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COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

26 SEPTEMBER 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 3 August 2008. The 'Latest News' section contains further brief information on events and reports accessed from 4 August 2008 to 26 September 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UK Border Agency opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UK Border Agency decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UK Border Agency officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UK Border Agency as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UK Border Agency's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

Latest News

EVENTS IN SUDAN, FROM 4 AUGUST 2008 TO 26 SEPTEMBER 2008

- 24 September "A large number of people living in Ayod County, Jonglei State, Southern Sudan, are suffering from severe trachoma and measures need to be taken to contain the disease, according to a recent study. 'At least one person with clinical signs of trachoma was found in nearly every household, and one in three households had a person with severe blinding trachoma', said the findings of the study." Eye disease rampant in the south study", 24 September 2008
<http://www.irinnews.org/Report.aspx?ReportId=80569>
- 23 September "Fresh accusations of large-scale summary executions and arbitrary arrest have been levelled against Sudan's government over its reaction to an attack by Darfur rebels on Khartoum in May, charges the government has rejected. 'It is estimated that at least 500 individuals from Darfur, both civilians and presumed JEM [Justice and Equality Movement] combatants, were summarily executed or extra-judicially killed in the three days that followed JEM's attack against Omdurman on 10 May 2008', the Darfur Relief and Documentation Centre (DRDC), an NGO based in Geneva, said in a report released mid-September." Mounting criticism against govt for crackdown after rebel attack, 23 September 2008
<http://www.irinnews.org/Report.aspx?ReportId=80533>
- 22 September "With half a million women dying in pregnancy or childbirth every year, the United Nations Population Fund (UNFPA) and the International Confederation of Midwives (ICM) have launched an initiative which could help cut mortality by about 75 per cent by training midwives in developing countries." UN-endorsed initiative to train midwives could save hundreds of thousands of lives, 22 September 2008
<http://www.un.org/apps/news/story.asp?NewsID=28150&Cr=UNFPA&Cr1=>
- 19 September allfrica reported that Fresh fighting between Government and rebel forces in the north Darfur region has severely restricted the delivery of critical aid, adding that there were unconfirmed reports that thousands more people have been driven from their homes. "The United Nations urges both parties to immediately cease hostilities and requests humanitarian access to the affected areas in North Darfur." Fighting Severely Restricts Humanitarian Access in North Darfur – UN, 19 September 2008
<http://allafrica.com/stories/200809191027.html>
- 15 September "Following an agreement reached between the UN-African Union Mission in Darfur (UNAMID) and the high command of the Minawi faction of the Sudanese Liberation Army (SLA), UNAMID police patrols of Zamzam internally displaced persons camp resumed on Friday after a four month suspension. The arrangement comes in the wake of attacks on civilians at the camp and amid deteriorating

- relations between the Government of Sudan (GoS) and Minni Minawi, whose SLA forces control Zamzam camp. Minawi announced Sunday [14 September 2008] that the government has breached a peace deal signed in May 2006. U.S.”
Peacekeepers resume patrols of Zamzam camp amid Darfur fighting, 15 September 2008
<http://www.sudantribune.com/spip.php?article28637>
26 September 2008
- 11 September Sudan Net reported that the national elections scheduled to take place by July 2009 is likely to be postponed. “National elections in Sudan may be delayed by at least six months, a senior southern official said, a development that could push back other elements of a peace accord between the country's north and south. Luka Biong, the southern Minister for Presidential Affairs, said it would not be feasible to hold the elections before the agreed cut-off point of July 2009 because of heavy rains and logistical problems.”
Sudan national elections likely to be postponed, 11 September 2008
<http://www.sudan.net/news/posted/16255.html>
26 September 2008
- 26 August Sudanese police continued to surround one of the largest sites for internally displaced people (IDPs) in Darfur on 26 August, a day after gunfire caused dozens of injuries and, according to some sources, numerous fatalities.
Volatile IDP site needs a lasting solution, UN
<http://www.irinnews.org/Report.aspx?ReportId=80001>
26 September 2008
- 13 August The *International Herald Tribune* reported that Sudan's army had begun a huge operation to wipe out rebel bases in Darfur's far north. “The army attacked with more than 200 vehicles in Wadi Atron, near the Sudanese-Libyan border on Tuesday and took control of areas which had for years been under the control of rebels who want more autonomy for the region.”
Sudanese army attacks rebels in North Darfur
<http://www.ihf.com/articles/reuters/2008/08/13/africa/OUKWD-UK-SUDAN-DARFUR.php>
13 August 2008
- 10 August “Poverty and the movement of war-displaced populations have driven the number of HIV/AIDS infections higher in Sudan, though a lack of data is preventing health officials from getting a full picture of the virus' spread, experts said Sunday.” Adding that: “an estimated 1.6 percent of Sudan's 37 million people were infected.”
War and poverty driving up HIV cases in Sudan, 10 August 2008
<http://www.sudantribune.com/spip.php?article28226>
10 August 2008
- 9 August “The senior United Nations official in Sudan today welcomed the appointment of two top administrators to Abyei, a disputed area in the centre of the country whose status was not resolved in the 2005 peace deal ending the long-running north-south civil war.”
Top UN official in Sudan welcomes step to ease disputed Abyei area, 9 August 2008

<http://www.un.org/apps/news/story.asp?NewsID=27655&Cr=Abyei&Cr1=>

- 9 August “The Southern Sudan government, in partnership with the United Nations Development Programme (UNDP), has begun a large scale rehabilitation and construction work program regarding police infrastructure in the South.”
South Sudan Police starts \$ 45m rehabilitation project, 9 August 2008
<http://www.sudantribune.com/spip.php?article28207>
- 9 August “Inter-clan clashes in Lakes state killed 15 people and eight people wounded. The fighting shows weapons are still largely disseminated in the state despite the relentless efforts exercised by the government in this regard. The hostilities between Nyang section and Joth section of Rumbek Central County erupted at Pulbet village 12 miles away from Rumbek centre.”
15 killed in Sudan’s Lakes state following inter-clan clashes, 9 August 2008
<http://www.sudantribune.com/spip.php?article28205>
- 7 August “The top United Nations envoy to Sudan has called for a review of the death sentences passed by the country’s counter-terrorism courts against 30 members of a Darfur rebel group found guilty of participating in an attack near the capital in May, amid concerns that they did not receive a fair trial.” The report added that the United Nations Mission in Sudan (UNMIS) fears that the judicial process may not have met international standards.
Top UN envoy urges Sudan to review death sentences against Darfur rebels, 7 August
<http://www.un.org/apps/news/story.asp?NewsID=27621&Cr=Darfur&Cr1=>

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REPORTS ON SUDAN PUBLISHED OR ACCESSED SINCE 4 AUGUST 2008

United Nations' High Commissioner for Refugees (UNHCR) Sudan Operations - No 86
May 2008

<http://www.unhcr.org/cgi-bin/texis/vtx/southsudan?page=sitreps>

Date accessed 5 August 2008

Humanitarian Action in Southern Sudan, Week 30, 27 July – 02 August 2008

<http://ochaonline.un.org/sudan/SituationReports/SouthernSudanReports/tabid/3369/Default.aspx>

Date accessed 5 August 2008

Southern Sudan – Abyei Displacement, OCHA Situation Report No. 23

Reporting Period 23rd July – 8th August 2008

Date accessed 11 August 2008

Amnesty International 2008 Annual Report for Sudan

<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2008&c=SDN>

Date accessed 11 August 2008

UN Security Council Report July 2008

<http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4278433/>

Date accessed 13 August 2008

UN Security Council Update Report No. 4, Sudan, 28 July 2008

<http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4381649/>

Date accessed 13 August 2008

UN Security Council Update Report August 2008

<http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4374769/>

Date accessed 13 August 2008

Background information

GEOGRAPHY

- 1.01 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa, 2006) [1b] (Area and Population) (p1) Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, April 2007) [6a] Sudan is mainly composed of extensive plains or ironstone soils in the South, clay in the central regions and sand in the North and West. There are few mountainous areas of which the principal ones are the Imatong in the South, Jebel Marra in the West, and the Red Sea Hilis'in the East. (Embassy of the Republic of Sudan in London) [5a]
- 1.02 The Embassy of Sudan, London, describes the climate as tropical with the greater part of the country falling under the influence of the trade winds; hence it has generally hot, rainy summers and warm dry winters. There is little rainfall in the north, averaging 25mm, whereas in the south the rainfall reaches up to 150mm. The Red Sea Hills receive Monsoon rains during the months of October and November while severe sandstorms, or 'Haboubs', blow frequently in the north between April and October. [5a]
- 1.03 The USSD Human Rights report for 2007 recorded that:

"The population is a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately six million. The fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab." [3a] (Section 5)

See also Annex D: [Main ethnic groups](#) and Annex G: [States of Sudan](#)
- 1.04 Europa World Online notes that: "Arabic is the official language, although other languages are spoken and English is widely understood." (Europa World Online) [1b]
- 1.05 The CIA World Fact book, updated 12 February 2008 noted that the population of Sudan was 39,379,358 (July 2007 est.) [2a] (p3) Europa 2006 recorded that, according to a mid-2003 UN estimate, the population of the capital, Khartoum, was approximately 1,802,299. [1b] (Area and Population) (p2) However, the Foreign and Commonwealth Office Country Profile on Sudan, updated 6 November 2007 estimated the population of Khartoum City to be 2.5 million and Khartoum State to be 7 million [4a] (p1) Europa 2006 also noted that the principle towns included Omdurman, Khartoum (Capital), Khartoum (North), Port Sudan, Kassala, El-Obeid, Nyala, El-Gezira, Gedaref, Kosti, El-Fasher and Juba. [1b] (Area and Population) (p2)

See also Annex E: [Languages of Sudan](#)

MAP OF SUDAN AND NEIGHBOURING COUNTRIES

1.06 Sudan, political map, April 2007, from main United Nations Human Rights Commission (UNHCR) website:



Further maps of Sudan can be located on the ReliefWeb website located at:
<http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&emid=ACOS-635PJQ>

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Economy

- 2.01 The Foreign and Commonwealth Office's (FCO) Country Profile on Sudan, updated on 6 November 2007 stated that the economic situation in Sudan has improved in recent years and that new flow of revenue from oil exports and agriculture has been helped by favourable weather. However, the report stated further that a lasting and sustained peace is a pre-condition of continued improvement. [4a] (economy)
- 2.02 The FCO's report added:
- "The 1990s saw the strongest economic growth in Sudan since independence in 1956. Sudan began implementing IMF macroeconomic reforms that have successfully stabilised inflation. Oil has emerged as the major source of economic growth and revenue for Sudan since 1999. In summer 2005 oil production stands at around 340,000 barrels per day, and is expected to rise to 500,000 barrels per day by the end of the year. Under the wealth sharing protocol of the Comprehensive Peace Agreement, revenue from the oil reserves will be distributed equally between the National Government and northern states, and the Government of South Sudan. Agriculture production remains an important sector and expanded at the rate of 8.5% per annum during the last decade." [4a] (economy)
- 2.03 The CIA World Fact book, updated 12 February 2008, states:
- "Sudan's economy is booming on the back of increases in oil production, high oil prices, and large inflows of foreign direct investment. GDP growth registered more than 10% per year in 2006 and 2007. From 1997 to date, Sudan has been working with the IMF to implement macroeconomic reforms, including a managed float of the exchange rate. Sudan began exporting crude oil in the last quarter of 1999. Agricultural production remains important, because it employs 80% of the work force and contributes a third of GDP. The Darfur conflict, the aftermath of two decades of civil war in the south, the lack of basic infrastructure in large areas, and a reliance by much of the population on subsistence agriculture ensure much of the population will remain at or below the poverty line for years despite rapid rises in average per capita income. In January 2007, the government introduced a new currency, the Sudanese Pound, at an initial exchange rate of \$1.00 equals 2 Sudanese Pounds." [2a] (p7)
- 2.04 Freedom House reported in its 2008 World Country Report for Sudan that:
- "Sudan's economy, while weak, has been improving thanks to high oil prices. China has been harshly criticized for lending Sudan diplomatic support and actively participating in its oil industry and other ventures." [53b]

THE MEROWE DAM PROJECT

- 2.05 IRN News also reported on 29 January 2007 that the Leadership Office of the Hamadab Affected People (LOHAP), International Rivers Network and The Corner House all welcome the positive potential for economic and social development which China's growing role as a trading partner and investor has for Africa. However, "Development requires more than economic growth. The

interests of local communities and the environment must be safeguarded in the growing trade and financial relations between China and Africa.” The report added that the Merowe Dam Project is the largest hydropower project which is currently under construction in Africa. The project is expected to double the power generating capacity of Sudan. [30b]

- 2.06 “The project has huge, unresolved social and environmental problems”, stated IRN.

“As it currently stands, the project violates Sudanese law, and a series of internationally recognized social and environmental standards. This memorandum summarizes the social and environmental problems of the project, and presents recommendations for the solution of these problems. The Merowe Dam will create a reservoir with a length of 200 kilometres. It will require the displacement of approximately 50,000 people, who have farmed fertile plots in the Nile Valley for many generations. The affected people are from three ethnic groups – the Hamadab, Amri and Manasir people. According to the official plans, they will be resettled in new locations in the Nubian Desert.

“So far, about 10,000 people from the Hamadab communities have been resettled from the Nile Valley to El Multaga in the Nubian Desert. A visit by The Corner House and International Rivers Network in February 2005 showed that the resettlement program has so far been a complete failure. Many of the new plots at El Multaga are covered by sand. Even with irrigation water, the quality of the desert soil is so poor that the farmers cannot produce food for themselves or the market. And while they do not have income, they have to pay for many of the services which they were promised for free during the transition period. The poverty rate is increasing rapidly in El Multaga, and many people are leaving the site.” [30b]

- 2.07 International Rivers Network (IRN) reported on 7 February, 2007 that Chinese corporations, financial institutions, and the Chinese government have shown an increasing interest in large dam projects in Africa.

“The project, now under construction, has been marred by human rights violations of dam-affected communities, and a disregard for significant cultural sites and antiquities. At least 50,000 people are being displaced from fertile lands in the Nile Valley to harsh desert lands, against their will. Some of the 1,700 Chinese workers brought in to build the project have also reportedly experienced hostilities after appropriating local communities’ water supply for the dam project.” [30a]

- 2.08 *The Sudan Tribune* reported on 25 April 2007 that an organization of Merowe Dam affected people has sued the Sudanese security service in the constitutional court for arresting incommunicado without charge six of its members. The report stated that “The Manasir Association Executive Committee (MAEC) of the affected people from Manasir Merowe Dam area has submitted a complaint to the Constitutional Court against the national security apparatus.” [12v]

- 2.09 The report added that:

"The detainees are being held incommunicado without charge in Kober prison in the capital, Khartoum, and that they are at risk of torture and ill-treatment. On 29 March [2007] plain clothed national security officers arrested the men named above at their homes in Khartoum. Torture or ill-treatment of people arrested by the police or the national security forces is often reported in Sudan, particularly when those detained are not given access to the outside world. Emergency laws have allowed the Sudanese security forces to detain people indefinitely, without charge or trial. Article 31 of the 1999 National Security Forces Act, which allows the security forces to detain people for up to nine months without access to judicial review, is still in place." [12v]

- 2.10 *The Sudan Tribune* reported on 5 May 2007 that whilst the world's attention has been on Darfur for the last four years albeit with little actions, "... the government of Sudan has been creating another Darfur." This is in relation to the construction of the Merowe dam which started in 2003 and is estimated will displace more than 70,000 farmers living on the river banks. "Numerous and recurrent incidences of detention shootings and killings of civilian people have taken place over the last two years. The conflict here is basically on land and water. Perpetrators here are known and receive the full and direct support from the president and work under his direct instructions." [12w]
- 2.11 Sudan Net on 15 August 2007 reported that the Merowe Dam will start generating power in 2008, and will eventually increase the vast African nation's electricity supply by 150 percent. " 'In our aspiration to solve Sudan's problems, we realized that one of the biggest problems we faced was power', Sudanese President Omar Hassan al-Bashir said after touring the site." [57f]

FOREIGN INVESTMENT

- 2.12 Times on Line reported on 14 July 2007 that divestment campaigners are trying to curtail foreign investment in Sudan as a means of putting an end to the crisis in Sudan.

"Peace talks aimed at ending the four-year conflict in Darfur will begin in Libya tomorrow as the United Nations and the African Union prepare to deploy a joint force of more than 20,000 troops to the region this year. But organisers of a divestment campaign that is gaining support in the UK and around the world believe that the solution to the crisis, which has claimed more than 200,000 lives, could lie as much with fund managers as with soldiers and diplomats.

The campaigners are targeting multinational companies operating in Sudan, especially those active in its oil industry, which relies heavily on foreign investment. They argue that the Government has used oil revenues to fund the Janjaweed militia, which has been accused of attacking civilians, forcing 2.5 million people to flee their homes. In addition, they want pension funds and other investors in those companies to engage with them and to divest if they fail to adopt corporate social responsibility policies. " [95a]

- 2.13 Sudan Tribune reported on 24 April 2008 of new investments in Sudan:

"Sudan is targeting an increase of 100,000 barrels of oil a day mid-2009 as the result of new investments, particularly Chinese, come on stream, the Sudan oil minister has said." In an interview with Dow Jones Newswires, the minister said: "The African country plans a daily output of 600,000 barrels mid-2009,

compared with 500,000 now. “The country holds one of Africa’s largest proven oil reserves at 6.4 billion barrels but growth in output has been hindered by a civil war in the South that formally ended in 2005.” [12d]

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HISTORY

- 3.01 The IRIN humanitarian country profile, last updated February 2007, noted that Sudan has experienced several civil wars, with the first, the North-South civil war, ending after 17 years with the signing of the 1972 Addis Ababa Agreement, giving southern Sudan considerable autonomy. "After ten years of peace, there was a second civil war in 1983, after President Gaafer Nimeiry's decision to include states in southern Sudan in a federal government and his implementation of Shari'a law. The formation of the Sudan People's Liberation Army (SPLA), the main opposition party, under Col. John Garang, further exacerbating the crisis, which lasted 21 years and has claimed at least two million lives." [10eh] (IRIN humanitarian country profile)
- 3.02 Europa World (accessed 30 April 2007) notes that Sudan achieved independence on 1st January 1956, followed shortly afterwards by a military coup in November 1958 which established the Supreme Council of the Armed Forces. This Council ruled until October 1964, when it was overthrown in a civilian revolution. In May 1969 power was seized by a group of officers, led by Col Gaafar Muhammad Nimeri, who proclaimed the Democratic Republic of The Sudan, having abolished all existing political institutions. In October 1971 Nimeri was confirmed President by referendum and the Sudanese Socialist Union (SSU) was recognized as the only political party." [1b] (Europa world)
- 3.03 The FCO's Country Profile, 2007 stated that:
- "Sudan entered the Twentieth Century ruled as an Anglo-Egyptian Condominium, a unique constitutional status dating from 1899. After the First World War Sudanese nationalist sentiment grew drawing inspiration from Egyptian nationalism. However, it was only much later, following the 1952 July Revolution in Egypt, that Sudan gained independence. The 1953 Anglo-Egyptian Agreement provided for a three-year transitional period before self-rule." [4a] (History)
- 3.04 "Meanwhile, southern Sudan was suffering from escalating conflict between the Government forces and rebels. In 1972 Nimeiri signed a peace agreement with the southern rebels (South Sudan Liberation Movement). ...The regime's pledges gradually unravelled and by 1983, when Nimeiri proclaimed the application of Islamic law (Shari'a) throughout the country, southern resistance forces were re-mobilising into what became the Sudan People's Liberation Army/Movement (SPLA/M). Nimeiri was little more popular in the North, but challenges to his rule were met with bloody purges. Widening anger eventually sparked a military take-over in April 1985 and the following year elections were held. Parliamentary rule was to last less than four years, a period in which five governments were formed, each under the premiership of veteran politician Sadiq al-Mahdi. Peace talks with southerners and the poor state of the economy strengthened dissent." [4a] (FCO Country Profile History)

THE AL-BASHIR REGIME

- 3.05 The FCO's country profile 2007, states that:
- "On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by

General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair.”

[4a] (History)

- 3.06 Throughout al-Bashir’s rule, conflict between the north-central Arab-led government and the disenfranchised, marginalised areas of south, and later west and east Sudan has been continuous. [1b] (Europa World Online, accessed 21 February 2008 – Recent History)

PEACE AND CONFLICT IN SUDAN

- 3.07 When al-Bashir came to power in 1989, the latest civil war with the south was already six years old and would not reach a conclusion for a further 16 years – despite repeated attempts to find a peaceful resolution during the 1990s – until the signing of the Comprehensive Peace Agreement (CPA) in January 2005. [4a] (FCO Country Profile, 6 November 2007 Southern Sudan)

The north-south Comprehensive Peace Agreement (CPA): 9 January 2005

- 3.08 The Department for International Development (DfID) reported that on 9 January 2005, a Comprehensive Peace Agreement (CPA) was signed by the Government of Sudan and the Sudanese Peoples’ Liberation Movement to bring Africa’s longest-running conflict to an end. [8a] (DfID country profile on Sudan, updated 3 December 2007) The FCO’s Country Profile on Sudan, updated on 6 November 2007, also noted that: “The two sides established a Government of National Unity (GNU). The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang (leader of the SPLM/A) and Vice President Taha, was sworn in on 9 July 2005. The National Assembly met on 1 September 2005 and the formation of the GNU was announced on 20 September 2005”. The GNU includes Ministers from the National Congress Party (NCP), the SPLM, the National Democratic Association (NDA) primarily the Democratic Unionist Party (DUP), Umma Party Reform and Renewal (UP R&R), the Umma Party Collective Leadership (UP CL), Democratic Unionist Party (Registered - DUP-R), United Sudanese African Parties (USAP), the United Democratic Salvation Front (UDSF), South Sudan Democratic Forum, and Ansar al-Sunnah. The CPA provided for a devolved Government of Southern Sudan (GoSS). [4a] (Southern Sudan)
- 3.09 Dr John Garang, the original head and lead negotiator for the SPLM/A, was killed in a helicopter accident in Southern Sudan on 30 July 2005 shortly after the CPA’s signing. Though there were rumours of sabotage, an international commission of enquiry found no evidence of wrongdoing. Garang was succeeded by Lt. Gen. Salva Kiir Mayardit, as First Vice President and President of the GoSS and President of the SPLM. “The GNU functioned until October 2007 when Kiir announced the suspension of GoSS from the GNU, citing several CPA provisions that had not been implemented on schedule. Both sides remain in dialogue to resolve the political impasse and have re-affirmed their commitment to the full implementation of the CPA. In spite of the political

difficulties, there has not been a return to armed conflict between the North and South". [4a] (Southern Sudan)

3.10 The report further added:

"Despite the CPA, peace in southern Sudan remains fragile. The timetable for implementation of the CPA is beginning to slip. Northern troops have not withdrawn from all parts of the South as envisaged in the CPA, and troops loyal to the Khartoum government remain around some of the economically important oil fields. Preparations for a new census, an important pre-requisite for successful elections, are also behind. While the CPA's security arrangements are making progress in parts of the South, the presence of other armed groups such as the Lord's Resistance Army remains a threat to maintaining peace". [4a] (Southern Sudan)

3.11 However, the FCO, [4a], USSD [3a] and HRW [19a], concur that the CPA and DPA peace agreements have so far been ineffective.

