru, Mundu, Murle or Molen, Nuer, Schilluk, Sere, Turkana

[Source of information: "Die Volker Afrikas" - published by Geographischer Dienst 1998]

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