

**Flygtningenævnets baggrundsmateriale**

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## Sudan

Sudan's human rights record remained abysmal in 2006. A May 2006 peace accord aimed at ending the three-year conflict in Darfur exacerbated divisions among the rebel movements in Darfur when it was signed by the Sudanese government and only one rebel faction in Darfur. Dissent over the mediation process and terms of the peace accord generated further conflict and serious abuses of civilians, including forced displacement, rape, killings, and increasing attacks on humanitarian aid workers. The establishment in 2005 of a national tribunal to respond to the crimes in Darfur had no effect on the continuing impunity of militia leaders and government officials responsible for crimes against humanity.

Despite the introduction of a new interim national constitution and some progress implementing the January 2005 Comprehensive Peace Agreement (CPA) between the central government in Khartoum and southern-based rebels, many of the national reforms specified in the CPA, including the establishment of a National Human Rights Commission, are lagging well behind schedule. The ceasefire was largely respected in southern Sudan and the new Government of South Sudan (GoSS) made some progress setting up the top level of regional institutions and administration, including a Human Rights Commission for the south.

At the end of 2006, emergency laws remain in place in Darfur, but have been lifted throughout the rest of Sudan. Patterns of arbitrary arrest and detention, torture, and other abuses by Sudanese military and security forces remain widespread in Darfur and other areas of the country. Freedom of expression continues to be restricted, and there was a sharp rise in arbitrary arrests, harassment, pre-print censorship, and bureaucratic restrictions of Sudanese and international media in late 2006.

## **The Conflict in Darfur**

Darfur's conflict escalated and became more complex in 2006, partly due to the splintering of alliances within the main rebel movement, the Sudan Liberation Army (SLA); the government's continuing policy of supporting local militia groups; the proliferation of armed groups along the Chad-Sudan border; and localized violence among communities in different areas of Darfur.

All of the warring parties violated the 2004 ceasefire agreement, subsequent security protocols, and a UN arms embargo imposed on Darfur under UN Security Council resolution 1591 in March 2005. Sudanese government forces and allied "Janjaweed militias" were responsible for serious abuses of civilians, including killings, torture and regular incidents of rape and sexual assault of women and girls. Some rebel factions were also responsible for serious crimes against civilians in Darfur. At least 200,000 people were displaced by violent attacks in Darfur in 2006, some for the second or third time.

After more than a year of negotiations, the Sudanese government and one faction of the SLA led by Mini Minawi signed an African Union-mediated Darfur Peace Agreement (DPA) in May 2006. Several other rebel factions—including the Justice and Equality Movement (JEM) and the SLA faction led by Abdul Wahid Mohamed Nour—refused to sign the agreement, citing deficiencies in the security and compensation arrangements. The controversy over the deal further weakened the credibility of the 7,000-member African Union mission in Darfur, which was criticized by many internally displaced civilians and even came under attack in several of the internally displaced persons camps.

The May peace agreement provoked increased fighting among the rebel factions and between the Sudanese government and non-signatory rebel groups. Tens of thousands of civilians were displaced by the increased fighting in 2006 and joined the almost two million displaced people already residing in camps around Darfur. Chadian civilians in eastern Chad also came under increasing attack from Sudanese government-backed militias based in Darfur.

Inter-factional fighting between two of the larger SLA factions (SLA-Minawi and the SLA faction lead by Abdul Wahid Mohammed Nour) increased in the lead up to and

following the signing of the Darfur Peace Agreement, apparently due to efforts by both groups to expand or retain control over territory. Fighting between the two SLA factions affected villages around Korma town in April and around the Tawila area in July, both locations in north Darfur. Both groups were responsible for incidents of killings, torture and rape of civilians perceived to be supporters of the other faction, and several thousand civilians were displaced by the clashes.

Attacks by Sudanese government forces also increased in 2006, and the government reneged on earlier commitments to end offensive military flights over Darfur. The Sudanese air force repeatedly used its Antonov aircraft and helicopter gunships to re-supply the army and militia forces and indiscriminately bombed civilians during joint air-ground attacks. The Sudanese government made no effort to disarm the “Janjaweed,” and instead continued to incorporate many of these pro-government militiamen into paramilitary groups, such as the Border Intelligence Brigade. Government officials also continued to support local tribal militias against rebel groups and civilians in strategic areas of Darfur, such as in Gereida and Muhajariya, south Darfur.

Beginning in August 2006 the Sudanese government launched a new offensive, partly in response to attacks on government targets from a new coalition of non-signatory factions called the National Redemption Front. Sudanese government forces indiscriminately bombed villages in rural North Darfur with Antonov aircraft, causing civilian deaths, injuries and the displacement of hundreds of civilians. Militia attacks in Jebel Mun, west Darfur, at the end of October resulted in the death of at least 60 civilians, half of them children.

Rape and sexual violence continue to be pervasive throughout Darfur, with attacks on women and girls taking place both in the context of hostilities between the warring parties as well as when internally displaced women and girls travel outside camp settings to collect firewood and other items. In just one example in August, aid workers reported that more than 200 women and girls were sexually assaulted over a five week period in Kalma, the largest displaced persons camp in south Darfur.

Humanitarian aid workers came under increasing attack by armed groups from all sides in the months following the May peace deal, with 12 humanitarian staff killed between

May and August 2006. The insecurity caused many international organizations to restrict their movements, particularly along the dangerous roads, jeopardizing the supply of relief to almost half a million of the more than four million people partially or wholly dependent on aid for their survival.