3.12 The IRIN humanitarian country profile, last updated February 2007, reported that there was hope for lasting peace with the signing of the Comprehensive Peace Agreement between the government and the SPLA in 2005, granting southern Sudan autonomy for six years, after which a referendum for independence would be held. However, "a separate conflict, the Darfur crisis, began in early 2003, putting government forces and Janjaweed militia against the rebel forces of the Sudan Liberation Movement/Army and the Justice and Equality Movement in the western region of Darfur." [10eh] (IRIN Humanitarian Country profile)

3.13 An article posted on The Gurtong's website on 24 April 2007 noted that the Eritrean president has accepted that his government needs to work harder to support the Implementation of the CPA. The Gurtong reported:

"In a statement during his visit to Juba in the 23 April 2007, the president, Isaiiah Afewerki said that as one of the members of IGAD, his state would work harder to support the effective implementation of Sudan's north-south peace agreement in the face of obstacles". The article reported further: "Despite his concerns about some parts of the implementation, he was not worried about the overall peace. In spite of the fact that we see a number of obstacles, the government of Southern Sudan should do its share, It shouldn't blame the National Congress Party (but) assume responsibility and do whatever it needs to do to make sure the people of South Sudan ultimately achieve their goals". [18p]

3.14 The International Crisis group reported on 13 March 2008 that:

"On 11 October 2007, the Sudan Peoples Liberation Movement (SPLM) announced it was suspending participation in the Government of National Unity because the National Congress Party (NCP) was not implementing key aspects of the 2005 Comprehensive Peace Agreement (CPA) that ended the generation-long, primarily North-South conflict. After months of high-level meetings, military posturing and increasingly aggressive rhetoric, the parties agreed on a series of measures and drew back from the brink. The SPLM rejoined the government, which includes a reorganised cabinet, on 27 December. The immediate crisis has been defused, but underlying difficulties

remain, and the risk of significant new fighting is growing in the Abyei area. Both parties must re-commit to full CPA implementation if peace is to hold, and the international community must re-engage robustly in support of the still shaky peace deal and recognise that CPA implementation would create the best environment for peace in Darfur and beyond. [14a]

See also [4.06](#)

THE DARFUR CONFLICT

- 3.15 Prior to the signing of the CPA in January 2005, as detailed above, "... a separate conflict, the Darfur crisis, began in early 2003, putting government forces and Janjaweed militia against the rebel forces of the Sudan Liberation Movement/Army [SLM/A] and the Justice and Equality Movement [JEM] in the western region of Darfur." [10eh] (**IRIN Humanitarian Country profile**) The FCO's Country Profile, last reviewed on 6 November 2007, attested to the existence of conflict in the western region, which was "... largely a local struggle for resources, land, water and grazing rights and the related attempts to win power within the indigenous tribal administration structure ..." prior to 2003 recording that:

"In late 2002/early 2003 the conflict reached new heights with the overt involvement of government forces and the establishment of the Sudan Liberation Movement (SLM). The SLM waged an increasingly effective guerrilla war against the central government, police and security forces. In response, the government equipped and mobilised groups of Arab militias (known as 'Janjaweed') as counter insurgency forces to fightthe *[sic]* rebels. The excesses of the Janjaweed included rape, burning of thousands of villages and forcing the sedentary population to flee to refugee camps." [4a] (**Darfur**)

The Darfur Peace Agreement (DPA): 5 May 2006

- 3.16 "The African Union (AU) brokered Darfur Peace Agreement (DPA) was signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM. The DPA gives the rebels a say in government at the national and regional levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to show good faith in the Agreement, particularly by disarming the Janjaweed Arab militias." [4a] (**FCO Country Profile, 6 November 2007 – Darfur Peace Agreement**)
- 3.17 Implementation of the DPA "...has been slow, held back by the refusal of other rebel factions to sign it." The conflict in Darfur has continued. [4a] (**FCO Country Profile, 6 November 2007 – Darfur Peace Agreement**) With the displacement of around 2 million people (one third of the population) and over 3.5 million in need of humanitarian assistance, the situation has attracted world wide attention. Attacks have continued, including targeted attacks on aid workers, and the humanitarian and security situation has greatly deteriorated in the troubled western region. [8a] (**DfID, 3 December 2007**)
- 3.18 UNICEF accessed 15 May 2007 summed up the situation as follows:

"The conflict in Darfur is described by the UN as one of the world's worst humanitarian crises, affecting up to 4 million people. Fighting between rebel

groups, security forces and the *Janjaweed* militia continues largely unrestrained. Entire villages have been wiped out and 400,000 people have been killed.

“The statistics are bleak. Every day more than 70 children under the age of five are dying across Darfur. Illness and disease are rife and 1 million children in crowded camps are in need of basic food and water.” [40d]

3.19 *The Sudan Tribune* reported on 17 May 2007 that:

“Mr. Yan Eliasson, special envoy to Darfur, said that world powers should focus on getting a political deal among the government and rebel groups in Darfur on power sharing, wealth distribution and security. Hans-Joachim Preuss, the relief agency Welthungerhilfe’s Secretary General, stated that the peace agreement reached almost a year ago was endorsed de facto by a single signatory on the side of the rebels and was therefore doomed to failure. It’s now time to acknowledge the complexity of the conflict: ‘Claiming [that] it’s merely about Arabs against Africans falls far short of doing justice to the problem.’ I am in agreement.” [12x]

3.20 The report stated further that:

“A major cause of the crisis is the systematic neglect of the province. Water shortages and insufficient land have aggravated the conflict in the desert region. ‘As a result Arab nomads suffer just as much as African farmers, explains Preuss. The fronts are therefore much more blurred than often presented’.” [12x]

3.21 Sudan Net reported on 30 July 2007 that Darfur’s rebel Justice and Equality Movement (JEM) – which is understood to have a national agenda in fighting for political change in the interest of all marginalised Sudanese – had split again, ahead of a United Nations and African Union meeting to unite the insurgents before peace talks with the Sudanese government. [57c] (See also [Annex B](#))

“Nourein Adam Abdel Gaffa, spokesman for JEM’s armed wing, said the group was removing Khalil Ibrahim from his leadership position and wanted members of JEM’s army to represent the group at the rebel meeting in Tanzania beginning on 3 Aug 2007. ‘We are announcing the removal of Khalil Ibrahim as the leader of the movement’, he said. Abdel Gaffa said Ibrahim had breached the laws governing JEM but did not offer details. However, Abdel Gaffa is allied with JEM chief of staff Abdallah Abanda Abakr who Ibrahim removed from his position earlier this month, a move Abakr and other commanders rejected.” [57c] (*Sudan Net*, 30 July 2007)

3.22 However, JEM spokesman Ahmed Adam stated that Ibrahim had not been removed and would represent JEM in the Arusha talks in August. “‘This is not true. Still Khalil is the chairman of JEM’, he said, adding that JEM was trying to resolve any outstanding problems, including confusion over Abakr’s role. The split announced by JEM’s armed wing is a blow to the Aug. 3-5 [2007] Arusha meeting ahead of peace talks planned by U.N. Darfur envoy Jan Eliasson and his AU counterpart Salim Ahmed Salim.” [57c] The article added that this is one of the biggest obstacles to restarting Darfur peace talks to end the fighting in rebel divisions.

“Since a peace deal last year signed by only one of three rebel negotiating factions, the non-signatory factions split into more than a dozen groups. JEM, which along with the Sudan Liberation Army (SLA), was involved in the 2006 Nigeria talks that produced the peace agreement, is often considered a smaller rebel group. ... although JEM had few troops on the ground, they could act as a spoiler to any peace agreement if not represented at the talks.” [57c]

- 3.23 International Crisis Group (ICG) in its 26 November 2007 report on the conflict in Darfur, commented that the May 2006 Darfur Peace Agreement (DPA) had been too limited in scope and signatories.

“The Darfur conflict has changed radically in the past year and not for the better. While there are many fewer deaths than during the high period of fighting in 2003-2004, it has mutated, the parties have splintered, and the confrontations have multiplied. Violence is again increasing, access for humanitarian agencies is decreasing, international peacekeeping is not yet effective and a political settlement remains far off. The strategy the African Union (AU)/UN mediation has been following cannot cope with this new reality and needs to be revised. After a highly publicised opening ceremony in Sirte, Libya, on 27 October 2007, the new peace talks have been put on hold. The mediation should use this opportunity to reformulate the process, broadening participation and addressing all the conflict’s root causes.” [14d]

- 3.24 The UN Secretary General’s (UN SG) Report of 24 December 2007 noted that: “The humanitarian situation in Darfur continues to be volatile.” [6m](p6)

THE EASTERN CONFLICT

- 3.25 Canadian International Development Agency, accessed 4 May 2007, stated that “Even though the CPA put an end to the hostilities between the North and South of Sudan, the conflicts troubling the Darfur (Western Sudan) and other surrounding regions (particularly in the East) continue to instigate incredible instability and humanitarian crises.” [11a]

- 3.26 Reuters Alert Net dated 12 March 2007 concurred also noting that the east is one of the poorest regions in Sudan, even though it is home to the country’s largest gold mine and its major oil pipeline. [70c] FCO Country Profile for 6 November 2007 stated that:

“Eastern Sudan has suffered from years of marginalisation and neglect. As such, it is one of the least developed areas in Sudan. In response to this marginalisation a number of rebel groups, formed mainly from the Beja and Rasha’ida tribes (the most populous in the area), have in recent years carried out attacks on Government targets. Although isolated and small scale, these skirmishes had the potential to erupt into a larger-scale conflict.” [4a] (Eastern Sudan)

- 3.27 United Nations Development Programme (UNDP) 2008 gave a brief account by way of background information to the Eastern conflict and reported on how the organisation is doing in promoting rule of law in order to bring about a peaceful resolution to the conflict in Eastern Sudan.

“Eastern Sudan, a vast sun-blasted land of some 300,000 square kilometers, is home to an estimated three to four million of Sudan’s poorest people. The region is made up of three states: Red Sea, Gadaref and Kassala. In each of these states the living conditions are so harsh that the local population has been facing acute poverty, persistent drought and famine, a lack of adequate access to healthcare and education, high levels of unemployment in addition to land degradation and shrinking pasture areas, for a very long time. This state of affairs led to a low-intensity rebel insurgency over the past eleven years that was settled with the signing of the Eastern Sudan Peace Agreement (ESPA) in October 2006, between the Government of Sudan and the Eastern Front.

“This breakthrough highlighted opportunities for peace-building, such as promoting development, social equity, and peace and reconciliation. As peace is sustained, the strenuous economic and social realities in this region have made it very difficult for the poor and marginalized segments of society to obtain affordable legal counseling [sic] and representation. ... In addition, in Eastern Sudan, traditional administrative structures have played a crucial role in promoting the culture of rule of law and conflict transformation. However, these structures need to be adjusted to the realities of the 2006 ESPA. Their roles in fostering and nurturing the culture of rule of law and peaceful conflict resolution also need to be revitalized.

“Moreover, the root causes of conflict in this part of the country are related to natural resources. Since Eastern Sudan’s population is predominantly rural, competition over scarce natural resources, such as water, land and grazing, is one of the causes of inter and intra tribal tension and sometimes conflicts. The presence of a significant number of arms and the unresolved issue of access to land, and equity in resource distribution, is another factor that makes this region prone to conflict. In order to sustain peace by preventing conflict, UNDP established a presence in Kassala in October 2005 and launched the “Promoting Rule of Law and Peaceful Conflict Resolution in Eastern Sudan” project with the support of the Netherlands government, The European Commission and Norwegian embassy.” [98a]

The Eastern Sudan Peace Agreement (ESPA): 14 October 2006

- 3.28 “... in August 2006, the Government of Eritrea convened negotiations between the Eastern rebels, known as the Eastern Front (EF), and the Government of Sudan. A peace deal (the Eastern Sudan Peace Agreement, or ESPA) was signed in the capital of Eritrea, Asmara, on 14 October, guaranteeing greater development for Eastern Sudan.” [4a] (FCO Country Profile, 6 November 2007 – Eastern Sudan)
- 3.29 UN News report on 27 April 2007 of The UNHCR’s pledge to “shine the spotlight on the ‘forgotten situation in eastern Sudan’, where the agency has been running camps since 1968 for displaced Eritreans and Ethiopians, but has attracted little international attention.” [6a] Mr. Guterres visited the Wad Sherif and Kilo 26 camps and held talks in Kassala with local authorities and officials from UNHCR’s Sudanese Government counterpart, the Commissioner for Refugees. “We have a huge refugee population here to whom nobody is paying attention,” Mr. Guterres said. “These are forgotten people ... Today, the whole world focuses on Darfur and South Sudan and nobody thinks of the refugees in the east. People also forgot that Sudan has been one of the most

generous countries [for] hosting refugees for 40 years. Personally I believe this generosity is rooted in Islam.” [6aq].

3.30 The UN Secretary General’s (UN SG) Report of 17 April 2007 stated that:

“Implementation of the Eastern Sudan Peace Agreement, signed in October 2006, has stagnated, owing largely to internal power struggles within the leadership of the Eastern Front. A split among Beja factions of the Front prevented it from presenting a list of nominees for the posts allocated to it under the Agreement. The Eastern Front leadership has now requested mediation by the Government of Eritrea to help resolve the abiding conflict among the Beja factions. For its part, the Sudanese Government continued to express optimism about the implementation of the Agreement and has begun preparations for the disarmament and integration of former Eastern Front combatants.” [6ad]

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RECENT DEVELOPMENTS

SECURITY

- 4.01 During the period 1 November 2007 to 31 January 2008 the security situation in the UNMIS area of operations remained relatively calm. There were several incidents reported in Southern Sudan of inter ethnic clashes in disputes over migration routes and grazing rights. There were also increased security problems in the Abyei area around Meiram, and in the northern part of Southern Kordofan State, both of which border Southern Darfur. In these areas reports were received of road blocks being erected around oilfields; a dispute between local citizens and an oil company; the kidnapping of international employees of the oil company; inter tribal incidents, the unlawful detention of travellers, and hostile activities by the Justice and Equality Movement (JEM); together with the presence of other armed groups. [6aw](p1) (UN Report of the Secretary-General on the Sudan 31 January 2008)
- 4.02 The Security Council report dated June 2008 recorded the key recent developments in Darfur.
- “The security situation in Darfur and Chad remains extremely volatile. Clashes involving the Sudanese government and Darfur rebel groups, as well as Chadian armed forces and Chadian rebels continue. Sudanese government planes bombed three villages in North Darfur, killing several civilians including children. This was denounced by the Secretary-General as unacceptable. The UN estimates that more than 150,000 civilians have been forced to flee in 2008 alone.” [102a]
- 4.03 Referring to the JEM attack on the Capital, Khartoum on 10 May 2008, the report added:
- “On the 10 May the rebel Justice and Equality Movement (JEM) mounted an unprecedented attack reaching the outskirts of Khartoum. This might have been related to the JEM’s own national political ambitions, as well as the recent government offensive in West Darfur. It surprised both the government and UNAMID. Briefing the Council on 14 May, Under Secretary-General Jean-Marie Guéhenno said that the attack underscored ‘serious shortfalls in the Mission’s resources’.” [102a]
- 4.04 The report further added that following the attack, the government announced a curfew and initiated efforts to hunt and arrest rebels. “The government also accused the JEM of foreign connections, and called on states to list it as a terrorist organisation and arrest its leaders.” [102a]

POLITICAL DEVELOPMENTS

- 4.05 On 11 December 2007, the political stand-off between the Sudan Peoples Liberation Movement (SPLM) and the National Congress Party (NCP) was resolved which facilitated the return of the SPLM to the Government of National Unity, following eight weeks of intensive consultations between the parties. Both the NCP and the SPLM renewed their commitment to the letter and spirit of the Comprehensive Peace Agreement, which the SPLM had continued to participate in during the period in which it suspended its participation in the Government of National Unity: it had also continued to

participate in all other constitutional bodies at both national and state levels. [6aw](p2) (UN Report of the Secretary- General on the Sudan 31 January 2008)

- 4.06 In Southern Sudan, the Government of Southern Sudan worked with state leaders from both the NCP and SPLM to defuse several incidents that could have led to bloodshed, such as reversing the decision of a former Governor of Upper Nile State to ban all road and river traffic into the State, which ended a de facto economic blockade that had driven up market prices and caused the local population to panic. Throughout the south, local leaders were proactive in peacefully tackling dry-season conflicts and disputes over local political leadership. [6aw](p2) (UN Report of the Secretary- General on the Sudan 31 January 2008) (p2)

- 4.07 No significant progress was made in the preparation of the elections. The NCP-SPLM stand-off further delayed the finalisation of the draft electoral law. [6aw](p4) (UN Report of the Secretary- General on the Sudan 31 January 2008)

- 4.08 The *Sudan Tribune* reported on 15 November 2007 that nine rebel Darfur factions have decided to reunite their political organisations and military structures under the name of SLM today in Juba. The report noted their willingness to meet the African Union and United Nations mediators. [12c]

"In a 'Charter of Unification' issued today, the signatories of the document said they agree to unify under the name of the Sudan Liberation Movement/Army (SLM/A) and to disband their existing organisations. They [sic] rebel factions set up a collective leadership formed by the signatories of the charter to realise the unification process 'prior to leaving Juba' the statement said. This move comes after more than a month of meetings in the capital of southern Sudan, Juba. The SPLM leadership which has undertaken this initiative in spite of the joint mediation disregard and the Sudanese government criticism can say they succeeded where the other failed, the report added. [12c]

- 4.09 The Institute for Security Studies reported on 2 June 2008: that:

"On 28 May the three candidates still in the running for the US presidential elections later this year took the unusual step of subscribing to an advertisement in which they expressed their common position on the Darfur situation and Sudan's Comprehensive Peace Agreement (CPA). They described the Darfur campaign of the Sudanese government and its proxies in Darfur as genocide, unacceptable to the American people and the world community; deplored Khartoum's obstruction of the deployment of a robust UN mission to Darfur and noted its continued refusal to adhere to the terms of the CPA. They sought to disabuse the Sudanese government of any notion that the US government - that must inevitably replace that of President Bush early next year - would ignore the issue of peace and security for the people of Sudan." [104a]

- 4.10 The *Sudan Tribune* reported on 30 June 2008 that:

"Eight southern Sudanese political parties established a new alliance aiming at expanding and deepening cooperation between the coalition and the signatories of the 2005 peace agreement over the future of southern Sudan. The "Alliance of South Sudan Political Parties" aims to ensure and broaden cooperation with major parties signatories to the Comprehensive Peace

Agreement (CPA^o, enrolment of civil society, business personals, women and youth full participation to protecting and ensuring implementing the CPA are done to the letter and spirit.” [12m]

- 4.11 The *Sudan Tribune* reported on 1 July 2008 that South Sudan Political Parties have forged alliance for election and referendum:

“The South Sudan political parties held three days conference from 28th to 30th June 2008 at Rock city Hotel in Juba the capital of southern Sudan to forge alliance in favor of elections and 2011 referendum. Are members of the opposition alliance: United Democratic Front (UDF), Sudan African National Union (SANU), Union of Sudan African Parties (USAP Two), United South Sudan Party (USSP), South Sudan Democratic Front (SSDF), South Sudan Democratic Forum (SSDF), Covenant Democratic Party (CDP) and Sudan National Labour Party (SNLP).” [12ak]

- 4.12 The report added that: “The conference was convened to explore method of cooperation among south Sudan political parties and how to broaden this cooperation to include civil society, business personals, women and youth in addition to NCP and the SPLM, northern political parties as a mean to protect implementation of the CPA.” [12ak]

- 4.13 The Gurtong reported on 15 July 2008 that new ministers have been appointed in Northern Bahr el Ghazal State. Details as follows:

“New ministers, advisors and commissioners of Northern Bahr el Ghazal State were sworn in on Tuesday at 10 am in a State Council of Ministers. ‘When a knife is blunted you should look for where to sharpen it’, said NBEG’s new Governor Paul Malong during the swearing in ceremony while he briefed the new government after they took an oath. He further told the new ministers, advisors and commissioners to be ready to face the challenges of the new tasks and responsibilities that are given to them. [18s]

- 4.14 The report added that:

“All commissioners sworn in except Aweil South County commissioner as who is to be the post holder is still unclear and needs clarification from President of Government of Southern Sudan, explained Malong. ... After the swearing in, the state governor took the new government to the new airstrip of Rumtit which is just being constructed. [18s]

IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

- 4.15 On 9 January 2008 the Sudanese Armed Forces (SAF) announced that it had completed its redeployment from the south in accordance with agreed deadlines, although according to UNMIS only 88 per cent had been deployed as at 15 January 2008. While the SPLA continued to question the extent of voluntary demobilisation of SAF troops. [6aw](p3)(UN Report of the Secretary-General on the Sudan 31 January 2008)
- 4.16 SPLA troops continued their redeployment from Blue Nile and Southern Kordofan States in January, but the SAF rejected the SPLA claim that its assembly area at White Lake/Jaw was located south of the 1 January 1956

border. On the 15 January 2008 SPLA redeployment remained at 8.5 per cent. [6aw](p4)(UN Report of the Secretary- General on the Sudan 31 January 2008)

See also 3.08

IMPLEMENTATION OF OTHER PEACE PROCESSES

4.17 A press statement issued by the Chairman of the Eastern Front and assistant to the President Musa Mohamed Ahmed on the implementation of the Eastern Sudan Peace Agreement stated that the implementation mechanisms had been established and that the Eastern Sudan Rehabilitation Fund would begin implementing development projects in 2008. [6aw](p5) (UN Report of the Secretary-General on the Sudan 31 January 2008)

4.18 During November and December 2007 there was some progress in terms of the unification efforts of the movements in Darfur, which had coalesced around five major groupings: Sudan Liberation Army (SLA)-Unity, SLA-Abdul Wahid, SLA –Abdul Shafi, JEM-Khalil Ibrahim and the United Resistance Front. The deterioration in the security situation on the ground, particularly in West Darfur, and renewed tensions between Sudan and Chad, were complicating the search for a political settlement. (UN Report of the Secretary-General on the Sudan 31 January 2008) (p6)

4. 19 Also with regard to Darfur, there have been reports of vigilante groups based on ethnic groupings being formed in some camps. Rape continues to be systematic, as the security situation in and outside of the camps continues to deteriorate. Amnesty International (AI) on 22 January 2008 reported:

“Some camps, such as Kalma, have members of as many as 29 different ethnic groups. Most Kalma camp residents have arms. Amnesty International has learned that many of the youth in the camp have formed vigilante groups based on their ethnic origin – Fur, Masalit, Zaghawa and Dajo. The UN recorded more than 10 armed incidents in Kalma camp between 16 and 22 October 2007.” [16ah]

4.20 The report continued:

“Displaced women are at constant risk of rape when they venture outside their camps to find firewood or food. Although most victims of rape accuse Janjawid militia, there are also reports of rape being committed by members of the Sudanese army, the police and other armed opposition groups – including SLA/MM soldiers. Women also say that they are sometimes raped by displaced men inside the IDP camps.” [16ah]

4.21 Likewise, Internal Displacement Monitoring Centre, (IDMC) reported on 31 January 2008 that:

“The situation of displaced people in Darfur continues to become more desperate. Amnesty International (AI) has warned of a generation of Darfuris growing up in extreme fear and insecurity, and subject to forced recruitment, in IDP camps awash with weapons. ‘Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate’.” [48f]

- 4.22 The UN Secretary-General's report on children in armed conflict dated 21 December 2007 noted: "in Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families." [6l]
- 4.23 Human Rights First in November 2007 reported continued attacks by the Sudanese government and armed bandits on Non-Governmental Organisations (NGOs), who are working to bring relief and stability to the civilian people. [91a](p1)
- 4.24 The UN Secretary General's (UN SG) Report of 24 December 2007 reported:
- "It is of grave concern that humanitarian workers are increasingly becoming targets of violence and armed robberies. In October alone, seven humanitarian personnel were killed in Darfur, the highest number in a single month since July 2006. In 2007, a total of 12 humanitarian workers have been killed, 15 wounded, 59 physically assaulted and 118 abducted during hijackings, while 75 humanitarian premises have been invaded by armed men." [6m](p6)
- 4.25 The Institute of Security studies reported on 14 May 2008 that;
- "For the last two years, all eyes have been on the northern Uganda peace process in Juba, southern Sudan. Now the peace process between the government of Uganda and the Lord's Resistance Army (LRA) of Joseph Kony has fallen to pieces." Adding that: "Talks to end Kony's 22-year insurgency collapsed last month when the LRA commander-in-chief sacked his chief negotiator and then failed to show up at the signing ceremony of the peace deal in a forest clearing on the remote frontier - to the disappointment and embarrassment of the who's who gathered there to witness the event." [104c]
- 4.26 IRIN News reported on 22 May 2008 of a climate change for small farmers and pastoralists:
- "The United Nations Environment Programme (UNEP) has called for a moratorium on the expansion of large mechanised farms in Sudan's central semi-arid regions, sounding a warning that it was a 'future flashpoint' for conflict between the farmers and pastoralists." Adding that: "Northern Sudan's huge commercial farms have been blamed for fuelling conflict, driving small-scale farmers off the land and into menial jobs, environmental degradation and human rights abuses. However, in its Green Programme, launched in 2006, Sudan's Government of National Unity has called for the expansion of both rainfed and irrigated mechanised agriculture." [10a]

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CONSTITUTION

- 5.01 The CIA World Factbook, last updated 12 February 2008, records the following timeline “Constitution implemented on 30 June 1998, partially suspended 12 December 1999 by President Bashir; under the CPA [Comprehensive Peace Agreement], Interim National Constitution ratified 5 July 2005; Constitution of Southern Sudan signed December 2005”. [2a]

INTERIM NATIONAL CONSTITUTION OF SUDAN (INC)

- 5.02 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a]
- 5.03 Article 4 of the INC records the fundamental basis of the Constitution:
- “This Constitution is predicated upon and guided by the following principles:
- (a) the unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,
 - (b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,
 - (c) the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division,
 - (d) the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.” [94a] (p3-4)
- 5.04 The INC provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [94a] (p13-18)
- 5.05 The Sudan Human Rights Organisation-Cairo’s (SHRO-Cairo) Human Rights Quarterly report of January 2006 states, in relation to the ending of the State of Emergency, that “Gross human rights violations, however, were never abated. Tens of political detainees and prisoners of conscience remained in jail.” [17a] (The Situation of Human Rights in Sudan: March-November 2005)

INTERIM CONSTITUTION OF SOUTHERN SUDAN (ICSS)

- 5.06 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 3 of the ICSS records the supremacy of the Constitution as follows:
- “Without prejudice to Article 3 of the Interim National Constitution, this Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan. The interim constitutions and laws of the States

of Southern Sudan shall comply with this Constitution and the Interim National Constitution.” [94b] (p2-3)

- 5.07 As with the INC, the ICSS provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [94a] (p6-12) Article 9 (1) of the ICSS also affirms that “The people of Southern Sudan have the right to self-determination through a referendum to determine their future status.” [94b] (p4)

- 5.08 Part eleven of the ICSS concerns: ‘The States, Local Government, Traditional Authority and Abyei Area’. [94b] (p65-72) Article 167 states that:

“The Government of Southern Sudan shall discharge its duties and exercise its powers as set forth in this Constitution, the Interim Constitution of Southern Sudan, the Comprehensive Peace Agreement and any other agreement relating to the development and reconstruction of Southern Sudan.” [94a] (p65)

Articles 168 to 172 of Part Eleven of the ICSS deal with the provisions for state organs, the state executives, state legislative assemblies, state judiciaries and interim provisions for the individual southern states, the latter pending the elections scheduled to be held no later than the end of the fourth year of the Interim Period [approximately July 2009]. [94b] (p66-69)

See also Annex G: [States of Sudan](#)

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POLITICAL SYSTEM

GOVERNMENT OF NATIONAL UNITY (GONU)

6.01 The USSD Human Rights report for 2007 stated that:

“Sudan, a republic with an estimated population of 39.4 million, is governed according to a power-sharing arrangement established by the January 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity. The government's mandate extends until scheduled elections in 2009. The Government of National Unity is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA), led predominantly by Christians and practitioners of traditional indigenous religions from the south” [3a] (p1)

The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] Article 24 INC records that:

“The Sudan is a decentralized State, with the following levels of government:

- (a) The national level of government [Government of Southern Sudan (GoSS)], which shall exercise authority with a view to protect the territorial integrity and the national sovereignty of the Sudan and promote the welfare of its people,
- (b) Southern Sudan level of government [Government of Southern Sudan (GoSS)], which shall exercise authority in respect of the people and states in Southern Sudan,
- (c) The state level of government, which shall exercise authority at the state level throughout the Sudan and render public services through the level closest to the people,
- (d) Local level of government, which shall be throughout the Sudan.” [94a] (p10-11)

6.02 The Sudan Human Rights Organisation-Cairo's (SHRO-Cairo) Human Rights Quarterly report of January 2007 stated that: “There is a need for a National Democratic Government. SHRO-Cairo is gravely concerned for the negligence of the GONU to the NDA/Umma call to convene a national constitutional conference – a significant method to resolve the chronic crises of the country, especially the Darfur Crisis and the congested North-South relations.” [17m]

6.03 Whilst the Sudan Tribune reported on 13 February 2007 of the SPLM's commitment to the vision of a ‘New Sudan’, at the end of a four day meeting held in Yei, Central Equatoria. The SPLM defined the vision thus: “To transform Sudan into a free, just, democratic, and decentralized system of government based on the free will and popular participation of its entire people.” [12p]

6.04 Afrol News reported on 28 December 2007 that the “SPLM quitted the unity government [on 11 October 2007], accusing al-Bashir government of not respecting the 2005 comprehensive peace accord that nailed the two decade-long conflict between the North and South Sudan.” [87a] However, the report

went on to state that the “Sudan People's Liberation Movement (SPLM) has at last accepted to rejoin the government of national unity.” [87a]

“Sixteen newly appointed government officials [3 Presidential Counsellors, 7 Ministers and 6 Ministers of State] took oath of office before President el-Bashir and Vice President Salva Kiir, who is also the leader of SPLM and President of South Sudan. Kiir had announced a break off from a two-month deadlock with Khartoum and guaranteed the return of his movement to the unity government. The deadlock was triggered by the movement's protest over the deployment of government troops in some southern states and ownership of the oil-rich Abyei state”. [87a] (Afrol News, 28 December 2007)

- 6.05 In January 2008, Physicians for Human Rights (PHR) highlighted the appointment of a Janjaweed leader as Advisor to Federal Affairs Minister, noting that “Bashir continues to promote war crimes suspects to senior positions”.

“Physicians for Human Rights (PHR) called on members of the UN Security Council and other countries to publicly condemn the appointment of Musa Hilal, a known leader of the Janjaweed who is suspected of committing war crimes, to the position of advisor to Sudan's Minister of Federal Affairs and actively work to end impunity for his crimes. The US Government believes that Hilal is a central coordinator of the Janjaweed, a group responsible for the Government of Sudan's orchestrated campaign of killing, displacement, and looting throughout Darfur.” [34b] (PHR, 22 January 2008)

- 6.06 The *Sudan Tribune* reported on 14 February 2008 that the Sudanese President Omar Hassan Al-Bashir had reshuffled the ministers of the National Congress Party in the national cabinet, sacking the justice minister and making seven new cabinet appointments:

“Omer al-Bashir, Justice Minister Mohamed Ali al-Mardi, recently locked in repeated rows with the media over alleged mismanagement, was fired and replaced by Abdel Basset Saleh Sbidrat, federal affairs minister in the outgoing cabinet. Ibrahim Mohamed Hamed, a former provincial governor, was appointed interior minister, replacing Zubir Beshir Taha who was demoted to agriculture. Energy minister Awad al-Jaz swapped jobs with finance minister Zubeir Ahmed al-Hassan, while Mohamed Ahmed Taher Abu Kalabish moved from the state education portfolio to take up the reins at the animal resources ministry. The Sudanese president also made Ibrahim Mohamed Omar, a senior member of his ruling National Congress Party, minister of science and technology.” [12aj]

Political parties in Sudan

- 6.07 The USSD Human Rights report for 2007 noted that:

“Although there were 20 officially registered political parties, the law effectively prohibits traditional political parties linked to armed opposition to the government. The Political Parties Act allows some formerly banned political parties to resume their activities, but the parties were required to notify the registrar in writing of their intention to participate in elections.” [3a] (Section 2b)

- 6.08 The United Nation Mission in Sudan (UNMIS) and Global Security last updated in 2005 both recorded political parties in Sudan as follows:

“During three periods of civilian rule in the Sudan (1956-1958; 1964-1969 and 1986-1989), political parties proliferated. After the military takeover in June 1989 all political parties were banned, but registration opened up again in 1999 when a new law covering political parties came into force. The main parties are”, UNMIS recorded:

- “The National Congress Party, currently the ruling party, which has its roots in the National Islamic Front, an extension of the Muslim Brotherhood movement in Egypt in the 40's The Umma Party, the political organization of the Islamic Ansar Sect. The party is led by Sadiq al-Sidiq Abdel Rahman al-Mahdi, who served as Prime Minister in all coalition governments between 1986 and 1989.
- The Democratic Unionist Party (DUP), based on the Khatmiyyah sect, led by Mohammed Osman al-Mirghani who is also the leader of the National Democratic Alliance, a loose coalition of political parties, labour unions and individuals who oppose the ruling party.
- The Popular National Party (PCP) which was created by Hassan al-Turabi in June 2000 after his expulsion from the National Congress. “
[7b], [99b]

See also Annex B: [Political organisations](#) and Annex C: [Prominent people, past and present](#)

GOVERNMENT OF SOUTHERN SUDAN (GoSS)

- 6.09 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. Article 50 of the ICSS records that:

“Southern Sudan shall have a decentralized system of government with the following levels:

- (a) the government of Southern Sudan [GoSS] level which shall exercise authority in respect of the people and states in Southern Sudan;
- (b) the state level of government, which shall exercise authority within a state and render public services through the level closest to the people; and
- (c) local government level within the state, which shall be the closest level to the people.” [94b] (p18)

Political parties in southern Sudan

- 6.10 One the Gurtong's website, last updated 9 June 2008 noted the following, concerning the opposition parties in south Sudan:

“The signing of the Comprehensive Peace Agreement (CPA) saw the coming together of several military factions that are now being transformed in to political entities in South Sudan. At present, the Sudan People's Liberation

Movement (SPLM) has the largest known membership. However, the composition of the South Sudan legislative assembly comprises of several political parties.

- Sudan People's Liberation Movement – SPLM
- National Congress Party – NCP
- South Sudan Defense Force – SSDF
- United Democratic Front – UDF
- Union of Sudan African Parties 1 – USAP 1
- Union of Sudan African Parties 2 – USAP 2
- United Democratic Sudan Forum – UDSF” [18c]

6.11 The *Sudan Tribune* reported on 10 May 2007 that:

“Sudanese women have agreed that undemocratic practices are still dominating the internal life in the political parties in the country. Yesterday during the national conference of Sudanese women in politics held in Juba, Female representatives from various political forces said negatives attitude of male towards women hinders female progress in within the party.” [12i]

6.12 *The Gurtong*, last updated 9 June 2008 that:

“The signing of the Comprehensive Peace Agreement (CPA) saw the coming together of several military factions that are now being transformed in to political entities in South Sudan. At present, the Sudan People's Liberation Movement (SPLM) has the largest known membership. However, the composition of the South Sudan legislative assembly comprises of several political parties. The Sudan People's Liberation Movement (SPLM) came into being in 1983 following the collapse of the 1972 Addis Ababa Agreement. It was jointly formed with the Sudan People's Liberation Army (SPLA) and was largely the political arm of the civil war struggle up to the signing of the Comprehensive Peace Agreement in 2005.” [18c]

6.13 The United Nation Mission in Sudan (UNMIS) and Global Security last updated in 2005 both recorded the following, regarding the main political parties of south Sudan:

“In Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A) dominates. There are several parties representing the interests of Southern Sudanese in Northern Sudan. These include the Union of Sudan African Parties (USAP) and the United Democratic Salvation Front (UDSF) There are a number of smaller religious, pan-Arabist and progressive parties, including the Communist Party of the Sudan, the Baath Party, the Republican Brothers and the Justice Party.

Regional alliances include the Federal Alliance which is led by a former governor of Darfur; the United Sudan National Party, an amalgamation of parties representing the Nuba Mountains; and the Beja Congress which represents Eastern Sudan. “[7b], [99b]

See also Annex B: [Political organisations](#) and Annex C: [Prominent people, past and present](#)

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Human Rights

INTRODUCTION

- 7.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 27 of the INC stated that:

“This Bill of Rights is a covenant between the Sudanese people and between them and their governments at every level and also a commitment to respect and promote the human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan; the State shall guarantee, protect, and fulfil this Bill; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill. Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights” [94a] (p13)

- 7.02 The USSD human rights report for 2007 summaries the human rights situation in Sudan as:

“The government's human rights record remained poor, and there were numerous serious abuses, including: abridgement of citizens' rights to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, including incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; forced military conscription of underage men; obstruction of the delivery of humanitarian assistance; restrictions on privacy and freedoms of speech, press, assembly, association, religion, and movement; harassment of internally displaced persons (IDPs) and of local and international human rights and humanitarian organizations; violence and discrimination against women, including the practice of female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced labor, including child labor, by security forces and both aligned and non-aligned militias in Southern Sudan and Darfur.” [3a] (section1)

- 7:03 Sudan Organisation Against Torture (SOAT) [15ap] Human Rights Watch (HRW) [19t], and Amnesty International (AI) [16ap] all reported on 2 May 2007 that they welcome the decision taken by the court to issue an arrest warrant for Ahmad Muhammad Harun, former State Minister of Interior of the Government of Sudan and currently Minister of Humanitarian Affairs, and the Janjaweed leader Ali Muhammad Ali Abd al-Rahman, also called Ali Kushayb, who are both suspected of war crimes and crimes against humanity in the Darfur region.

- 7.04 Amnesty International (AI) reported on 8 May 2007 that:

“Arms, ammunition and related equipment are still being transferred to Darfur in the west of Sudan for military operations in which extremely serious violations and abuse of human rights and international humanitarian law are committed by the Sudanese government, the government-backed Janjawid [sic] militias and armed opposition groups.” [16ar]

7.05 AI added:

“This report describes the arming process and its effects on the people of Darfur and neighbouring eastern Chad, many of whom have been forcibly displaced. It provides details of violations of the United Nations arms embargo on Darfur that occurred during January to March 2007.” [16ar]

7.06 OHCHR reported on the situation of human rights in Sudan recorded on 20 March 2008 of attacks on civilians in Saraf Jidad, Sirba, Silea and Abu Suruj in January and February 2008 as follows:

“Military attacks in Sirba, Silea and Abu Suruj (8 February), involved aerial bombardments by helicopter gunships and fixed-wing aircraft, accompanied by ground offensives by militia and SAF. Consistent information gathered by UNAMID Human Rights Officers (HROs) indicated that these actions violated the principle of distinction stated in international humanitarian law, failing to distinguish between civilian objects and military objectives. Moreover, the scale of destruction of civilian property, including objects indispensable for the survival of the civilian population, suggests that the damage was a deliberate and integral part of a military strategy. Information on extensive pillaging during and after the attacks was also gathered. In addition, consistent and credible accounts of rape committed by armed uniformed men during and after the attack in Sirba were collected.” [6n] (P2)

7.07 The report added:

“As a result of the attacks, at least 115 persons were killed, including elderly people, women and children, and more than 30,000 individuals forcibly displaced to other locations, including neighboring Chad. Civilian homes, NGO clinics and offices, community centers, water structures, schools, food storages, milling machines and shops were systematically pillaged, vandalized and/or set ablaze. Livestock was also looted.” [6m] (P2)

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SECURITY FORCES

- 8.01 USSD report for 2007 stated that: “The NISS and the Ministry of Interior both have security forces under their control, along with the police force responsible for internal security. The police forces include regular police units and the Popular Police Force, a parallel pro government force that received higher pay than regular forces. ... The army is responsible for external and internal security. [3a] (Section 1d)
- 8.02 There were reports of torture, beating and harassment of suspected political opponents and others by the government security forces. [3a] (Section 1e)

POLICE

- 8.03 The USSD report for 2007 stated that corruption in the police force was a problem, and that: “some police officers supplemented their incomes by extorting bribes” Adding that impunity remained a serious problem, although on a number of occasions police and other officials were prosecuted during the year for abuses they had committed. The report further added that In other cases of police abuse, victims who complained were punished.” [3a] (Section 1d)

Arbitrary arrest and detention

- 8.04 The USSD Human Rights report 2007 noted that:
- “Although the law provides for access to a lawyer, security forces often held persons, including criminal detainees, incommunicado for long periods in unknown locations without access to their lawyers or family members, arbitrarily arresting and detaining individuals. The report added that in general the government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents.” [3a] (Section 1d)
- 8.05 Amnesty International reported on 14 March 2007 that the organisation feared for the health and safety of three men who been detained by the government.
- “Abulgasim Ahmed Abulgasim, his brother Zakaria, and a third man, Mukhtar Ali Ahmed, are now known to be held in Kober Prison, in the capital, Khartoum. They have access to a lawyer, but have been denied all contact with their families. Abulgasim Ahmed Abulgasim, who is diabetic, has asked for medical attention, but has been refused. None of the men has been charged with any offence.” [16au]
- 8.06 The report stated further that Abulgasim Ahmed Abulgasim is a member of the political wing of the Sudan Liberation Movement (SLM), one of the armed opposition groups fighting the government in Darfur. “ [16au]
- 8.07 The report added:
- “The Sudanese authorities use prolonged incommunicado detention as a tool of repression to create a climate of fear and to crush political opposition. The

National Security Forces Act allows the security forces to 'preventively' detain people suspected of 'crimes against the State' incommunicado without charge or trial and without access to judicial review for up to nine months. Article 33 allows national security forces immunity from prosecution and maintains the secrecy of any act carried out in the service of the National Security Agency in regular court proceedings. Article 10(i) of the 1993 Law of Evidence allows evidence obtained by torture to be accepted." [16au]

- 8.08 The World Organisation Against Torture (OMCT) reported on 20 June 2007 regarding the 'excessive use of force' by Sudanese security forces in Farraig village, Halfa Municipality in Northern Sudan against civilians and the arrest and detention of several individuals, among them journalists and lawyers, in Dongola and Khartoum.

"According to the information received, on 13 June 2007 four persons were killed and nine other civilians were injured by the police and security forces in the Farraig village during a peaceful demonstration against the building of the Kajabar Dam in the area." [55a]

- 8.09 Likewise, the Sudan Tribune reported on 20 July 2007 that Mr. Osman Ibrahim, the spokesperson of the Committee against the dam, had been arrested:

"In the early morning, 3 police cars arrived at his home in Firraig village. No warrant was presented for his arrest and his whereabouts are unknown. His arrest follows the incident reported on the 13 June 2007, when Sudanese security forces shot on civilians holding a peaceful demonstration against the building of the Kajbar Dam in the Nubian area of northern Sudan. Four people were shot dead and thirteen people were seriously injured." [12s] The article adds: "Journalists and lawyers working on and covering the protests against the Kajbar Dam were arrested. To this day, except for the journalist Saad Mohamed Ahmed released on 9 July 2007, they all remain in incommunicado detention in spite of the fact that their lawyers filed a petition before the Constitutional Court questioning the legality of their detention." [12s]

- 8.10 Amnesty International (AI) on 4 December 2007 reported that 27 people were held in the main section of Kober Prison in Khartoum, charged with several offences against the government.