The ruling National Congress Party made no substantive effort to investigate or prosecute those individuals responsible for the most serious crimes in Darfur, despite establishing a national tribunal in mid-2005 allegedly for that purpose. The tribunal tried a handful of cases, none of them linked to the massive crimes that took place in 2003 and 2004, and there were no meaningful investigations into the responsibility of any individuals with command responsibility. Meanwhile senior Sudanese officials continued to state publicly that there would be no Sudanese cooperation with the International Criminal Court, which is investigating crimes in Darfur following the March 2005 referral by the UN Security Council.

International efforts to improve civilian protection in Darfur focused on simultaneously bolstering the weak African Union force on the ground in Darfur and preparing for an eventual transition to a UN force. However, the Sudanese government consistently refused to consent to the deployment of UN troops in Darfur, despite an August UN Security Resolution authorizing such a force and providing it with a Chapter VII mandate to protect civilians.

### **Mixed Progress in South Sudan**

The January 2005 Comprehensive Peace Agreement created high expectations among the millions of Sudanese who suffered the effects of the 21-year civil war. Many southern Sudanese expressed disappointment in the slow progress implementing the CPA in 2006. Although the UN estimated that some 12,000 refugees returned to the region, the majority of the four million people displaced by the war did not, with many citing fears of continuing insecurity and lack of services as the key obstacles.

Although weakened by the death of its chairman, John Garang, in August 2005, the Sudan People's Liberation Movement avoided a leadership struggle with the appointment of Garang's deputy, Salva Kiir, to head the new regional Government of South Sudan. Setting up a new administration, developing the infrastructure-poor

south and disarming or integrating the many southern militia groups into the southern army were among the formidable challenges faced by the new southern government. SPLA efforts to forcibly disarm the White Army—a group of armed Nuer civilians in Upper Nile—without a comprehensive disarmament program targeting the many armed groups in the region, backfired in early 2006, provoking serious inter-communal attacks and hundreds of deaths, many of them civilians.

Although there was sporadic violence in different areas of the south, the north-south ceasefire agreement largely held and both the Sudanese Armed Forces and the Sudan People's Liberation Army made progress redeploying their forces under the terms of the CPA. However, the status of Abyei, a resource-rich area claimed by north and south, remained unresolved, one of several key areas of friction jeopardizing the cohesion of the Government of National Unity and the implementation of the CPA.

### **Press Freedom and Human Rights Defenders**

Journalists and human rights defenders continued to suffer harassment, arrest and detention without charge, and other forms of intimidation, mainly from Sudanese security forces in Darfur and Khartoum. At least 15 international and Sudanese journalists were arrested and detained in 2006, and many more faced harassment, beatings, and arbitrary bureaucratic restrictions, particularly vis-à-vis efforts to travel to and report on the situation in Darfur and other sensitive issues.

Despite the guarantees of freedom of expression and press freedom provided in Article 39 of the Interim National Constitution (approved in 2005), press censorship and restrictions on Sudanese media increased in September and October, with security officials resuming pre-print inspections of editions and, in some cases, banning editions altogether.

Human rights activists continue to face harassment or mistreatment in Sudan. Individuals or organizations raising concerns about the humanitarian or human rights situation in Darfur did so in an atmosphere of increasing intimidation, with Sudanese officials making threatening accusations in the pro-government press. Security forces stormed a meeting of Sudanese and international human rights activists during the January 2006 African Union Summit in Khartoum, detaining the group for hours and

confiscating personal belongings. Staff working for the Sudanese Organization against Torture and other non-governmental organizations were repeatedly arbitrarily detained and questioned by government security agencies in Darfur.

### **Key International Actors**

Sudanese relations with Chad deteriorated substantially in 2006. The Chadian government cut diplomatic relations following a failed April 2004 Chadian rebel attempt to topple the Déby regime from bases in Darfur. Relations were restored in August and both governments committed to cease supporting insurgent groups under a Libyan-mediated agreement. However at year's end both governments continue to support rebel movements against their neighbor.

Despite the rise in violence within Darfur and fears of regional instability in Chad and neighboring Central African Republic, the international community's position on Darfur was marked by division, both regionally and within the UN Security Council (UNSC).

Waning international confidence in the under-resourced African Union (AU) mission's ability to protect civilians led to international efforts to bolster the AU force with UN troops. In August 2006 the UN Security Council authorized a new UN force for Darfur of more than 20,000 troops and police under resolution 1706. The UNSC provided the force with a mandate under Chapter VII of the UN Charter to protect civilians (in addition to the existing 10,000 UN peacekeepers in southern Sudan), but conditioned the deployment on consent of the Sudanese government, which the ruling party refused to give. The stalemate resulted in a three-month extension of the African Union mission, through December 31, 2006, and a proposal to expand the force with approximately 4,000 troops, but these steps are unlikely to end the abuses or restore stability in Darfur.

The Arab League and individual member states voiced little or no criticism of the Sudanese government's massive abuses in Darfur, while key African nations varied in their response. Both the African Union and Arab League held their regional summits in Khartoum in January and March respectively, but although it lobbied for the honor, Sudan was temporarily refused the chair of the African Union in 2006 due to its record in Darfur.

Although the UN imposed individual targeted sanctions on four individuals in April, none of the individuals were high-level Sudanese officials. The International Criminal Court (ICC) continued to investigate the crimes in Darfur, largely from outside the region although ICC officials visited Khartoum several times in 2006.