"... They were arrested on or soon after 14 July 2007 and have been tortured or ill-treated during prolonged incommunicado detention. A number of them have also been denied access to medical treatment. (See UA 241/07, 7 September 2007 and follow up). All 27 defendants have been charged with a number of offenses against the State including charges under Article 50 (Undermining the Constitutional System) and Article 51 (Waging War against the State) of the 1991 Penal Code. Both charges carry the possibility of the death penalty." [16aq]

- 8.11 The report added that the alleged leader of the group, Mubarak al-Fadel al-Mahdi, the President of the opposition Umma Reform and Renewal Party was released from prison on 1 December after charges against him were dropped, but the General Secretary of the Party Abdel Jalil al-Basha was still in detention. [16aq]

- 8.12 Likewise the *Sudan Tribune* on 2 December 2007 also reported of the release of Mubarak al-Fadil. “‘ The government has dropped the charges against Mubarak al-Fadil and he was set free’. ... After delays in transmitting the decision by the Sudanese general prosecutor to the prison authorities, Al-Fadil was released moments ago.” [12ae]
- 8.13 Al reported on 12 December 2007 that the Secretary of Media and Culture for Khartoum State for the Sudan People’s Liberation Movement (SPLM), Ammar Najm Eddine Jalak was arrested by members of the National Intelligence and Security Service (NISS) at Khartoum airport 23 November 2007 on way to Juba in Southern Sudan.
- “There were no reported witnesses to his arrest though he did manage to send a text message to his wife informing her of his detention. He is currently being held in incommunicado detention and is at risk of torture or other ill-treatment.” [16r]
- 8.14 Human Rights Watch (HRW) in its 2008 world report of events in 2007 recorded that:
- “... Security forces killed and injured seven people involved in protests against two dam projects in northern Sudan, and injured and arrested many others. Restrictions on freedom of expression persist, along with arbitrary arrests and detention of journalists, activists and others.” [19b]
- 8.15 The Sudan Organisation Against Torture (SOAT) reported on 23 May 2008 that a large number of prisoners have been transferred to East Sudan following mass arrests in and around Khartoum, following the JEM attack on 10 May 2008:
- “The Sudan Organisation Against Torture (SOAT) expresses concern about the reported transfers of large numbers of detainees from Khartoum to locations in East Sudan, in the wake of the mass arrests that followed recent attacks launched near the capital by the Darfuri rebel Justice and Equality Movement (JEM). Following the 10 May attacks, hundreds of people were detained in and around Khartoum. The arrests appeared to be extremely arbitrary, targeting Darfuris, especially those of Zaghawa ethnicity, and individuals who simply bear a physical resemblance to people from the region. SOAT has received credible reports that many of those rounded up in these mass arrests have been subjected to physical abuse in custody. It remains unclear how many are still in detention. [15a]
- 8.16 The report added that:
- “SOAT has received unconfirmed reports that a group of 70 detainees were transferred from Kobar Prison in Khartoum to Port Sudan Prison, Red Sea State, in the days following the JEM attacks. All were said to have been sentenced to death and to have been transferred to Port Sudan in order to be executed. Although it could not be independently confirmed that these individuals had been arrested in connection with the JEM attacks, sources noted that they were all of Darfuri origin.” [15a]
- 8.17 SOAT further added that:

“SOAT also received unconfirmed reports that 65 individuals who were arrested in the wake of the JEM attacks were transferred from Kobar Prison in Khartoum to Suakin Prison, also in Red Sea State, on 20 May. They had reportedly not yet faced trial. There were further unconfirmed reports that this group of 65 detainees were subsequently moved from Suakin to an unknown location on 21 May.” [15a]

ARMED FORCES

- 8.18 The *Sudan Tribune* reported on 15 January 2008 a deliberate attack by Khartoum military forces on a UNAMID convoy. The motive for the attack according to the report, was to hinder the movement of UNAMID forces during night hours and to serve as a warning that UNAMID would be restricted in the same ways that the African Union mission in Darfur (AMIS) was restricted from the time of its early deployment in 2004. [12ag]

“At approximately 10pm on January 7, 2008 Khartoum’s regular Sudan Armed Forces (SAF) attacked, deliberately and with premeditation, a convoy belonging to the UN/African Union Mission in Darfur (UNAMID). The convoy, comprising more than 20 cargo trucks and armoured personnel carriers (APC’s), came under heavy, sustained fire near Tine, West Darfur. One truck was destroyed, an APC was damaged, and a driver was critically wounded with numerous bullet wounds. The SAF assault on the convoy lasted 10-12 minutes, during which time UNAMID military personnel did not return fire. [12ag]

- 8.19 World Organisation Against Torture reported on 23 May 2008 of the torture and ill-treatment of eight Darfuris as follows:

“The International Secretariat of OMCT has been informed by the Sudan Organisation Against Torture (SOAT), a member of OMCT SOS-Torture network, about the torture and ill-treatment suffered by eight Darfuris (names below) in White Nile State and the disappearance of one of them, Mr. Khalil Abdulhalim. According to the information received, on 11 May 2008 at around 10am, members of the Sudanese Armed Forces manning a military checkpoint by a bridge in the town of Kosti, White Nile State, stopped a public bus travelling to Khartoum from el-Obeid, the capital of Northern Kordofan State, and ordered eight Darfuri passengers to disembark. The names of two of the Darfuri passengers are unknown.” [55c]

SECURITY FORCES: SOUTH SUDAN

- 8.20 Article 162 of the Interim Constitution of Southern Sudan (ICSS), signed into law on 5 December 2005, states:

- “(1) There shall be established a police service to be known as the Police of Southern Sudan which shall be a decentralized professional service force whose mission is to prevent, combat and investigate crime, maintain law and public order, protect the people of Southern Sudan and their properties, and uphold and enforce this Constitution and the law,
- (2) The Police Service shall be organized at the level of Southern Sudan and states of Southern Sudan; its organization, structure, functions, powers and terms of service shall be regulated by law,

- (3) The police service shall be headed by an Inspector-General of Police to be appointed by the President of the Government of Southern Sudan on the recommendations of the minister in charge and approval of the Council of Ministers,
 - (4) The Police of Southern Sudan shall be governed by this Constitution and the law. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights. [94b] (p63)
- 8.21 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Police Act and Police General Regulation Act, 2003 were enacted and are currently in use. The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development. [20a] (p2-3)
- 8.22 The Police Act states that:
- “The Police shall be deployed for the prevention and detection of crime and prosecution of offenders on behalf of the Attorney General and shall report back to the same on all steps taken in that regard. The Police shall also be responsible for apprehension of offenders, maintenance of public order and public security, safety of persons and property, fulfillment [sic] of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties.” [18e] (Police Act: Chapter 3, Section 10)
- 8.23 The Police Act also records the duties and expectations of officers of the law, whilst the Police General Regulation Act details the organisation, titles and seniority within the force, and other aspects such as training and recruitment. [18e] (Police Act) [18f] (Police General Regulation Act)
- 8.24 The USSD Human Rights report for 2007, noted:
- “The Southern Sudan Police Services (SPSS) continued to lack resources. The local jail had only one cell, with no toilet. Police required complainants to pay three dollars (six Sudanese pounds) before investigating their cases.” [3a] (Section 1d)
- 8.25 AI reported in its 2007 annual report that clashes continued between the SPLA and government-supported militias, and between rival ethnic groups.
- “In Jonglei State scores of civilians were reportedly killed in April and May during clashes between armed groups and direct attacks on villages. Some 30 civilians were killed in Malakal in November in severe fighting between the SPLA and southern militias incorporated in the Sudanese armed forces.” [16y] (p2)
- 8.26 Noting that the civil war had ended, UN News reported on 15 March 2007 that:
- “While Darfur, where the Government, allied militias and rebels seeking greater autonomy have been fighting since 2003, is the story in the headlines, there are positive developments in Southern Sudan, where a separate two-decades-long civil war ended with a peace accord in 2005, and these should not go unrecognized.” [6ao]

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MILITARY SERVICE

9.01 Child soldiers global report 2008 stated that:

“The 2005 interim constitution stated that ‘Defence of the Country is an honour and duty of every citizen’ and ‘Every citizen shall defend the country and respond to the call for national defence and national service’. 34 Under the National Service Law of 1992 (under review in late 2007), all men between 18 and 33 were liable for military service, which applied to all branches of the armed forces. The length of military service was 18 months for high-school graduates, 12 months for university and college graduates and 24 months in all other cases. According to the law, women were also liable for military service but in practice were not called up.³⁶ The draft Sudan Armed Forces Act, which set 18 as the minimum age for recruitment and criminalized the recruitment of children, had not reached the National Assembly as of June 2007.” [42a]

9.02 Article 18 of the Interim National Constitution (INC) stated that: “Defence of the Country is an honour and a duty of every citizen; the State shall care for the combatants, the afflicted in war, the families of martyrs and those missing in action.” [94a] (p9)

9.03 The Immigration and Refugee Board of Canada (IRB), on 28 February 2007 provided the following information regarding military service in Sudan. [52d]

“Information on the age of conscription for military service varied among the sources consulted by the Research Directorate. According to the Europa World Year Book 2006 and the United States (US) Central Intelligence Agency (CIA) World Factbook, persons between the ages of 18 to 30 years are liable for national military service (Europa World Year Book 2006, 4095; US 8 Feb. 2007). However, the Child Soldiers Global Report 2004 indicates that under Sudan's National Service Act of 1992, persons between the ages of 18 to 33 years must submit to national military service (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004; Denmark 2001, 68). The report also indicates that the compulsory recruitment age is 17 years for the regular armed forces and 16 years for the paramilitary Popular Defence Force (PDF), while there is no minimum age for the reserve forces and for persons volunteering in the regular armed forces (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004). Country Reports on Human Rights Practices for 2005 indicates that persons aged 17 to 19 were required to undergo military service (8 Mar. 2006, Sec. 5).” [52d]

9.04 IRB added that:

“Desertion from Sudan's national service is punishable by a jail term of up to three years (SHRO June 2003; Denmark 2001, 73). Deserters could also reportedly be fined (ibid.). According to Sudan's 1992 National Service Act, provided in the 2001 Danish fact-finding mission report, those who fail to present themselves for recruitment, or try to avoid military service “through deceit, or by inflicting any harm to [themselves]” could face a two- to three-year jail term (ibid.; see also The Des Moines Register 24 Dec. 2005).” [52d]

- 9.05 The Danish Fact Finding Mission (FFM) of 2000 reports that “Military service is compulsory for all males aged 18 and over, the recruitment age being adjusted from time to time.” [23a] (p36)
- 9.06 War Resisters’ International’s 1998 survey noted that: “According to the law, women are also liable for military service, but they are not called up in practice.” It also noted: “According to the 1992 law, those called up for military service are not allowed to follow an education or get a job. Men of conscription age are forbidden to leave the country for any reason (art. 20).” [21a] (Section 3)
- 9.07 The International Committee of the Red Cross’ 2004 Annual Report stated that: “The Sudanese national security forces signed an agreement on 5 June [2004] to launch a training programme on International Humanitarian Law (IHL) and international human rights law.” [22a] (p105)
- 9.08 The Report continued:
- “In the field, improved access in the south meant the ICRC gave more presentations and workshops on IHL and international human rights law to military, security and police forces stationed in conflict-affected areas. In Darfur, ICRC staff seized every opportunity to give ad hoc briefings on IHL and international human rights law to armed, security and police forces. As its mandate became better known, it organized comprehensive presentations on IHL, such as a three-day workshop in El Fasher for high-ranking army officers. The ICRC also conducted sessions on IHL and the ICRC for newly arrived African Union troops.” [22a]
- 9.09 The 2005 International Committee of the Red Cross Annual Report stated that:
- “The ICRC stepped up IHL training for all armed groups in Darfur and had frequent contact with both the African Union Mission in Sudan (AMIS) and the UN Mission in Sudan. The organization also initiated IHL training for the Joint Integrated Units. As defined in the comprehensive peace agreement, the units made up a unified force of around 40,000 Sudanese army and SPLM/A troops.” [22b]

See also [Children](#)

POPULAR DEFENCE FORCES (PDF)

- 9.10 The Danish Fact Finding Mission of 2001 reported that: “Besides the regular Sudanese army the National Congress (NC) party has its own military branch called the Popular Defence Forces (PDF).” [23b] (p35) The PDF was created by the Government in 1990 and has its legal basis in the Popular Defence Forces Act 1989. (War Resisters International, 1998) [21a] The Danish 2001 Fact Finding Mission reported that: “Under the 1989 Popular Defence Forces Act (attached as Annex 5 [of the Report]), recruits must be at least 16 years old and Sudanese citizens. In 1992 service in the PDF became obligatory for all students, both male and female. Completion of service was a precondition for entering further education.” [23b] (p37)
- 9.11 WRI’s 1998 Survey stated: “PDF training involves military training, civil defence training and patriotic and cultural education (1989 law, art. 14) and is

considered to be an instrument of religious indoctrination.” [21a] The Danish FFM report 2001 noted: “The PDF training contained a considerable element of Islamisation, and many Christian students therefore had serious problems when they were recruited to the PDF.” [23b] (p37) The Report also noted that although women were recruited into the PDF on a voluntary basis, they were not sent on active service, although “There were women’s battalions which stayed behind the front lines where recruits worked as nurses, etc.” [23b] (p39)

EXEMPTIONS, PARDONS AND POSTPONEMENTS

- 9.12 The National Service Act 1992, contained in Annex 4 of the Danish 2001 Fact Finding Mission (FFM) Report, detailed the conditions to be met by Sudanese citizens to qualify for an exemption, pardon or postponement of their military service. [23b] (p69-72)

CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

- 9.13 The National Service Act 1992, contained at annex 4 of the Danish 2001 FFM Report outlines the general laws and penalties of avoiding or postponing military service. [23b] (p73) War Resisters’ International’s 1998 Survey noted that: “The right to conscientious objection is not legally recognised.” [21a] It also stated that: “Avoiding military service is punishable by two to three years’ imprisonment (National Service Law, art. 28).” [21a]

RECRUITMENT/CONSCRIPTION

- 9.14 “The 1992 National Service Law was introduced in an attempt to meet [the] increasing personnel needs of the armed forces.” (War Resisters’ International’s 1998 Survey). [21a] The USSD report for 2007 stated that: “The government continued to forcibly conscript citizens for mandatory military service as part of mandatory military service for male citizens.” [3a] (Section 1f) The FCO, when commenting on the Government’s current recruitment/conscription practices in its letter of February 2005, stated that: “The relevant authority puts an advertisement in the local media calling for young people to sign up.” [4b]
- 9.15 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that: “Some three years ago the government stopped rounding up young men in the cities to conscript them into National Service. Students are now required to undergo 45 days to 2 months military training prior to entering University and then serve one year National service upon graduation. National service can be in the army or in governmental institutions depending on profession and state of health.” [20a] (p4)
- 9.16 Child Soldiers Global Report 2008 noted: “Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south.” [42a] (also see 20.29)

FORCED CONSCRIPTION

- 9.17 The USSD report for 2007 recorded that: “A large number of children suffered abuse, including abduction, enslavement, and forced conscription. “ There were also reports that: “Government-aligned militias and rebel forces conscripted or accepted young men and boys into the aligned militias in Darfur.” [3a] (Section 5)

MILITARY SERVICE: WEST SUDAN (DARFUR)

- 9.18 Save the Children (UK) published a Report, ‘Child Protection in Darfur’, in September 2004, in which the organisation expressed its concerns regarding the apparent forced conscription of children by government/government-allied forces and rebel groups in Darfur. [24a] (p5) The report also stated that some children might also have ‘volunteered’ in an effort to protect themselves or their families but stressed that even the ‘voluntary’ recruitment of minors is a violation of their rights and, in the case of children under the age of 15, such a practice constitutes a war crime. [24a] (p5)
- 9.19 The USSD Human Rights report for 2007 stated that the: “Government-aligned forces and rebels continued to recruit and accept child soldiers in Darfur” [3a] (Section 1f)

MILITARY SERVICE: SOUTH SUDAN

- 9.20 Article 45 of the Interim Constitution of Southern Sudan (ICSS) states that: “(1) Defence of Southern Sudan in particular, is an honour and duty of every citizen in Southern Sudan without prejudice to Article 18 of the Interim National Constitution. (2) The law shall provide for the combatants, the wounded, the families of martyrs and those missing in action.” [94b] (p16)
- 9.21 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan SPLA (Sudan People’s Liberation Army) Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also notes that “The laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of Legal Affairs and Constitutional Development.” [20a] (p3)
- 9.22 The SPLA Act, 2003 describes the structure of the force:
- “(1) The SPLA shall comprise of:-
- (a) The Forces known as the SPLA immediately before the commencement of this Act;
 - (b) Any person enrolled or enlisted under this Act;
 - (c) Reserves.
- “(2) The SPLA shall be divided into:-
- (a) An Active List;
 - (b) A Reserve List.” [18g] (SPLA Act: Chapter I, Section 4)

9.23 Chapter II of the Act contains the provisions for commissioning, enrolment, enlistment, appointments and transfers, whilst Chapter III describes the provisions for dismissal and discharge from the SPLA. [18g] (SPLA Act: Chapters

II & III, Sections 7-15) Chapters IV and V refer to the offences members of the SPLA could be charged with, and the respective punishment for each offence. **[18g] (SPLA Act: Chapters IV & V, Sections 8-46)** Chapter VI prescribes the various types of punishment in more general terms, which include but are not confined to:

- “(a) Imprisonment (which may be in a normal prison or military camp or in a labour camp in case of productive punishment);
- (b) Death which may be executed by a firing squad or by hanging the condemned person by the neck until he is dead;

“Provided that the death sentence shall not be passed on persons under the age of 18 years, pregnant or sucking [sic] women or persons above the age of 70 years;

- (c) Fine (which may be in the form of money, cattle or any other property current in each area);
 - (d) Forfeiture of property (the ownership of which passes to the Civil Authority of New Sudan (CANS);
 - (e) Field punishment (which may be passed in lieu of or in addition to any other lawful sentence);
 - (f) Whipping (which may be passed in lieu of any other sentence).”
- [18g] (SPLA Act: Chapter VI, Section 47)**

- 9.24 The International Committee of the Red Cross' Annual Report for 2004 stated that: “The SPLM/A taught IHL [International Humanitarian Law] at its main training centre, the Institute for Strategic Studies, but had not yet integrated the subject into all its training programmes. As support, the ICRC trained 30 SPLA officers as IHL instructors.” **[22a] (p106)** The ICRC's 2005 Annual Report has since reported: “The ICRC stepped up IHL training for all armed groups in Darfur and had frequent contact with both the African Union Mission in Sudan (AMIS) and the UN Mission in Sudan. The Organization also initiated IHL training for the joint integrated Units. As defined in the Comprehensive Peace Agreement, the units made up a unified force of around 40,000 Sudanese army and SPLM/A troops. **[22b] (p119)**

FORCED CONSCRIPTION: SOUTH SUDAN

- 9.25 The USSD Human Rights report for 2007 stated that

“Antigovernment and insurgent groups also committed numerous, serious abuses in Darfur. Factions of the SLA, the Justice and Equality Movement (JEM) and other rebel groups in Darfur committed killings, including of AMIS peacekeeping forces, beatings, abductions, rape, robbery, destruction of property, forcible conscription, and recruitment of child soldiers. They restricted freedom of movement of populations under their control and access of relief workers and supplies, and kidnapped nongovernmental organization (NGO) workers.” **[3a](p2)**

See also [Children](#)

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JUDICIARY

10.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 34 of the INC states that:

- “(1) An accused is presumed to be innocent until his/her guilt is proved according to the law.
- (2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her .
- (3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by law.
- (4) No person shall be charged of any act or omission which did not constitute an offence at the time of its commission.
- (5) Any person shall be entitled to be tried in his/her presence in any criminal charge without undue delay; the law shall regulate trial in absentia.
- (6) Any accused person has the right to defend himself/herself in person or through a lawyer of his/her own choice and to have legal aid assigned to him/her by the State where he/she is unable to defend himself/herself in serious offences.” [94a] (p14)

10.02 Article 123 of the INC records that:

- “(1) The National judicial authority in the Republic of the Sudan shall be vested in the National Judiciary.
- (2) The National Judiciary shall be independent of the Legislature and the Executive, with the necessary financial and administrative independence.
- (3) The National Judiciary shall have judicial competence to adjudicate on disputes and render judgments in accordance with the law.
- (4) The Chief Justice of the Republic of the Sudan, who is the head of the National Judiciary and the President of the National Supreme Court, shall be answerable to the President of the Republic for the administration of the National Judiciary.
- (5) All organs and institutions of the State shall execute the judgments and orders of the courts.” [94a] (p48)

10.03 The USSD report for 2007 stated that: Although the interim constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of crimes against the state. The judiciary was inefficient and subject to corruption.” [3a] (Section 1e)

10.04 The report also noted that:

“The interim constitution and law provide for fair and prompt trials; however, this was often not respected. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life

imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes denied defense counsel access to the courts or did not allow the calling of defense witnesses.” [3a] (Section 1e)

- 10.05 Further: Lawyers wishing to practice were required to maintain membership in the government-controlled bar association. The government continued to arrest and harass members of the legal profession whom it considered political opponents. [3a] (Section 1e)

- 10.06 ReliefWeb reported on 14 March 2007 that the first legal aid network has been established in Sudan:

“The Legal Aid Department of the Ministry of Justice, in partnership with the United Nations Development Programme (UNDP), the International Rescue Committee (IRC), and the People’s Legal Aid Centre (PLACE) launched yesterday (13 March 2007) the first Legal Aid Network in Sudan. The event marks the end of an intensive one-week workshop that brought together 136 community paralegals, also known as legal mediators, and lawyers from Kassala, Damazin, Lagawa, Dilling, Kadugli, Abyei, and Khartoum. The launch of the Legal Aid Network in Sudan marks the adoption of a common platform for the Sudanese paralegals and lawyers who provide legal assistance to the communities across the country.” [68a]

- 10.07 Stressing the importance of this event, the report added: “Establishing the Legal Aid Network in Sudan is essential in the broader context of training trainers on Human Rights and offering legal aid services, especially to the poor and vulnerable groups.” [68a] Furthermore, “The launch of this Network is a starting point for the establishment and strengthening of the relationship between UNDP Sudan, the Department of Legal Aid of the Ministry of Justice, and the civil society organizations working in this field. God willing, we will work together so that the principles of rule of law will reach every citizen”. [68a]

STRUCTURE

- 10.08 Article 124 of the INC records that: “The National Judiciary shall be structured as follows: (a) A National Supreme Court, (b) National Courts of Appeal, (c) Other national courts or tribunals as deemed necessary to be established by law.” [94a] (p48) Article 130 of the INC states that: “(1) Having regard to competence, integrity and credibility, the Chief Justice of the Republic of the Sudan, his/her deputies, Justices and Judges shall be appointed by the President of the Republic in accordance with Article 58 (2) (c) herein, where applicable, and upon the recommendation of the National Judicial Service Commission. (2) The law shall determine the terms of service, discipline and immunities of Justices and Judges. (3) Southern Sudan shall be adequately represented in the National Supreme Court and other national courts that are situated in the National Capital.” [94a] (p50)

- 10.09 The USSD Human Rights report for 2007 stated that:

“The judicial system includes four types of courts: regular, military, special, and tribal courts. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel and did not provide the same rights as civilian and criminal courts. Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters.” [3a] (Section 1e)

10.10 The report added:

“The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the north, but not in the south, under the interim constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In October 2006 the Government of Southern Sudan adopted a new penal code based on common law and in May 2007, 240 public prosecutors were hired; in practice, however, traditional or customary law was used more often due to inadequate judicial staffing and lack of capacity in the judicial system.” [3a] (Section 1e)

10.11 Article 156 of the INC states, with regard to the National Capital, Khartoum, that:

“(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply according to law.” [94a] (p62)

Article 157 continues:

“(1) The Presidency shall establish in the National Capital a special commission for the rights of Non-Muslims which shall have the following functions:- (a) to ensure that the rights of Non-Muslims are protected in accordance with the general principles provided for under Articles 154 and 156 of this Constitution, (b) ensure that Non-Muslims are not adversely affected by the application of the Sharia law in the National Capital. (2) The special commission shall submit its observations and recommendations to the Presidency.” [94a] (p62)

10.12 (SHRO-Cairo) Human Rights Quarterly report of January 2007 states in relation to judicial reform that:

“The failures of the GONU as led by the NIF/Congress ruling party have manifested themselves beyond any reasonable doubt in the situation of the Judiciary. The Sudanese Judiciary is a vital source of stability for the upcoming peace and regular democracy in Sudan. The situation of the judiciary under the NIF Salvation Revolution, however, declined to its most derailing conditions since the nation's independence. Early documented [sic] by the American Lawyers (1990), the judiciary became a favourable prey of the military regimes that succeeded the short-lived civilian governments of the country; thus adding accumulated intrusions by the executive and legislative powers over the judicial authority.” [17m]

WEST SUDAN (DARFUR)

10.13 The USSD Human Rights report for 2007 stated that:

“The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as with drug and currency offenses.”

[3a] (Section 1e) Furthermore, Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could address the court. [3a] (Section 1e)

10.14 The report further stated that:

“Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the chief justice and the head of state. Defendants could file appellate briefs with the chief justice. The defendant has seven days to appeal a decision; the decision of the appeal court is final. Special criminal courts operated in Darfur as authorized by presidential decree.” [3a] (Section 1e)

JUDICIARY: SOUTH SUDAN

10.15 Article 132 of the INC recorded that: “The President of Government of Southern Sudan shall, within one week after the adoption of the Interim Constitution of Southern Sudan, appoint, without prejudice to Article 130 (1) herein, the President and Justices of Southern Sudan Supreme Court, Judges of Courts of Appeal and other courts having regard to competence, integrity, credibility and impartiality as shall be determined by that Constitution and the law.” [94a] (p50)

10.16 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. [94b] (p8-9) Article 23 of the ICSS states that:

“(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.

(2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.

(3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.

(4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.

(5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.

(6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences.” [94b] (p8-9)

- 10.17 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Judiciary Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also noted that: "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." [20a] (p3)
- 10.18 The Act itself states that: "Judicial powers in the New Sudan shall be vested in an independent body to be known as 'The Judiciary' and shall in the discharge of its duties be directly responsible to the Chairman [of the SPLM and Civil Authority of the New Sudan (CANS)]." [18d] (Judiciary Act: Chapter 1, Section 4) as to the Powers and jurisdiction of the Courts:
- "1) Court shall have powers to determine all the disputes and try all the cases other than those excepted by law.
 - 2) Every Court shall have the power to determine matters submitted to it in accordance with the Law.
 - 3) Courts shall not directly or indirectly adjudicate upon acts of sovereignty." [18d] (Judiciary Act: Chapter 1, Section 6)
- 10.19 The USSD report for 2007 noted that:
- "Shari'a is applied in the north, but not in the south, under the interim constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In October 2006 the Government of Southern Sudan adopted a new penal code based on common law and in May 2007, 240 public prosecutors were hired; in practice, however, traditional or customary law was used more often due to inadequate judicial staffing and lack of capacity in the judicial system. " [3a] (Section 1e)
- 10.20 The report added:
- "The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. Local judicial personnel also were inadequately trained, with only one judge having a law degree. The Government of Southern Sudan recognized traditional courts or courts of elders, which applied customary law to most cases, including domestic matters and criminal cases. Local chiefs usually presided over traditional courts, but defendants have the right of appeal to a regular court; there were no reports that this occurred." [3a] (Section 1e)
- 10.21 Furthermore: "In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order. " [3a] (Section 1e)
- 11.22 The USSD Human Rights report 2007 further noted that:
- "In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. Under the interim constitution, the government officially exempts the 10 southern states from Shari'a law, although its application in the south still occurred on an ad-hoc basis, and

traditional customary law was frequently applied against defendants. Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery. Northern courts routinely imposed flogging, especially for production of alcohol. [3a] (Section 1c)

STRUCTURE: SOUTH SUDAN

10.23 The New Sudan Judiciary Act, 2003 states that:

“The New Sudan Courts shall be classified as follows:-

- a) Court of Appeal.
- b) High Courts.
- c) County Courts.
- d) Payam Courts.
- e) Regional Courts.
- f) Chiefs Courts.
- g) Any other Court established by law specifying its constitution, the seat and jurisdiction thereof.” [18d] (Judiciary Act: Chapter 1, Section 5)

10.24 Chapter 2 of the Act went on to describe the establishment, constitution, powers and jurisdiction of each court. [18d] (Judiciary Act: Chapter 2, Sections 8-19) Chapter 3 detailed the provisions for the appointment of judges at each court level. [18d] (Judiciary Act: Chapter 3, Sections 20-28)

LOCAL LAWS AND CUSTOMS

10.25 The FCO’s website, last updated 24 June 2008 stated that: “Local laws reflect the fact that Northern Sudan and the capital Khartoum are predominantly Muslim. You should respect local traditions, customs, laws and religions at all times and be aware of your actions to ensure that they do not offend other cultures or religious beliefs, especially during the holy month of Ramadan or if you intend to visit religious areas.” [4h]

10.26 The FCO’s website added that:

“Northern Sudan operates Islamic Sharia Law. Alcohol is not permitted. Under the terms of the Sudanese constitution, until the referendum on secession of Southern Sudan takes place, Sharia law will apply in the states of Northern Sudan, but not Southern Sudan. Although the constitution specifies that in the national capital, Khartoum, non-Muslims shall not be subject to Sharia law, at present this has not resulted in any practical changes and you should expect Sharia law to apply”. [4h]

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 Article 29 of the Interim National Constitution (INC) which was signed on 9 July 2005 states that:

“Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law.” [94a] (p13) (BBC Timeline, updated 15 July 2008) [9a]

While Article 34 states:

“(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her.” [94a] (p14)

- 11.02 The USSD Human Rights report 2007 stated that:

“Individuals were arbitrarily arrested and detained. In general the authorities detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents.” [3a] (Section 1d)

- 11.03 The report further noted that:

“Warrants are not required for an arrest. Under the Criminal Code, an individual may be detained for three days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which supersedes the Criminal Code, an individual accused of violating national security may be detained for three months without charge, which the director of security may extend for another three months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the arrest charges at the time of arrest and for prompt judicial determination without undue delay, but these provisions were rarely followed.” [3a] (Section 1d)

- 11.04 The USSD Human Rights report of 2007 also noted that:

“The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.” [3a] (Section 1d)

The report continued that the government routinely mistreated persons in custody, stating:

“There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions.” [3a] (Section 1c)

ARREST AND DETENTION – LEGAL RIGHTS: SOUTH SUDAN

- 11.05 In a press release dated August 23 2007, The Sudan Human Rights Organisation (SHRO) urged the government to put an end to the ‘continuous violations of the Sudanese constitutional rights’ in the country. SHRO urged the Sudanese authorities to grant the immediate release of Nubian Archaeologist Muhammad Jalal Hashim from arbitrary detention and asked the National Unity of Government to release political detainees, including Ali Mahmoud Hasanain, Mubarak al-Fadil al-Mahdi, and all their colleagues from unlawful detention in full compliance with the Interim Constitution. [17n] The report stated:

“The Organization condemns in the strongest terms possible the Government’s repressive treatment of the Sudanese scientist Jalal, including intimidating dictates to force him to abandon all public or personal support to the national popular campaign against the Kajbar Dam.” [17n]

- 11.06 SOAT and the FIDH both reported on 23 July 2007 and 26 July respectively that:

“The Observatory has been informed by the Sudan Organisation Against Torture (SOAT) regarding the arbitrary arrest and enforced disappearance of Mr. Osman Ibrahim, spokesperson of the Committee against the Kajbar Dam, a group campaigning on behalf of the communities which are at risk of being affected by this dam. According to the information received, on July 20, 2007, Mr. Osman Ibrahim was arrested by police officers early in the morning while at his home in Farraig village, Halfa municipality (Northern Sudan), without a warrant and without being informed of where he was being taken.” [38c], [74a]

- 11.07 The reports added:

“His arrest followed incidents reported on June 13, 2007, when Sudanese security forces killed and injured civilians in the Farraig village by shooting at them during a peaceful demonstration against the construction of the Kajbar dam in the area. On that occasion, several individuals were arrested and detained in Dongola, the capital of the northern State, and in Khartoum. As of the time of issuing this urgent appeal, Mr. Ibrahim’s whereabouts remain unknown.” [38c], [74a]

- 11.08 AI noted in its 2007 annual report that arbitrary detentions were widespread. [16y] (p3) In the same report AI reported that the security forces, in particular the National Security Agency, arbitrarily detained people incommunicado and without charge or trial.

“Ali Hussein Mohammed Omar and two other members of the Beja Congress were arrested in March in Kassala, ill-treated and held for 10 weeks in secret locations without being charged and without access to their families or lawyers.” [16y] (p4)

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PRISONS AND PRISON CONDITIONS

STRUCTURE

- 12.01 The Sudan Organisation Against Torture's (SOAT's) Annual Report on Women Prison Conditions in Sudan, 2003, provided some background on the prison structure in Sudan. The Report stated that:

"The prisons in Sudan are divided into five sections; Federal, Provincial, Regional and Central, Open and Semi-Open and Mental Asylums." [15c] (p1)

- 12.02 The Report noted that the seven different types of prisons house the following types of prisoner:

Federal: repeat offenders, prisoners with special needs such as behavioural difficulties, those imprisoned for crimes regarding hudud (crimes where physical punishment for the offence is provided in law) and unusual practices like refusing to obey orders.

Provincial: first time offenders with medium- to long-term sentences, hudud prisoners from the provinces and those with special needs.

Regional and Central: repeat offenders with medium- to long-term sentences and first time offenders.

Open and Semi-Open camp: first-time offenders, according to their jobs, age and those with a 'positive attitude'.

Mental Asylum: those who have been sectioned under Article 4 of the criminal Act of 1991 and prisoners who are too mentally unstable to carry out their sentences in normal prison conditions." [15c] (p1-2)

PRISON CONDITIONS

- 12.03 The USSD Human Rights report for 2007 stated that:

"Prison conditions throughout the country remained harsh and overcrowded. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive; prisoners usually relied on family or friends for food. Prison officials arbitrarily denied visits to prisoners." [3a] (Section 1c) Adding that: "The government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions." [3a] (Section 1c)

- 12.04 Furthermore:

"The government did not permit regular visits to prisons by domestic human rights observers. In 2005 the government agreed to allow unfettered access to UN monitors; however, the government routinely denied requests by the UN to visit prisons. The government refused to grant the International Committee of the Red Cross (ICRC) access to government prisons during the year. By contrast, the Prisons Directorate of the Government of Southern Sudan routinely granted prison access to the ICRC, UN, and other international observers." [3a] (Section 1c)

- 12.05 Marawi and Kousti prison, according to SOAT's 2003 Report on Women Prisons, held both men and women prisoners. [15c] (p10, 11) The Report further stated that: "There are no health units at the prison [Marawi] as there are no medical staffs [sic]." [15c] (p11) However, in Kousti prison, SOAT reports that: "There are no serious health issues amongst the prisoners....There are medical units within the prison and in the past there was a medical assistant to overlook its operation, who looked after the health of prisoners." [15c] (p12)

WOMEN IN PRISON

- 12.06 SOAT's 2003 Report included information in varying detail on the living and health conditions in each of the prisons on which it reported. [15c] The Report noted that, in Omdurman, blankets and sheets were not provided by the state and the prison authorities depended on charities to provide them. [15c] (p7) The Report also stated that:

"Prisoners suffering from poor health are relocated to Al Tigani Al Mahi hospital on Omdurman or the Central mental hospital in Kober (a department of the prison administration)." [15c] (p7)

- 12.07 SOAT's 2003 Report further noted that, in Kousti women's prison: "There are 45 inmates along with twelve accompanied children. Between the hours 5pm to 5am only one area a room is provided for them to reside in, this room does not have space for a quarter of the inmates....There are only 4 beds; these are the private property of some 4 persons of the inmates [sic]." [15c] (p13) The Report also noted that, in Kousti prison: "The prisoners' ankles are chained by manacles almost always, especially when they are visiting a hospital, they may even be chained together as a group." [15c] (p14)

- 12.08 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the majority of female inmates in Omdurman prison, Khartoum are held on charges of the illicit manufacture and distribution of alcohol, and that most of these women were internally displaced, living in camps on the outskirts of the capital: "Many are detained, in poor conditions, together with their small children, who range from newly born to 5 years of age." [20a] (p3)

- 12.09 The USSD Human Rights report of 2007 reported that:

"Security forces often targeted southern women in IDP camps because they produced and sold traditional home-brewed alcohol; these women were arrested and imprisoned for up to six months under Shari'a law. Some women were held in prison until they could pay the fine, regardless of time served in prison, thereby effectively serving indefinite sentences." [3a] (Section 1d)

See also [Women](#)

CHILDREN IN PRISON

- 12.10 UNHCR's comments to the APCI of 8 March 2006 note that: "Children are being imprisoned with adults, there aren't separate holding facilities." [20a] (p4)

- 12.11 USSD report of 2007 noted that “Juveniles often were held with adults and in some cases subjected to sexual abuse by the adult inmates.” [3a] (Section 1c)

SOAT’s 2003 Report on Women’s Prisons noted that, in Kousti’s mixed prison:

“There is no separate section for minors and as they are not allowed according to law) [sic] to mix with the adult populations, so, they have to be imprisoned in solitary confinement.” [15c] (p12) The Report also noted that, in Omdurman: “The children [imprisoned with their mothers] continue their education at Bayt al Maal Primary School (Omdurman district).” [15c] (p9)

- 12.12 Children separated from their families as well as street children, who require bail in order to be released from detention, are more likely to suffer unjustly long pre-trial detention. Reports from UN Police consistently indicate that families are routinely not informed of the arrest of their children and so are unaware they must provide bail or food assistance. Children who have no families to provide bail must remain in detention until the Attorney General sanctions release. This is a process which is untimely and apparently ad hoc.” (UNHCR, 8 March 2006) [20a] (p4)

- 12.13 The USSD Human Rights report for 2007 further noted that:

“The government operated “reformation camps” for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam.” [3a] (Section 5)

See also [Children](#)

PRISONS AND PRISON CONDITIONS: SOUTH SUDAN

Structure

- 12.14 Article 163 of The Interim Constitution of Southern Sudan (ICSS) stated that:

- “(1) There shall be established a prisons service to be known as the Prisons Service of Southern Sudan and it shall be a decentralized professional service , its mission shall be correctional, reformatory and rehabilitative. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights.
- (2) The Prisons Service shall be organized at the level of Southern Sudan and States of Southern Sudan.
- (3) The Prisons Service shall be headed by a Director-General of Prisons to be appointed by the President of the Government of Southern Sudan on the recommendation of the minister in charge and approval of the Council of Ministers.
- (4) The functions of Prisons shall, *inter alia*, be to manage, operate and maintain the prisons of Southern Sudan, and to administer the internment and care for the health of prisoners and inmates.

- (5) Prisons authorities shall treat prisoners humanely. Any treatment that is cruel, inhuman, degrading of the dignity of prisoners, or that may expose his or her health to danger is prohibited and punishable by law, and
- (6) Organization, powers, terms and conditions of service of the Prisons Service shall be prescribed by law. " [94] (p64)

12.15 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Prisons Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also notes that: "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." [20a] (p3)

12.16 The Prisons Act itself outlined the constitution, duties and powers of the Prison Forces, appointment and duties of officers of the Prison Forces, and penalties of any contravention of those duties by Prison Officers. [18h] (Prisons Act)

12.17 The Prisons Act states that: "The regulations shall specify the position of various classes of prisoners, or divisions thereof according to their sex, previous conviction, term of imprisonment and the requirements of their treatment." [18h] (Prisons Act: Chapter 7, Section 42)

"Prisons shall be divided into the following types:-

- (a) Central Prisons
- (b) County Prisons
- (c) First Class Local Prisons
- (d) Second Class Local Prisons
- (e) Open and Closed Camps
- (f) Mental Asylums
- (g) Reformatories
- (h) Juvenile Homes." [18h] (Prisons Act: Chapter 7, Section 42)

12.18 The Act goes on to specify the treatment of persons in prison depending on factors such as gender, age, good behaviour and whether a prisoner has been convicted of an offence or is being held on remand. [18h] (Prisons Act: Chapter 7, Sections 43-54)

12.19 UN News reported on 14 September 2007 that a prison staff training centre in southern Sudan has been opened as part of efforts by the United Nations Development Programme (UNDP) to rehabilitate the country's dilapidated prison service and to help reintegrate former combatants from the north-south civil war into civilian life. [6ai]

"The Lologo regional training centre, which opened yesterday [13 September], is expected to receive up to 1,500 ex-soldiers from the Sudan People's Liberation Army (SPLA), the former rebel group from the south, over the next six months, UNDP said in a press release. The first 550 ex-soldiers have started on a three-month orientation course, while specialist courses will also be offered soon to train instructors, welfare officers, medical officers and management." [6ai]

The report added that the prison service improvement programme is part of UNDP's efforts to implement the comprehensive peace agreement in January 2005 that ended the 21-year civil war between north and south in Sudan. [6ai]

PRISON CONDITIONS

- 12.20 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that conditions in Rumbek Prison, as of April 2005, were extremely poor:

"There are two wings (one for men, one for women), Facilities are missing: no beds, no medical ward. The women's ward has two toilets. Male prisoners are 'chained' when sitting in the open spaces of the prison compound. Food is provided by relatives of the prisoners and – sometimes – by the Church (Diocese of Rumbek). Due to lack of funding, the prison authorities are unable to provide food. Cases of malnourishment were witnessed." [20a] (p3)

- 12.21 UNHCR's comments also note that: "Pre-trial detainees and convicted criminals are not separated [as they should be according to the provisions of the Prisons Act]." [20a] (p3) [18h] (Prisons Act: Chapter 7, Section 51) They also state that: "Juveniles are being detained for the crimes of their family members." [20a] (p4) Furthermore: "Children are being imprisoned with adults, there aren't separate holding facilities. There are no recreational or educational facilities. The youngest prisoner seen in Rumbek was a boy of (reportedly) 8 years old convicted of murder." [20a] (p4)

- 12.22 UNHCR's comments of 8 March 2006 further noted that: "Prison visits are allowed. DOR (diocese of Rumbek) and an indigenous NGO (Bahr el Gazal Women's development Council – Department Women in the Law) are visiting prisoners regularly to undertake general monitoring and advocacy on behalf of prisoners." [20a] (p3)

- 12.23 Relief Web and United Nations Office on Drugs and Crime both reported on 26 March 2008 that the UNODC has started to assist South Sudan's government in its prison reform process:

"The United Nations Office on Drugs and Crime (UNODC) has begun assisting the Government of South Sudan in its prison reform process in the agency's first project in the region as it emerges from a decades-long civil war. The project, funded by Canada and undertaken in cooperation with the International Centre for Criminal Law Reform and Criminal Justice Policy and the UN Mission in Sudan (UNMIS), will boost the prison system's capabilities in the areas of information management, staffing, policy development and regulations, according to information released today by UNODC".

- 12.24 The report added " 'This includes enhancing the capacity of the Southern Sudan Prison Service to respond more effectively to the needs and circumstances of children, women and other groups with special needs in prison,' said Mark Shaw, UNODC Inter-Regional Adviser, who leads UNODC's work in Sudan'. " [68g], [100a]

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DEATH PENALTY

- 13.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 36 of the INC states that:

“(1) No death penalty shall be imposed, save as retribution, hudud or punishment for extremely serious offences in accordance with the law.
 (2) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud.
 (3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation.” [94a] (p15)

- 13.02 A Danish Fact Finding Mission of August and November 2001 reported that:

“According to the 1991 criminal law there are now nine offences in all for which the accused may be sentenced to death:

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.” [23b] (p13)

- 13.03 The USSD report of 2007 stated that: “While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death.” [3a] (Section 2c) The report added: “The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death. Spousal rape is not addressed. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum.” [3a] (Section 5)

- 13.04 An FIDH report dated 30 July 2007 stated: “In another significant concluding recommendation, the Human Rights Committee criticized the imposition of the death penalty which is still widely applied in Sudan. The Committee called upon the Government to ‘guarantee that the death penalty will not be applied to persons aged under 18’.” [38b]

- 13.05 The Sudan Tribune reported on 26 February 2008 that:

“Sudanese justice today executed five men from Nile state in Khartoum rejecting demands to convert the death penalty sentences to prison sentences. The executed men, from the village of al-Bouga, were convicted by the Berber criminal court for the murder of 30-year-old farmer Hassan Mohamed Hassan in 2004”. [12g]

DEATH PENALTY: SOUTH SUDAN

13.06 Article 25 of the Interim Constitution of Southern Sudan (ICSS) states that:

- “(1) No death penalty shall be imposed, save as punishment for extremely serious offences in accordance with the law
- (2) No death penalty shall be imposed on a person under the age of eighteen or a person who has attained the age of seventy.
- (3) No death penalty shall be executed upon a pregnant or lactating woman, save after two years of lactation.” [94b] (p9)

13.07 Amnesty International (AI) UA Network reported on 15 May 2007 that:

“Abdelrhman Zakaria Mohamed and Ahmed Abdullah Suleiman, both aged 16 were sentenced to death by the Criminal Court in Nyala the capital of South Darfur on 3 May. Sudan ratified the UN Convention on the Rights of the Child on 3 August 1990 and is party to the International Covenant on Civil and Political Rights (ICCPR). Under the terms of these treaties, Sudan has undertaken not to execute anyone for an offence committed whilst under 18 years of age. Abdelrhman Zakaria Mohamed was found guilty of ‘murder’, ‘causing injury intentionally’ and ‘robbery’. Ahmed Abdullah Suleiman was found guilty of ‘being an accomplice’. The boys’ lawyer will submit an appeal against the sentence to the court of appeal in Nyala on 15 May.” [16aw]

13.08 Recounting, AI reported:

“On 28 February 2007 Abdelrhman Zakaria Mohamed is accused of breaking into a house in the Alwhad area in Nyala, armed with a knife. A man living in the house raised the alarm and three male members of the family rushed to the scene. A scuffle ensued between the family members and Abdelrhman Zakaria Mohamed. Whilst the family members attempted to restrain him, Abdelrhman Zakaria Mohamed stabbed two of the men leaving one fatally wounded.” [16aw]

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POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC states that:

- “(1) The right of peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at the national, Southern Sudan or state level unless it has:
 - (a) its membership open to any Sudanese irrespective of religion, ethnic origin, or place of birth,
 - (b) a programme that does not contradict the provisions of this Constitution,
 - (c) democratically elected leadership and institutions,
 - (d) disclosed and transparent sources of funding;” [94a] (p16)

- 14.02 Human Rights Watch (HRW) released a Report in March 2006, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’, which noted that:

“Political parties are beginning to test the limits of the commitments in the CPA for respect for human rights, and the SPLM has opened political party offices in certain northern cities. However, the political climate is nowhere near the open atmosphere that is needed for a genuine multiparty political system with respect for human rights. No progress has been made in drafting or passing the CPA-promised Political Parties Act or the National Security Act.” [19a] (p15)

- 14.03 The Report further noted:

“During the year since the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities.” [19a] (p15)

- 14.04 The USSD report for 2007, noted that: “ Although the interim constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. The authorities generally permitted government-authorized gatherings but disrupted gatherings they perceived to be politically oriented.” [3a] (Section 2b Freedom of Assembly)

MEETINGS AND DEMONSTRATIONS

- 14.05 The USSD Human Rights report for 2007 stated that:

“The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. The authorities’ generally permitted government-authorized gatherings but disrupted gatherings they perceived to be politically oriented” [3a] (Section 2b) Further more:” Police use of excessive force to disperse demonstrators resulted in deaths and injuries. In February, following protests at Neelain University in Khartoum in which one student was killed by police, students affiliated with the minor opposition group Sudan Congress Party (SCP) were arrested by national security officials. All reported being mistreated during their detention”. [3a] (Section 2b)

- 14.06 USSD Report of 2007 also reported that: “The police and army killed demonstrators”. [3a] (Section 1a)

- 14.07 On 19 June 2007 SHRO condemned the government’s violence against peaceful demonstrations:

“The Sudan Human Rights Organization Cairo Office is strongly shocked by the State’s unjustifiable use of extreme violence to end a peaceful demonstration protesting the construction of the Kajabar Dam at the Fareeq County in the Wadi Halfa Province of North Sudan”. [17n]

SHRO reported that on Wednesday 13 June, the police forces, supported by the State Security Department, used a great amount of tear gas to disperse a peaceful assembly. These attacks led to the instant death of Sheikhaddin haj Ahmed, Mohamed Faqeer Diab, al-Sadiq Saleem, and al-Mouiz Mohamed ‘Abd al-Rahman. Adding that several people were injured by the police violent assault in the process. [17n]

- 14.08 The report added:

“The security force also arrested tens of citizens arbitrarily, including four journalists reporting the massacre: al-Fatih ‘Abd-Allah (from al-Sudani paper), Qadafi ‘Abd al-Mutaloib (al-Ayyam), Abu al-Qasim Farahna (Alwan), and Abu Obaida ‘Awad (Ral al-Sha’b). The police/security force detained as well the lawyers ‘Alamaddin ‘Abd al-Qayoum, ‘Ali ‘Abd al-Qayoum, and ‘Imad Merghani Seed-Ahmed. Many other citizens were unlawfully arrested and detained in the towns of Halfa and Dongola, and the National Capital Khartoum.” [17n]

- 14.09 AI reported in its 2007 annual report that excessive force was used against many demonstrations opposing government policy.

“Peaceful demonstrations against price rises in petrol and sugar in Khartoum on 30 August were put down with tear gas and batons by the police. Sentences of up to two months’ imprisonment for public order offences were passed on 80 people.” [16y] (p4)

POLITICAL ACTIVISTS

- 14.10 Human Rights Watch's (HRW) March 2006 report argues that:

"The political class in Sudan – which ranges from Islamists critical of the government (Ansar al-Sunna and the Popular Congress Party of Dr. Hassan al Turabi) to secular democrats (including many southern parties) to sect-based parties (the largest political parties have been the Umma and Democratic Unionist Parties) to regional parties (Union of Southern African Parties and Sudan National Party) and many others (including the Sudan Communist Party) – is capable of a high level of activity if it is not hemmed in by fear of the torture and repression used by the NCP-controlled security services since 1989 up to the present day." [19a] (p15)

- 14.11 The *Sudan Tribune* reported on 10 May 2007, of the arrest of a political activist as follows:

"On the 1st of May 2007, the investigative police of the Sudan Railways Corporation (SRC) in Atbara arrested Aiman Tagelsir Bakri (31 years old), a graduate of Wadi Alniel University, working as a office clerk in the SRC in Atbara. He was arrested by the police on the 1st of May 2007, at 11:00 am, while he was distributing a press release, issued by Sudanese Communist Party- Atbara, on the occasion of the international day of workers. At 2:00 pm, he was transferred from Police into the National Security and Intelligence Service custody, after the Prosecutor of Atbara advocated that the case is a matter of "national security ". [12ab]

- 14.12 The report continued:

"He was detained and interrogated again by security officers at the security premises in Atbara with regard to his relation with the Communist party and the press release. On the 3 May 2007 he was transferred to the security head quarters in Khartoum and accused of distributing leaflets issued by Sudanese Communist Party. He was released on bail on Monday 7 of May 2007 at 2:00 pm and is currently waiting for trial." [12ab]

STUDENT ACTIVISTS

- 14.13 AI recorded in its annual report for 2006 that several student activists were arrested and beaten by police and other security forces:

"At least one was shot dead by police. On 11 April, Nagmeldin Gafar Adam Eisa, a student activist at Dilling University in Kordofan, died after being shot by the police on university premises during a protest against the conduct of student union elections. Police fired tear gas and live ammunition at the demonstrating students." [16ax]

- 14.14 The *Sudan Tribune* reported on 6 May 2007 that: "Sudanese riot police used tear gas and rubber bullets to break up a peaceful demonstration in the centre of Khartoum, the Leadership Office of Hamadab Dam Affected People (LOHAP) said in a press statement." The protest was organised by Manasir Students Union in Higher Education. The Manasir are one of three tribal groups whose communities will be flooded by the Merowe Dam, now under construction on the River Nile. [12t]

- 14.15 Sudan Human Rights Organization (SHRO-Cairo) reported abuses by the police and security forces on students of the Gezira University in Medani on 22 January 2008 [17c]

“The police and security forces in the city of Medani, the Gezira State, arrested 40 students of the Gezira University this past week. Students Khadija al-Dowaihi (agriculture) [sic], Hiba al-Rasheed (medicine), Julia alSir (engineering), Suha Ahmed (economics), Amel Faisal (engineering), Sarya Murad and Aisha (pharmacy) were beaten up by both police and security officers. Students Mutawakil Mohamed Osman (engineering), Ali Mohamed Ali (education), Omer Osman (economics) were brutalized. The Medani security officers tortured, in particular, student Ali Mohamed Ali who witnessed the tortures of several colleagues, including the immediate death of student Mutasim Hamid AbulGasim (computer science) as a result of brutal tortures by police and security officers.” [17c]

- 14.16 The report further stated that:

“The authorities’ assault on the students occurred at the College of Education during scheduled discussions by the Students Democratic Front as a part of students’ campus activities. Following the police brutality on the college of education, the police launched another intimidating attack on the Students Club at al-Nishayshiba, which ended with serious destruction of the club’s property, as well as the enforcement of further arrests and tortures of students.” [17c] The *Sudan Tribune* also reported the “... ‘the brutal attacks, murders, and tortures’ by the Medani police and security forces on students of the Gezira University in Medani and the Nishayshiba area, last week.” [12af]

- 14.17 SOAT reported on 22 May 2008 that the organisation condemns the recent abduction and torture of a member of a student political group in Port Sudan, Red Sea State. “Ahmed Mohamed Abdu Hassan (25 years old, student at the Economics Faculty of al-Bahr al-Ahmar University, member of the Democratic Union) was abducted at 3pm on 13 May 2008 from a location near the university. He was taken away in a car belonging to the Military Service Department, with the license plate number 1007.

- 14.18 The report added:

“His abductors took him to a deserted area known as Kilo 7, where he was tortured in an effort to force him to reveal the whereabouts of another political activist in Port Sudan. This included kicking him and beating him with hands, a water hose and metal bars. Ahmed Mohamed Abdu Hassan also reported that his abductors injected him twice with unknown liquids. After he lost consciousness, they abandoned him at the site. He was discovered at around 6pm on the same day by the driver of a passing vehicle belonging to al-Naser company. He subsequently filed a complaint about the incident at the Port Sudan Central Police Station.” [15b]

THE POPULAR / PEOPLE’S NATIONAL CONGRESS (PC/PNC)

- 14.19 The Popular National Congress Party (PNCP) was created in 2000 by Dr. Hassan al-Turabi after being expelled from the National Congress (NC), which

was formerly known as the National Islamic Front (NIF). (The US Department of State's Human Rights Report, 2000) [3c] (p1)

THE UMMA/UMMAH PARTY (UP)

- 14.20 "The Sudanese Patriots who established Umma Party in Feb 1945 as the first Popular Political Party, aimed at attaining the country's independence from the Condominium Reign. The Umma Party is the Party of Sudanese Independence. It championed that cause until it became the basis for Sudanese consensus in 1955. (The country's Independence was announced in 1st Jan 1956)" (umma.org website) [26a]
- 14.21 The USSD Human Rights report for 2007 recorded that: "Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings. Government security agents occasionally attended opposition political meetings or summoned participants to security headquarters for questioning after political meetings. [3a] (Section 2b)
- 14.22 Nevertheless, subsequent reports appeared to indicate that the UP was still an active and important opposition political force, despite the reported banning of its activities. [19a] [25a-25b] For instance, an IRIN report of 22 September 2005 noted that the UP of Sadiq al-Mahdi was not represented in the new Government of National Unity (GoNU), and a Human Rights Watch (HRW) report of March 2006 referred to the UP as one of the two largest political parties in Sudan, the other being the Democratic Unionist Party (DUP). [19a]

THE SUDANESE COMMUNIST PARTY (SCP)

- 14.23 The *Sudan Tribune* reported on 19 December 2007 that the first-ever meeting between the leaders of the Sudanese communist Party (SCP) and the ruling National Congress Party (NCP) on 12 December 2007 was aimed at building national consensus among major political forces towards democratic transition in the country. It was reported by a member of the SCP Central Committee, Shafee Khidir that the meeting, "comes in line with SCP strategy to build momentum in democratic process." [12ad]

"Khidir pointed out that the meeting between president Omer al-Bashir, Chairman of the ruling NCP and Mohamed Ibrahim Nugud, the SCP Secretary General, discussed the implementation of the Comprehensive Peace Agreement (CPA), Cairo agreement, and Eastern Sudan agreement. The two parties also reiterated the need to put an end to the ongoing crisis in Darfur. He also said that the meeting tackled the upcoming 2009 elections and ways to build the best conditions for the success of the first general elections held in the country since 1989 coup d'etat." [12ad]

ARMED OPPOSITION FACTIONS: WEST SUDAN (DARFUR)

- 14.24 US Aids reported on 6 June 2008 in its humanitarian situation report of a rebel attack in the capital:

“In May, banditry and hijacking of relief vehicles continued throughout Darfur, further limiting humanitarian operations. Targeting of humanitarian staff and non-governmental organization (NGO) compounds increased, and implementing partners reported additional incidents of livestock theft and attacks on empty convoy vehicles as well as increased impersonation of U.N. staff by bandits.” [3d]

ARMED OPPOSITION FACTIONS: EAST SUDAN

14.25 The *Sudan Tribune* reported on 24 June 2007 that:

“Former east Sudan rebel fighters have entered the main towns for the first time under a fledgling peace deal, but opposition divisions have halted political progress. Adding that: The east Sudan strife, overshadowed by bloodier conflicts in Sudan’s western Darfur region and the south, dragged on for a decade before a peace deal last year.” [12ao]

FREEDOM OF ASSOCIATION AND ASSEMBLY: SOUTH SUDAN

14.26 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. Article 29 of the ICSS states that:

- “(1) The right to peaceful assembly is recognized and guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at Southern Sudan or state level unless it has:
 - its membership open to any Sudanese irrespective of religion, gender, ethnic origin or place of birth;
 - a programme that does not contradict the provisions of the interim National Constitution and this Constitution;
 - democratically elected leadership and institutions; and
 - disclosed and transparent sources of funding.” [94b] (p10-11)

14.27 HRW’s Report, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ of March 2006 records that:

“One of the most successfully executed aspects of the CPA appears to be putting the regional government of the south into southern ex-rebel hands and having NCP-appointed personnel in the south recognize the superior authority of the SPLM civilian authorities. Former rebels and their supporters from the diaspora have established residence in Juba and taken up work in government offices there: they are clearly in charge. Not only the SPLM is present: several other southern political parties are represented in the Southern Sudan Parliament pursuant to the CPA.” [19a] (p9)

- 14.28 The Report also states that, according to the residents of Juba: "Security and military intelligence are invisible for the time being, and gatherings of citizens, spontaneous or planned, take place without restrictions [in the city]." [19a] (p9)
- 14.29 The Report further noted:
- "In Southern Sudan the regional government is forging ahead of the northern states and region in participatory democratic practices. As Southern Sudan's President (and national First Vice President) Salva Kiir directed shortly after his August 11, 2005 inauguration in Juba, the representatives for the southern regional and state assemblies (and even the national assembly) were to be chosen by means of local consultations. The intention was to draw in hundreds of people in each location to participate in choosing their representatives from the candidates – local men (and a few women) – who put themselves forward to their communities. On short notice and with little formality, this experiment went well, although it was limited in scope. It reflected the customary participation of men in southern community decision-making that even the war could not entirely destroy." [19a] (p10)
- 14.30 HRW noted that this process was not perfectly implemented or infallible: "On the whole, however, the broadened participation in selection of officials was an encouraging indication to southerners of the intentions of the new southern government to encourage popular participation in government." [19a] (p11)

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FREEDOM OF SPEECH AND MEDIA

- 15.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 39 of the INC states that:

“(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
 (2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
 (3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.” [94a] (p16)

- 15.02 However, the Sudan Human Rights Organisation-Cairo’s (SHRO-Cairo) Human Rights Quarterly of January 2006 pointed to the various laws that had undermined the provision of freedom of expression and the media contained in the 1998 Constitution that, still being in place, would also undermine the equivalent articles in the July 2005 Constitution. [17a] (**Freedom of Expression, Association and Assembly**) Human Rights Watch (HRW) states in its March 2006 Report, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ that:

“During the year since the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities.” [19a] (p15)

- 15.03 The USSD Human Rights report for 2007 stated that:

“The government controlled the media through the National Press Council and security forces and censored criticism of government actions and policies in Darfur. The National Press Council, which is charged with issuing licenses, administering professional examinations for journalists, and responding to complaints, was subject to significant government influence. In the event of a complaint, the council could warn a newspaper or suspend it indefinitely and suspend journalists for up to two weeks.” [3a] (**Section 2a**)

- 15.04 Reporteurs sans Frontières, Sudan Annual Report 2007 (RSF) stated that:

“The massacres in Darfur are an open wound for Sudan, and one which the government does not want anyone to touch. Two foreign journalists and their assistants paid the price for this extreme sensitivity in 2006, when they were thrown in prison for having taken too close an interest in the catastrophe in the huge border region on the border with Chad.” [27a]

- 15.05 In June [2005], Sudanese justice officials cancelled the licence of Sudan’s English-language daily, *The Khartoum Monitor*. *The Monitor* has been

harassed by authorities repeatedly over the years. The newspaper' had problems with its license which can be traced to its publication of articles on slavery more than two years ago. The license was restored in July [2005] by order of President Omar Hassan al-Bashir, according to press reports. (CPJ – Attacks on the Press 2005) [28a]

- 15.06 “It seems the lifting of censorship in July has not meant the end of police monitoring of the press, the organisation [RSF] said [in response to the December 2005 arrest of an *Al-Sahafa* columnist].” (RSF, 3 January 2006) [27b]

- 15.07 The SHRO-Cairo Human Rights Quarterly report of January 2007 stated in relation to freedom of the press that there were several arrests of journalists in their report from 1 August to 31 December 2006, citing the following:

“In August, the Chicago Tribune journalist Paul was arrested with his Canadian assistants, Suliman Abubakr Musa (translator) and Idris Abd al-Rahman Ano (driver) in the course of his work as a reporter to the National Geographic magazine in the Ambararo area, North Darfur. On August 26, the 3-times Poulitzer [Pulitzer] winner journalist was put to trial before the al-Fashir court, accused of spying and illegal dissemination of information, in addition to entry to Sudan without visa. A group of armed men, followers of the Minawi-led Sudan Liberation Army, arrested the journalist and delivered him to the Sudanese Armed Forces in exchange of a package of new military uniforms. Having spent 34 days in detention, the journalist and his assistants were released by presidential amnesty in response to international pressures.” [17m]

- 15.08 Citing another incident of police brutality, SHRO-Cairo reported:

“August 16 [2006], the police battered and detained two journalists of Al-Ayyam journal while they were covering demolition of the Dar a-Salam village near al-Baqair, a locality of al-Kamleen in the al-Gezira. The police arrested Nasraddin Ahmed al-Tayeb and Fakhraddin Yassin, tied them up, tortured them, and confiscated their notebooks and a camera before they were finally released. The journalists were threatened with further persecution if they published these tortures. Later at the Khartoum hospital, the police refused to provide the victims with form (8) to report the tortures.” [17m]

- 15.09 The *Sudan Tribune* reported on 7 January 2008, the closure of a Sudanese newspaper for two days after being accused of insulting President Omar Hassan al-Bashir.

“... Sudan's National Press Council had suspended his English language daily The Citizen over an editorial it wrote about armed clashes on the country's north-south border. 'The National Press Council ... (said) an article was insulting to President Bashir and so they suspended us for two days', said Bol, the paper's editor and owner.” [12ah]

- 15.10 Reporters Without Borders (RSF) in its 2008 annual report stated that:

“The Sudanese press appearing in Khartoum was once again in 2007 a regular target for the security services who will not allow journalists to get in the way of government action. Several arrests and a generally bad atmosphere do not however detract from the fact that newspapers and civil

society play an active part in ongoing debates, including on the crisis in Darfur.” [27i]

- 15.11 World Organisation Against Torture reported on 14 June 2008 of severe beatings in detention and risk of impunity as follows:

“The International Secretariat of OMCT has been informed by a reliable source and Antenna International, member organisation of OMCT SOS-Torture network, that Mr. Emin Huseynov, director of the Institute for Reporter Freedom and Safety (IRFS), was subjected to severe beatings during his detention on 14 June 2008 in Baku.” [55b]

- 15.12 The report added that:

“According to the information received, on 14 June 2008 at around 01:00pm, Mr. Emin Huseynov was participating, along with other members of the Ernesto Che Guevara fan club including researchers at IRFS, Mr. Rasim Aliyev and Mr. Mirrehim Hasanov, in a peaceful celebration of the 80th anniversary of the Cuban revolutionist Ernesto Che Guevara, taking place at a café, when police raided the event. Approximately 20 individuals, including Mr. Emin Huseynov, Mr. Rasim Aliyev and Mr. Mirrehim Hasanov, were arrested and allegedly beaten by the police, reportedly headed by two individuals in plainclothes, and then taken to the Nasimi District Police Department n°22, Baku district. No reasons were reportedly given for the arrest, except that those arrested did not have any IDs with them.” [55b]

JOURNALISTS

- 15.13 CPJ, RSF and the Sudanese human rights organisation, SOAT, all reported on incidents of varying levels of censorship and harassment, including the imprisonment of the editor of the daily Al-Sahafa, during 2004, 2005 and 2006. [28a-28c] [27b-27f, 27g] [15e, 15i] CPJ’s ‘Attacks on the Press 2004’ states that: “Sudanese authorities went to great lengths to suppress reports of atrocities in Darfur, including imprisoning journalists. Security forces admonished or threatened other journalists over reporting about the situation.” [28b] Whilst RSF’s Annual Report 2005 records that: “Opposition journalists were often thrown into jail in Sudan under repressive laws that permit inordinately long periods of preventive custody.” [27h] (**Introduction Africa/The repressive reflexes of aging regimes**)
- 15.14 HRW and AI both reported of continued harassment of journalists and human rights defenders and also that freedom of expression and association were curtailed in 2006: [19p]; [16y] (p4)
- 15.15 The *Sudan Tribune* reported on 9 August 2007 that:
- “The resident magistrate of Juba has released Nhial Bol, the Editor-in-Chief of The Citizen Newspaper from police detention because there was no summon of arrest either from Juba or Khartoum, said the Attorney General. According to Nahil Bol, Juba police brought to him a letter requesting him to report to police station and on reporting, police detained him as from 9am to 7pm. He was charged under Sudan penal code of 2003 section 66/27/29/37. Juba police cited a summon filled for his arrest from Khartoum by Aleiu Ayeng Aleiu, State minister of Interior in the government of National Unity.” [12aa]

15.16 Reuters reported on 7 August 2007 that Amnesty International has called on the government to release seven people detained after protests in June against plans to build a dam on the River Nile in northern Sudan. [70b] “The detainees’ prison conditions are poor, with swarms of rainy-season mosquitoes and flies, two have needed hospital treatment for diabetes and most have been denied visits”, Amnesty said in a statement late on Monday [6 August]. ‘None of those in custody has been formally charged with any offence’ it said.” [70b] Further adding that: “... Four people were killed on June 13 when police clashed with demonstrators protesting against the Kajbar Dam project.” [70b]

15.17 RSF noted in its 2008 annual report that in 2007, various newspapers had been targeted by the government.

“The privately-owned daily al-Sudani, an independent publication which is highly critical of the Khartoum government has been a target for the authorities. After it carried allegations against the justice minister, officials went to the printers on 16 May [2007] and seized plates of the edition which was about to appear and handed the paper’s management a letter from the prosecutor’s office ordering its closure. ... The closure of al-Sudani typifies one of those most blatant obstacles to press freedom in Sudan. It was a step taken unilaterally by the government despite the fact that there is regulatory body for the press, which it completely by-passed.” [27i]

FREEDOM OF SPEECH AND MEDIA: SOUTH SUDAN

15.18 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 28 of the ICSS states that:

- “(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
- (2) All levels of government in Southern Sudan shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
- (3) All media shall abide by professional ethics.” [94b] (p10)

15.19 Freedom House reported in its 2008 World Country Report for Sudan that:

“Press freedom conditions in Southern Sudan are better than in areas controlled directly by Khartoum. Journalists in the south are not as restricted as those in the north and have more leeway to criticize government policies.” [53b]

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FREEDOM OF RELIGION

- 16.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article five of the INC records that:

“The State shall respect the following religious rights to:

- (a) worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes,
- (b) establish and maintain appropriate charitable or humanitarian institutions,
- (c) acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,
- (d) write, issue and disseminate religious publications,
- (e) teach religion or belief in places suitable for these purposes,
- (f) solicit and receive voluntary financial and other contributions from individuals and private and public institutions,
- (g) train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief,
- (h) observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,
- (i) communicate with individuals and communities in matters of religion and belief at national and international levels;” [94a] (p4-5)

- 16.02 Article 38 of the INC states that:

“Every person shall have the right to the freedom of religious creed and worship, and to declare his/her religion or creed and manifest the same, by way of worship, education, practice or performance of rites or ceremonies, subject to requirements of law and public order; no person shall be coerced to adopt such faith, that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent.” [94a] (p15)

- 16.03 The USSD report on International Religious Freedom 2007 (US IRF report 2007), stated that:

“The 2005 Interim National Constitution (INC) provides for freedom of religion throughout the entire country, and there was some improvement in the status of respect for religious freedom in parts of the country in the period covered by this report. However, regional distinctions in the INC negotiated as part of the Comprehensive Peace Agreement (CPA) have resulted in disparities in the treatment of religious minorities in the North and South.” [3f] (p1)

- 16.04 The US IRF report 2007, added that: The INC preserves Shari'a as a source of legislation in the North, while the Constitution of Southern Sudan establishes ‘the traditional laws, religious beliefs, values, and customary practices of the people’ as a source of legislation in the South.” [3f] (p1)

- 16.05 The same report also noted that: “Obtaining permits to build new houses of worship remained a long and tortuous process, despite past improvements. In addition, the GNU [Government of National Unity] pressured existing churches

and Christian facilities in central Khartoum to move to less conspicuous locations on the outskirts of the capital.” [3f] (Section II – Restrictions on Religious Freedom)

16.06 Whilst the USSD Human Rights report for 2007 stated that:

“The interim constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP [National Congress Party], which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country’s laws, institutions, and policies. While the government generally allowed non-Muslims to worship freely in approved places of worship, authorities in the north continued to restrict Christian activities.” [3a] (Section c, Freedom of Religion)

16.07 The report further stated that:

“The interim constitution of Southern Sudan also provides for freedom of worship in the 10 states of Southern Sudan, and the government of Southern Sudan generally respected the rights of southerners to practice the religion of their choice.” [3a] (Section c, Freedom of Religion)

16.08 The report also noted that:

“Religious organizations and churches were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register. There were reports that security forces harassed and at times threatened to use violence against persons on the basis of religious beliefs and activities; it was unclear whether the harassment was for religious or political reasons.” [3a] (Section c, Freedom of Religion)

ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

16.09 The US IRF report 2007 stated that:

“The Government favored [sic] Muslims over Christians in the North. Many southern Christians living in the North suffered from social, educational, and job discrimination, although religion was only one of the many factors leading to discrimination. Muslim religious organizations affiliated with opposition political parties, such as Al-Ansar and its political wing, the Umma National Party, also claimed to suffer discrimination by Islamists in the governing NCP, although it was unclear whether the alleged discrimination was due to religious or political affiliation. In prior reporting periods, some Muslims in the North also complained that the GNU was attempting to curry favor [sic] with the West by placing Christian leaders in positions of power within the Government.” [3f] (Section II – Restrictions on Religious Freedom)

16.10 The report further stated that:

“Muslims in the South complained of economic discrimination and boycotts by Christians, although such actions did not appear to be supported by the GOSS

[Government of South Sudan]. For example, the SPLM issued statements against violence towards Muslims in the aftermath of societal violence directed towards Muslims in Juba following the death of First Vice President John Garang in August 2005. Tensions remained in Juba as many Muslims reported continuing harassment and intimidation.” [3f] (Section II – Restrictions on Religious Freedom)

16.11 And:

“In the last 2 years the Government issued a total of 3 permits for new churches in suburban Khartoum; church officials considered these 3 permits to be an important development, as permits are not routinely approved. Most existing churches in the capital date from the colonial era, are located near the city centre, and cannot accommodate Christians who live in the IDP camps on the outskirts of Khartoum. Even when employers observe the requirement to allow 2 hours of worship time on Sunday mornings, relatively few Christians have the time or means to travel more than 20 miles to church. This policy not only limits the ability of Christians to practice their faith but also enables the Government to claim that new churches are not needed because the existing ones are under-utilized.” [3f] (Section II – Restrictions on Religious Freedom)

16.12 The report continued:

“The GNU promoted Islam through mandatory Islamic education for all students in the North, even non-Muslims enrolled in private, Christian schools. Christian leaders believed that these requirements exacerbated problems in the relationship between the Muslim majority and the Christian minority and further marginalized the place of Christianity in northern society. The Catholic Church in particular faced a shortage of priests, which it attributed to a lack of Christian religious education.” [3f] (Section II – Restrictions on Religious Freedom)

16.13 While the US IRF for 2007 stated that:

“Although the Government has issued three permits for new churches in suburban Khartoum, some Christian leaders believed the GNU has continued the previous regime's attempts to drive churches and other Christian institutions out of the capital's centre. Despite expectations by Christian groups in the South that the GOSS would return (or pay for) church property seized by earlier governments, there was no indication that the GOSS would do so anytime soon, as the GOSS experienced a significant financial crisis during the reporting period.” [3f] (Section II – Restrictions on Religious Freedom)

16.14 The US IRF report of 2007 noted that whereas in previous reporting periods, the Government condemned and destroyed Christian ‘prayer houses’ that were built in IDP camps in the North without obtaining permits. the Catholic Church also built ‘activity centres’ near IDP camps which function as churches without official permits. [3f] (Section II – Restrictions on Religious Freedom)

16.15 The US IRF report of 2007 also noted that:

“The National Intelligence and Security Service routinely monitored religious activities at mosques and churches throughout the country, often posing as members of the congregations. Christian leaders acknowledged that they usually refrain from preaching on political or other sensitive topics to avoid

harassment by the authorities, although some Christian leaders used the CPA as a vehicle for religious instruction and a point of common understanding among congregants. Some Muslim imams avoided political topics in their preaching as well.” [3f] (Section II – Restrictions on Religious Freedom)

VOLUNTARY AND FORCED RELIGIOUS CONVERSION

16.16 The International Religious Freedom Report (US IRF) 2007 stated that:

“Although there was no evidence of forced conversions in the period covered by this report, there is considerable social pressure for non-Muslims in the North to convert to Islam. The President frequently ended his public speeches with a call for victory over the ‘infidels’, and state media outlets routinely referred to Christians as ‘non believers’. Christian parents reported that their children enrolled in public school were commonly asked why they were not Muslims.” (US IRF report for 2007) [3f] (Section II – Restrictions on Religious Freedom)

16.17 The report stated further:

“Although there is no penalty for converting from another religion to Islam, converting from Islam to another religion is punishable by death in the North. This practice has never been carried out by the current Government. Muslims in the North who attempt to convert to another faith, however, are generally regarded as outcasts by their families and face severe social pressure to recant.” [3f] (Section II – Restrictions on Religious Freedom)

16.18 Furthermore

“There was little Christian media programming in the North, and little local broadcasting of any kind in the South. However, the GNU permitted 24 hours of Christian broadcasting on Khartoum television on Christmas Day 2006. This was the first time such programming had been permitted, reaching a broadcast area of about 30 miles around Khartoum.”

And also that:

“ There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States. States. [3f] (Section II – Forced Religious Conversion)

See also Annex F: [Religions of Sudan](#)

FREEDOM OF RELIGION: SOUTH SUDAN

16.19 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 27 of the ICSS states that:

“The following religious rights are guaranteed by this Constitution:

- (a) the right to worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes;
- (b) the right to establish and maintain appropriate faith-based charitable or humanitarian institutions;
- (c) the right to acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of religion or belief;
- (d) the right to write, issue and disseminate religious publications;
- (e) the right to teach religion or beliefs in places suitable for these purposes;
- (f) the right to solicit and receive voluntary financial and other contributions from individuals, private and public institutions;
- (g) the right to train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief;
- (h) the right to observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs; and
- (i) the right to communicate with individuals and communities in matters of religion and beliefs in Southern Sudan and at national and international levels.” [94b] (p10)

16.20 The US IRF report, 2007 stated that:

“... The GNU pressured existing churches and Christian facilities in central Khartoum to move to less conspicuous locations on the outskirts of the capital. Some Christians believed this approach to be a less public, less confrontational alternative to the previous government's practice of confiscating church property.” [3f] (Section II - Status of Religious Freedom)

16.21 The same report also noted that “Muslims in the South complained of economic discrimination and boycotts by Christians, although such actions did not appear to be supported by the GOSS.” [3f] (Section II – Restrictions on Religious Freedom)

16.22 Whist the USSD Human Rights report for 2007, stated:

“In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents had departed voluntarily over the years. Although the Government of Southern Sudan officially favored secular government, Christians dominated the bureaucracies. Local government authorities often had a close relationship with local Christian religious authorities.” [3a] (Section 2c)

16.23 The USSD International Religious Freedom Report 2007 reported that:

“Religious groups are required by law to register with the government as non-governmental organizations, although this requirement did not appear to be enforced. Religious organizations that do not register as non-governmental, non-profit organizations, cannot legally claim exemption from taxes and import duties. Some of the largest Christian religious groups have historically refused to register out of fear of government interference. Religious groups that have opted to register, such as the Coptic Church, have been exempt from property taxes.” [3f] (Section II – Status of Religious Freedom)

See also Annex F: [Religions of Sudan](#)

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ETHNIC GROUPS

- 17.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 13 of the INC records that:

- “(4) The State shall recognize the cultural diversity of the country and shall encourage such diverse cultures to harmoniously flourish and find expression, through the media and education.
- (5) The State shall protect Sudan’s cultural heritage, monuments and places of national historic or religious importance, from destruction, desecration, unlawful removal or illegal export.” [94a] (p7)

- 17.02 Article 47 of the INC stated that:

“Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures; members of such communities shall have the right to practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs,” [94a] (p18)

Article 156 of the INC states that:

“Without prejudice to the competency of any national institution to promulgate laws, judges and law enforcement agencies shall, in dispensing justice and enforcing laws in the National Capital, be guided by the following:

- (a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions,
- (b) behaviour based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in violation of the law, shall be deemed in the eyes of the law as an exercise of personal freedoms,” [94a] (p62)

- 17.03 The USSD Human Rights report for 2007, noted that:

“The population is a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately six million. The fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab.” [3a] (Section 5)

- 17.04 The USSD report for 2007 added that:

“The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.” [3a] (Section 5)

See also Annex D: [Main ethnic groups](#) and Annex E: [Languages of Sudan](#)

17.05 USSD Human Rights report for 2007 noted that:

“The government and government-supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the government supported one tribe over another, arming certain tribal militias against other tribes.” [3a] (Section 5)

NORTH SUDAN: NUBIANS

17.06 The Nubians: “are a people of north-eastern Sudan ... They constitute the largest ethnic group in the northern part of the country. The Nubians of the Halfa District and Dungulah speak Nubian, although most Nubians speak Arabic. The Nubians, traditionally living in the Nile River valley linking Sudan with Egypt, have always been a settled people, living in towns and villages and cultivating irrigable land. The poverty of their region, however, encouraged them to migrate and they can now be found in all parts of Sudan and Egypt. The Nubians include many subgroups such as the Maha and, further south, the Dongolawin (Dangla). The Gerkid and the Midob of the Darfur area speak Nubian languages.” (The Encyclopaedia of Peoples of the World) [29a]

EAST SUDAN: BEJA AND RASHAIDA

17.07 “The Beja, the Cushitic original inhabitants of eastern Sudan, are a traditionally nomadic group with some three million members living in southern Egypt, north-eastern Sudan and northern Eritrea. Believed to be the first to domesticate the camel, the Beja live in a harsh and arid semi-desert, their survival dependent on unpredictable annual rainfall. Beja ethnic identity is on the rise as the urban population has grown as a result of conflict, marginalisation and drought....Like the people of Darfur, the Beja are non-Arab Muslims.

17.08 “The Beja region has been devastated by spillover effects from the North-South conflict and the presence of refugees from Eritrea and Ethiopia. Over a quarter of a million southerners moved into the area to escape fighting, cutting down trees and over-exploiting water resources. When the SPLM opened a second front against the Khartoum regime in eastern Sudan, over 300,000 Beja were displaced as fighting flared and now live in urban shanties in Port Sudan and Kassala.” (FMR – Beja Sidelined by Peace Process, Issue 47, November 2005) [32a] (p62)

17.09 “The three main groups making up the Beja are the Bishariyyin, the Amar’ar/Atmaan and the Hadendowa....The life of the Beja groups has been regulated by a customary law called silif, a complex but flexible body of rules based on Beja traditional values. Silif regulates access to and redistribution of resources, reciprocal use of environmental resources (grazing land, water points, arable land or firewood), conflict resolution and reciprocity around major social events (birth, marriage and death). Clear land rights codes embodied in the silif (asl and amara) have helped minimise conflict over land, supported by the mediation of the tribal authorities who were entrusted with the management of land rights. However, the resilience of this system has

significantly weakened over the last three or four decades due to a number of external factors.” (Save The Children, September 2005) [24b] (p12-13) “Asl is the customary right over a piece of land and its resources inherited from the ancestors for the entire lineage; amara is the usufruct right given to non lineage members to use pasture, water and cultivable land on the asl of another lineage against the payment of a tribute called gwadab.” [24b] (p12)

- 17.10 An IRC press release of 7 March 2006 stated that:

“The International Rescue Committee has decided to suspend humanitarian aid programs in an opposition-controlled region of north-eastern Sudan while new access routes to the area are negotiated. Up until now, the IRC has been delivering basic health care, clean water, sanitation and education services for the area’s ethnic Beja population via neighboring Eritrea, which has been the only humanitarian route available. The IRC’s decision to temporarily halt programs follows a request by the UN Mission in Sudan to cease cross-border activities from Eritrea in light of negotiations underway with Sudanese authorities to gain access to the region from Sudan.” [33b]

WEST SUDAN (DARFUR) – FUR, MASSALEIT AND ZAGHAWA

- 17.11 According to major reports by various organisations, the three main non-Arab groups in Sudan’s Darfur region are the Massaleit (Masalit), the Fur (Four) and the Zaghawa (Zaghawa). [3d] [17a-17b] An article in the FMR of November 2005 noted that the mostly sedentary tribes of Darfur who are in conflict with the Arab centre – like the Beja in east Sudan – “Though Muslim and Arabised in varying degrees, they now see themselves as non-Arab, marginalised and discriminated against on racial grounds.” [32a] (p8)
- 17.12 The UN Secretary-General (UN SG) continued to report on the situation in Darfur throughout 2006, 2007 and 2008, submitting monthly reports to the Security Council on the security and humanitarian situation, and human rights abuses and the accompanying issue of protection. [6ag]
- 17.13 Amnesty International reported on 17 January 2007 that: “The government-backed *Janjawid* (Janjaweed) militia have threatened to attack three villages in West Darfur which they apparently believe are supporting anti-government forces. On 15 January, *Janjawid* (Janjaweed) gunmen reportedly warned villagers out searching for firewood that if they did not leave their village within 72 hours they would be attacked. As they fled to neighbouring villages, carrying their valuables, the *Janjawid* (Janjaweed) robbed some of them. The *Janjawid* (Janjaweed) are now reportedly also planning to attack two other nearby villages, and have been gathering near each village. An attack will likely result in civilian deaths.” [16z]
- 17.14 The report added that although the African Union (AU) peacekeepers in Darfur have a mandate to protect civilians:

“They have frequently failed to do so even when informed of impending attacks on civilians. The villagers under threat belong to the Erenga ethnic group. In the past three months they have been repeatedly attacked by the *Janjawid* (Janjaweed), seemingly because the government believe most people in the area support the armed opposition groups that have rejected the Darfur Peace Agreement.” [16z]

- 17.15 The report further added that: "At least 37 people were killed and 10 injured on 9 December 2006 during an attack by the (Janjaweed)' on a truck carrying passengers as well as medical supplies. The truck was travelling from the capital of West Darfur, Al-Geneina, to the village of Sirba. A group of *Janjawid* (Janjaweed) militia on horseback ambushed the truck, and shot the driver dead. They then fired a rocket propelled grenade at the truck and set fire to the fuel barrels inside. Many of the deaths came when the *Janjawid* (Janjaweed) opened fire on people as they fled." [16z]
- 17.16 ReliefWeb reported on 31 July 2007 that at least 34 people have been killed in latest clashes between rival Arab tribes in the war-torn western Sudanese region of Darfur. " 'The tribes, at odds over grazing rights and livestock raiding, have violated a February truce seven times, most dramatically in April when Rzigat tribesmen killed 62 Torjam in their villages'." a tribal chief said [68b]

Nomadic groups

- 17.17 *New Sudan Vision* reported on 24 December 2007 that the South Sudan's President Salva Kiir has ordered neighbouring states to give free passage to Baggara nomads in order to keep the peace. [89a]

"In a new development related to escalating military situation in northern Bahr el Ghazal, South Sudan President Salva Kiir ordered the governor of Northern Bahr el Ghazal State and related states bordering southern Sudan to allow nomadic Baggara Arabs to graze around Kiir River to avoid clashes. For the last few days, war broke out between SPLA and armed Baggara trying to enter northern Bahr el Ghazal by force. More than 5 SPLA soldiers are reported dead with more than 20 wounded. The report on the ground further revealed that lots of arms and ammunition were captured from the Baggara." [89a]

- 17.18 The report added that:

"President Salva Kiir told the press today in Khartoum; 'We have entered dry season, the movements of the nomads will be frequent, also citizens are moving, there will be inter-states movements. I order all the governors whose states are bordering southern Sudan to open corridors known since 1940s. These people will graze and water their cattle until the beginning of new rainfall'." [89a]

- 17.19 BBC News reported on 2 March 2008 that nearly 70 armed Arab nomads have been killed in clashes on the border between the north and south of the country.

"The clashes occurred between Misseriya tribesmen and fighters from the Sudan People's Liberation Movement (SPLM). This is the latest in a series of clashes in the oil-rich Abyei border region, which correspondents say is a potential flashpoint for renewed conflict between the north and south. The latest clashes took place in the state of Northern Bahr El Ghazal, west of Abyei, said the SPLM, which governs the semi-autonomous south." [9b]

- 17.20 Sudan Net and News 24 both reported on 2 March 2008 that the authorities in southern Sudan say almost 70 armed Arab nomads have been killed in

clashes on the border between the north and south of the country. The clashes occurred between Misseriya tribesmen and fighters from the Sudan People's Liberation Movement (SPLM). [95a], [95b]

17.21 News 24 reported on 2 March 2008 that:

"Dozens of Arab nomads and several soldiers have been killed in clashes with forces from the ex-rebel Sudan People's Liberation Army in southern Sudan, the SPLA said on Sunday. At least 69 nomads and nine soldiers were killed in the latest fighting in the volatile area on Saturday, said Major General Hoth Mai. Adding that: " 'the fighting also left nearly 120 people wounded, including 97 nomads and 21 soldiers', the ex-rebel deputy chief of staff said." [101b]

The question of genocide

17.22 USSD Human Rights Report for 2007 stated:

"In Darfur government forces, janjaweed, Darfur rebel groups, and tribal factions committed serious abuses during the year, including the reported killing of approximately 1,600 persons. Government, janjaweed militias, and tribal factions razed numerous villages, committed acts of torture, and perpetrated violence against women. Darfur rebel groups were also responsible for rape and attacks on humanitarian convoys and compounds to steal equipment and supplies, resulting in injury to humanitarian workers. Civilians continued to suffer from the effects of genocide." [3a](p1)

17.23 In an article entitled 'the genocide in Darfur - briefing paper, June 2007', Save Darfur Organisation reported that "No portion of Darfur's civilian population has been spared violence, murder, rape and torture. As one illustration of how Khartoum has waged its war, the Sudanese military paints many of its attack aircraft white - the same color [sic] as UN humanitarian aircraft - a violation of international humanitarian law. When a plane approaches, villagers do not know whether it is on a mission to help them, or to bomb them. Often, it has been the latter." [69a]

CENTRAL SUDAN: NUBA

17.24 The USSD Human Rights report for 2007 stated that

"... Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the north and government-controlled southern areas." [3a] (Section 2c) The report also stated that " In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order. [3a] (Section 1e)

SOUTH SUDAN: DINKA, NUER AND SHILLUK

17.25 The Dinka's close proximity to cattle-herding Arabic tribes has made them vulnerable to attacks, which have resulted in the death of their men and the

abductions and slavery of many of their women and children. ('World Directory of Minorities', 1997) [36] (p458)

17.26 The USSD Human Rights report of 2007 stated that:

There were credible reports that intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. CEAWC and its 22 joint tribal committees investigated abduction cases, but have not engaged in any transport or retrieval missions since early 2006 due to lack of funding. [3a] (Section 5) Also that: "Fighting between ethnic groups, such as between Dinka and Nuer or among Nuer tribes resulted in the killings of several hundred persons during the year." [3a] (Section 5)

17.27 It was reported by the British Broadcasting Corporation (BBC), IRIN, the International Federation for Human Rights (FIDH), and the Foreign and Commonwealth Office (FCO) that, following the Government's announcement of the death of John Garang in an air crash at the end of July 2005, three days of deadly clashes in the capital Khartoum, Juba and other towns between southern African Sudanese and northern Arab Sudanese ensued. [9a] [11ak] [38a] [4a] Garang was succeeded by Salva Kiir. (BBC Timeline, 15 July 2008) [9a] (p4)

17.28 Sudan Net reported on 16 August 2007 that cattle raids between south Sudanese tribes have killed 56 people and wounded 16 others in July 2007 in Jonglei, adding that this is the deadliest of such clashes there has been in years:

"Cattle raids and revenge killings have been going on for decades, but governor Philip Thon Leek said these were the worst since a peace deal was signed in January 2005 to end a war between the northern government and south Sudanese rebels. 'The number of people who died was 27 Murle and 29 Lou Nuer,' he told Reuters by satellite phone, referring to tribes in the state. 'Both during and after the war, violence has been magnified by the availability of guns'." [57e]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 18.01 According to a letter dated 23 January 2001 from the British Embassy in Khartoum, "The 1991 Criminal Code, proscribes penetrative sexual intercourse between two men or between a man and a woman anally." [4e] (p1) A first-time offence carried a penalty of up to five years' imprisonment and 50 lashes; the same again for a second offence, and for a third offence the death penalty or a sentence of life imprisonment is applied. [4e] (p1) There are no specific penalties that apply to lesbians, and lesbianism is a taboo subject, although the British Embassy understood that some, mainly high-class, women were known to be lesbians. [4e] (p2)
- 18.02 Behind the Mask reported on 27 October 2004 an article about a Sudanese gay man recounting about life in Arab Africa where homosexuality is not tolerated. Referring to homosexuality in Sudan, the report recorded that "In Sudan a kiss can cost you your life." [105a]
- 18.03 Behind the Mask accessed 1 August 2008 reported that:
- "In 1983 a new penal code was promulgated; ostensibly it is based on the shari'a without adherence to any special school. Article 316 defines zina [fornication] as penetration with the penis (or part thereof) into the vagina or the anus of a person on whom one has no legal right to or as granting permission to someone without legal right to penetrate one's vagina or anus. For a muhsan [married man] capital punishment is described, for a gair muhsan [bachelor] 100 lashes."
- 18.04 Additionally:
- "The laws was seldom applied. No cases of executions for sodomy were reported prior to April 1985, when the government of an-Numairi was overthrown and these rules were temporarily put aside. Between September 1983 and April 1985 hundreds of men and women were lashed for "intended" unlawful heterosexual intercourse, but none, as far as is known, for sodomy." [105b]
- 18.05 The *Sudan Tribune* reported on 3 February 2006 that
- "The Episcopal Church of the Sudan (ECS) has passed a resolution condemning the Episcopal Church in the USA (ECUSA) and the Anglican Church of Canada for consecrating an openly gay person into the office of bishop, and blessing same-sex marriages." [12am]
- 18.06 The report added:
- "A statement from the ECS House of Bishop says the action of the two Anglican communion provinces implies that they have rejected the scripture as the inspired, living, and authoritative word of God and no longer believe in the truth revealed therein. However, the bishops' statement says the USA and Canadian churches must be cared for and listened to, and asks the same to reconsider their positions for the sake of their salvation and the unity of the church." [12am]

- 18.07 A letter dated 28 February 2005 from the Foreign and Commonwealth Office then stated that there had been no change to the law(s) regarding homosexuality since 2001 and that, whilst they were not aware of any specific cases of persons subjected to inhuman, degrading or persecutory treatment because of their sexual orientation, they would not be surprised to find that this was the case. [4b] (p1)
- 18.08 The Office of the United Nations High Commissioner for Human Rights (OHCHR) report of the Special Rapporteur extrajudicial, summary or arbitrary executions, dated 27 March 2006 noted the following:
- “The death penalty appears to continue to be applicable for the offences of apostasy, homosexual acts and adultery, which were all found by the Human Rights Committee not to fulfil the criteria of “most serious crimes” when it considered, in 1997, the second periodic report of the Sudan under the Covenant.” [6r]
- 18.09 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), published the following on 20 April 2006 regarding homosexuals. The report was based on the presentations during the 10th European Country of Origin Information Seminar on 1-2 December 2005 in Budapest on
- “Homosexuals face persecution in Sudan. The Criminal Code is very strict on this matter. The concept of homosexuality is a bit different than in Europe; it is about sodomy. It is the act which is punishable, not the orientation. In the traditional concept, homosexuality doesn't exist, just like it didn't exist in Europe until not so long ago. Unmarried perpetrators would first be sentenced to 80 lashes, the second time to imprisonment, the third time to death. If the perpetrators are married, sodomy carries the death sentence. However, it is difficult to find information on the implementation, on how many people were actually sentenced or punished for sodomy.” [6s]
- 18.10 Adding that:
- “Whereas many societies have traditional niches for homosexuals, no societal niches exist in Sudan, with the exception of the wedding cooks. The accusation of being homosexual is sometimes used to blackmail somebody or to smear political opponents. Basically, homosexuality is not tolerated.” [6s]
- 18.11 The *Sudan Tribune* reported on 16 October 2006 that the South Sudan Anglican Church rejects tribalism and homosexuality. “We, the bishops together with our congregation of the Anglican church of the Sudan (ACS) strongly condemn the practice of homosexuality, abortion which is being practiced in Episcopal Church of Sudan (ECS) leaderships.” [12an]
- 18.12 The USSD Human Rights report for 2007, recorded that:
- “Homosexuality is a crime, but no one has been prosecuted on the charge; there is societal but not official discrimination against homosexuals.” [3a] (Section 5)
- 18.13 ILGA's homophobia report May 2008 recorded that Section 148, sodomy of Sudan's Penal Code 1991 states:

(1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permitted another man to insert his penis or its equivalent in his anus is said to have committed Sodomy.

(2) (a) Whoever commits Sodomy shall be punished with flogging one hundred lashes and he shall also be liable to five years imprisonment.

(b) If the offender is convicted for the second time he shall be punished with flogging one hundred lashes and imprisonment for a term which may not exceed five years.

(c) If the offender is convicted for the third time he shall be punished with death or life imprisonment." [67a] (p36)

18.14 Section 151, Indecent Acts of the same report states:

"Whoever commits an act of gross indecency upon the person of another person or any sexual act which does not amount to Zina or Sodomy shall be punished with not more than forty lashes and shall also be liable for imprisonment for a term which may not exceed one year or fine." [67a] (p36)

18.15 The FCO Country profile, last updated 11 July 2008 recorded under local laws and customs the following concerning Homosexuality: "Homosexual practices and extra marital relations are illegal and subject to severe penalties under Islamic Sharia law. Sudanese society is not, therefore, tolerant of homosexual relationships." [4h]

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WOMEN

- 19.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 15 of the INC states that:

“(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.
(2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.” [94a] (p8)

- 19.02 Article 32 of the INC states that:

“(1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits,” [94a] (p14)

An article in the *Forced Migration Review* (FMR) of November 2005, produced by the Refugee Studies Centre of Oxford University, stated that:

“Women make up the majority of Sudan’s population and in some conflict-affected areas three quarters of the surviving inhabitants are women. Women head households, yet they do not have legal access to land or resources due to discrimination in Sudanese statutory and customary law.” [32a] (p44)

- 19.03 USAID reported in its April 2007 monthly update that on 8 March, USAID-supported organisations marked International Women’s Day with a range of events and celebrations across Sudan.

“From El Fasher to Yei, the Sudanese people honored [sic] women’s achievements and rededicated themselves to working toward women’s full participation in society. The US Government has made a long-term commitment to help women worldwide find their voices, achieve their potential, and share in the benefits as well as the duties of development. ‘We are resolved to remove the barriers to political, economic, and social empowerment so that women everywhere may freely chart their own way,’ Secretary of State Condoleezza Rice has stated.” [3n]

- 19.04 July 2007’s edition in the *Forced Migration Review* (FMR) report stated that:

“As law enforcement and judiciary officials in Darfur lack the capacity and incentives to uphold and protect human rights, war affected populations remain vulnerable to arbitrary violence and deprivation of physical, material and legal safety. Given the lack of adequate and responsive law enforcement, despite extensive sexual and gender-based violence (SGBV), women in particular are reluctant to seek justice and file complaints against attackers.” [32b] (p33)

19.05 The USSD Human Rights report for 2007 however stated that:

“Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for NCP members. To obtain an exit visa, children must receive the permission of their father or their paternal uncle. Women cannot apply for exit visas for their children.” [3a] (Section 5)

19.06 AI recorded in its annual report for 2007 that:

“Even though women were generally not discriminated against in the pursuit of employment, they were not legally permitted to work after 10 p.m., thus limiting their employment opportunities in theory. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles and more than half the professors at Khartoum University were women.” (USSD report of 2007, 6 March 2008) [3a] (Section 5) Adding, Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, but police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered. [3a] (Section 5). Also that: “A number of women’s groups were active, focusing on a wide range of social and economic issues.” [3a] (Section 5).

19.07 FCO Country Profile 2007 stated that:

“A number of constraints continue to challenge the implementation of women’s rights, including patriarchal customs and continuous conflict between written law and customary/religious laws, according to the UN Development Fund for Women (UNIFEM). In the ongoing Darfur crisis, women and girls remain vulnerable to sexual attacks in remote areas when they go out to fetch water or take their wares to the market, according to Human Rights Watch (HRW).” Furthermore, Sudan has not ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women, in relation to the protection of women’s rights. [4a] (p4)

19.08 The USSD Human Rights report for 2007 stated that:

“Some aspects of the law discriminated against women, including many traditional legal practices and certain provisions of Shari’a as interpreted and applied by the government. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are entitled to inheritance from their parents. However, a widow inherits one-eighth of her husband’s estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings”. [3a] (Section 5)

19.09 CRIN and UN News both reported on 6 April 2007 that the UN High Commissioner for Human Rights has called for investigations into widespread sexual violence during attacks by Sudanese Government forces and allied militia in Darfur, including against children. In a new report, the High Commissioner’s Office described attacks in December 2006 in eastern Jebel Marra, Darfur. At least 15 cases of sexual assault, including rape, had

occurred, according to the report and at least two pregnant women were targeted in the violence. [71a], [6ae]

- 19.10 The report stated: "CRIN and UN News both reported on 6 April 2007 that 'Soldiers came in cars heading towards the hills. Three were in green military uniform and the fourth was in civilian clothes. All four of them were armed and all of them raped me', said one 13-year old victim, according to the report. [71a], [6ae] Further adding: "While some women were raped in the villages, others were abducted, taken away, raped, and later released. Based on testimony gathered, it appears that rape during the December 2006 attacks was used as a weapon of war to cause humiliation and instill [sic] fear into the local population. The attacks were indiscriminately aimed at a population of the same ethnicity as some rebel groups and also resulted in civilian death and displacement." [71a], [6ae]
- 19.11 CRIN also reported on 21 August 2007 that a new report from the Office of the High Commissioner for Human Rights that details cases of abduction, rape and sexual violence in South Darfur has called for the Sudanese Government to protect women and children from sexual and gender-based violence. "The report, a follow-up to one issued in April 2007, contains testimonies from victims and eyewitnesses describing how women were abducted, kept as sex slaves or subjected to other human rights violations in Deribat and surrounding towns by the Sudanese Armed Forces (SAF) and affiliated groups. These and other violations occurred in late December 2006 in the wake of air and ground attacks on civilians in the area." [71b]
- 19.12 HRW reported on 22 August 2007 that:

"International peacekeepers in Darfur should provide civilian protection and use rapid-response capabilities to protect women from widespread rape and other sexual violence. A report from the UN Office of the High Commissioner for Human Rights (OHCHR) on August 21 [2007] described how government forces and affiliated armed groups in December 2006 captured and systematically raped dozens of women during a large attack in South Darfur. The report is just the latest evidence of widespread sexual violence in Darfur, which has also been documented by Human Rights Watch and others." [19e]
- 19.13 According to the Sudan-American Foundation for Education (SAFE), which donates to various organisations and institutions in Sudan, there are over 40 universities, colleges and other educational institutes in Sudan. [54a] Among those institutions that SAFE has assisted are the Ahfad University for Women in Omdurman, the International African University, Al Neelain University and Omdurman Islamic University. [54a]
- 19.14 IRIN News reported on 17 September 2007 that:

"The numbers of women facing life-threatening complications during childbirth are very high in El Fasher, in the troubled Darfur region. There is just one maternity hospital serving a large local population, swollen by tens of thousands of displaced people. But often pregnant women don't reach the hospital in time to be helped." [10v]
- 19.15 Relief International (RI), accessed 28 September 2007 reported that:

“All of RI’s Sudan programs incorporate strategies that can improve the well-being of women and girls. These strategies engage women, and men, in training that can improve the status of women during and after the present conflict. Through RI’s health and nutrition, food security and agriculture, and livelihoods programs, women are receiving support and tools that can improve their lives and reduce the effects of poverty and violence” [83a]

19.16 RI listed some of the strategies as follows:

- “To combat the risk of violence that women face in collecting firewood, RI is training women on the production and use of Fuel Efficient Stoves constructed of locally-made bricks and organic material. These stoves require less wood and therefore reduce the need for long travel from the relative safety of camps and villages.
- “RI has 17 community training centres in North Darfur. These centres are dynamic sites for local leaders and residents to come together and discuss topics such as sexual and gender-based violence, health, hygiene, and nutrition particularly as it pertains to the welfare of women in the community.
- “RI’s livelihoods program supports women in the development of business plans and with capital to start small enterprise activities, such as crafts and farming cooperatives. These programs are particularly targeted to combating isolation and poverty common in widows and rape victims.
- “RI provides training for medical staff on safe motherhood (pre- and post-natal) care to improve the health and well-being of pregnant and nursing women. These services are provided as part of the standard set of services RI advocates for in local clinics, and they are extended out into even the most remote communities via trained midwives and traditional birthing attendants.” [83a]

19.17 The FCO recorded on its website on dated 24 June 2008 that whilst non-Muslim women are not expected to wear a veil or cover their heads, they should dress modestly and respect local customs and sensitivities. [4h]

See also Section:12.05 Women in Prison

POLITICAL RIGHTS AND LEGAL RIGHTS

19.18 United Nations Development Fund for Women (UNIFEM) reported on 22 September 2005 that the newly formed government has appointed 5 women into the new government.

“The cabinet of ministers of Sudan’s new government of national unity were sworn in today in the capital city, Khartoum, by Sudanese President Omar al Bashir. Of the 74 ministerial posts in the cabinet, 5 have gone to women, in the areas of health, the environment, agriculture and forestry, and social affairs. The formation of the new government takes place in accordance with

the Comprehensive Peace Agreement signed in January this year [2005], and represents a significant mark of progress in terms of power-sharing between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) from the south.” [76a]

- 19.19 Freedom House reported in its 2008 World Country Report for Sudan that: “Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination. [53b]

SOCIAL AND ECONOMIC RIGHTS

Marriage

- 19.20 The USSD report for 2007 recorded that: “The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage.” [3a] (Section 5)

- 19.21 The same report also stated that:

“Since, under Islamic law, a non-Muslim woman takes on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew, and their children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim) ” [3a] (Section 5)

- 19.22 The US Embassy in Khartoum recorded that Sudanese legal requirements governing marriage and divorce do not apply to non-Muslims. Also, in mixed marriages, the marriage contract is drawn up according to the national laws of each spouse. [88b]

“Under Sudanese law, there are three conditions for a valid civil marriage contract. First, the parties must both agree to the marriage and its conditions. Second, the couple must meet the proper age requirements (minimum age for men is 18; 16 for women). Finally, the marriage contract must be announced, notarized and signed by two Muslim witnesses (Section 26, Muslim Personal Matters Act, 1991). Unofficial, non-registered marriages -- known as orfy or traditional weddings -- are valid but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's' parentage.” [88b]

Forced Marriage

- 19.23 BBC News reported on 18 July 2007 regarding the return of a young Sudanese refugee, one of more that the 3,000 Sudanese ‘Lost boys’ who were given the opportunity to resettle in the US. The BBC reported that John Majok, 26 returned to the Kenyan refugee camp at Kakuma where he grew up, for the first time in six years since moving to America, in order to get married. The report stated that:

“Many other ‘Lost Boys’ are also taking out bank loans to pay for brides in the camp, who are seen to be girls of good virtue. Such inflation is worrying aid

agency officials who say it is encouraging forced marriages. 'The higher the amount of money you pay, the younger the girl you get and that is where our concern comes in', says Mohammed Hussein, who heads the camp on behalf of UNHCR." [91]

Family Planning

19.24 Sudan's Abortion policy published in November 2005 by the UN recorded that:

"The Government of the Sudan provides direct access to modern methods of family planning. Family planning services were introduced in the country in 1965 when the Sudan Family Planning Association was founded. The maternal and child health and family planning project within the Ministry of Health was established in 1975 and the Sudan Fertility Control Association in 1976. The Sudan Family Planning Association and the Sudan Fertility Control Association provide family planning services throughout the country. The main rationale for family planning is to improve MCH. Family planning services are provided free of charge, and there are no legal restrictions on the importation of contraceptives. Recent studies show that the level of contraceptive use is low but has increased slightly." [6aj]

19.25 The report added that:

"The percentage of women using modern methods of contraception in Northern Sudan rose, for example, from 4 per cent in 1977-1978 to 6 per cent in 1989 and 7 per cent in 1992-1993. The total fertility rate for the Sudan has fallen in the last decade from 5.4 children per woman to 4.6 in the period 1995-2000." [6aj]

19.26 In its 2007 country profile, the International Planned Parenthood Federation (IPPF) stated that:

"The Sudan Family Planning Association (SFPA) plays a pioneering role in a country where service delivery is in urgent need of reinforcement. Advocacy and Information, Education and Communication (IEC) represent important objectives since religious and political leaders and the population are unaware of the socio-economic benefits of family planning. SFPA also aims to improve the status of women as an indirect contribution to successful family planning programmes. SFPA provides services through its 93 clinics and government structures, while non-clinical services are delivered through a community based distribution (CBD) project. In 1994, SFPA recorded a total of 30,074 new acceptors and 33,639 couple years of protection. The association meets 64% and 2% of the demand for pills and IUDs respectively. Its programme targets a reinforcement of advocacy and IEC to increase awareness of FP in remote areas and to increase the prevalence rate. Also the integration of development efforts in the rural areas, encouraging literacy and vocational training for women, human resources development, including increasing the number of volunteers." [86a]

19.27 The report added that:

"More than 100 voluntary social workers from grass roots level have been recruited to expand service outreach to remote and isolated rural areas. These dedicated field workers play an important role in raising women's awareness

of their reproductive health rights. In addition, they participate actively in combating harmful practices such as female genital mutilation which is widely practised in rural Sudan. These voluntary field workers have won recognition and credibility as effective social agents of change within their communities.” [86a]

Abortion

- 19.28 Sudan's Abortion policy published in November 2005 by the UN stated the following:

“Until 1983, abortion was governed in Sudan by the provisions of the Penal Code of 1 August 1925 (sections 262-267). Under the Code, abortion was prohibited except when performed to save the life of the pregnant woman. A person performing an abortion with the woman's consent was subject to imprisonment for a term not exceeding three years and/or payment of a fine if the pregnancy had not reached the stage of 'quickening'. A woman performing her own abortion was subject to the same penalties. Harsher penalties were applied if the abortion was performed without the consent of the pregnant woman, if the pregnancy had reached the stage of 'quickening', or if the abortion resulted in the death of the pregnant woman. On the other hand, if the unmarried woman performed an abortion on herself in order to conceal her dishonour, the punishment was reduced.” [6j]

- 19.29 The report further stated that the code was replaced in 1983 by a new criminal legislation designed to conform more closely to the principles of Islamic law than had the 1925 Penal Code. “The performance of abortions was still prohibited except to save the life of the pregnant woman; but the punishment had been changed to reflect the Islamic penalty of payment of blood money. Persons who violated the law were subject to the payment of compensation, as well as to imprisonment and payment of fines.” [6j]

- 19.30 Also that the Penal Code was amended once again 1991, resulting in changes in the abortion law.

“The major change was the expansion of the circumstances under which the performance of an abortion was legal. A person who intentionally causes a woman to miscarry is not guilty of an offence where (a) the miscarriage is necessary to save the mother's life; (b) the pregnancy is the result of rape which has occurred not more than 90 days before the pregnant woman has desired to have the abortion; or (c) it is proved that the quick unborn child has died in the mother's womb. If the pregnancy is of less than 90 days' duration, the person who performs the illegal abortion is subject to up to three years' imprisonment and/or payment of a fine. If the pregnancy is of more than 90 days' duration, the penalty is increased to up to five years' imprisonment and payment of a fine. In both cases, the person may be subject to the payment of compensation. As of 1991, the new legislation did not apply to largely Christian Southern Sudan.” [6aj]

- 19.31 A report published by ReliefWeb on 3 May 2006, questioned: “Given the prevalence of sexual and gender-based violence in Darfur, why are safe abortion services and treatment of complications resulting from unsafe abortions or miscarriages not provided at all refugee/IDP health facilities?” [68i]

19.32 The report stated:

“Around one in twenty rape cases will result in unwanted pregnancy. Many others result in desertion by husbands and/or in such chronic health problems as pelvic inflammatory disease, HIV and other sexually transmitted infections. Psychological and physical trauma and malnutrition put rape victims at risk of miscarriage. Lack of access to health and contraceptive services cause women to seek unsafe abortions with potentially grave complications rather than carry a child to term. Violence is systematically used as a weapon of war by the Janjaweed militia, a gross breach of international humanitarian law. Similar acts in Rwanda and Bosnia are now considered crimes against humanity. The UN, governments and NGOs working with refugees and IDPs are obliged to provide protection from sexual violence. They must ensure that health services can respond to the consequences of sexual violence that women and girls are informed of their rights and that culturally appropriate treatment and counselling services are accessible to all women who need them.” [68i]

19.33 Further:

“Abortion is legal in Chad if it is a question of saving a woman’s life and protecting her health. Sudanese law allows abortion to save the mother’s life, or when the pregnancy is the result of rape which has occurred not more than 90 days before the pregnant woman expresses her wish to have the abortion, or when the child has died in the mother’s womb. The legal provisions in both countries are unambiguous: a Sudanese woman’s right to life and health is violated if she is forced to carry to term an unwanted pregnancy resulting from rape.” [68i]

Pregnancy and early pregnancy

19.34 An IRIN News report dated 18 June 2007 raised concerns regarding teenage pregnancy in Sudan:

“Christine Simon, 18, still has one-and-a-half years of primary school left but she is proud to have reached this level of education, despite growing up away from home, with a baby to support. ‘I want to read, to go on; that is why I came back to school’, Simon said in the Southern Sudan capital of Juba. Growing up a refugee in the Central African Republic (CAR) after the long war in Southern Sudan disrupted her education, Simon fell pregnant. She acknowledges that she was lucky - two of her friends who became pregnant are unlikely to get back to school. She and her former boyfriend have no interest in getting married, leaving his mother and aunt look after the baby, Chantal, while she is in class.” [10ae]

19.35 The report added:

“If Simon makes it to the end of next year, she will be one of the relatively small number of girls who finish primary school in Southern Sudan, according to the United Nations Children’s Fund (UNICEF). Simon’s headmaster reckons that as many as three-quarters of his female students drop out because of pregnancy, some as young as 11. He and two of his colleagues have themselves had daughters dropping out for the same reason. According to Simon, money and gifts are often an incentive to have sex with older men as

well as age mates. Furthermore: Teachers say the solution is to set up girls' boarding schools across the state. 'But then there'd still be the holidays,' said one. Really, we do not know what is going on." [10ae]

Fistula

- 19.36 UN Sudan and ReliefWeb both reported on 8 June and 10 June 2007 respectively that, the United Nations Population fund (UNFPA) Office in southern Sudan announced that since the beginning of the global campaign to end Fistula launched in 40 countries in 2003, the organisation has been implementing programmes, conducting training sessions and providing essential drugs and equipment aimed at the prevention and treatment of women who are suffering from fistula throughout Southern Sudan. [6u], [68h] "Obstetric fistula [is] an abnormal hole in the birth canal caused by prolonged labour without prompt medical attention and [it] leaves women with chronic incontinence and, in most cases, results in stillborn babies. Fistula occurs when emergency obstetric care is not available to women who develop complications during childbirth, which places women living in remote rural areas with little access to medical care at risk. Like maternal mortality, fistula is almost entirely preventable and occurs disproportionately among impoverished girls and women, especially those living far from medical services." [68h]
- 19.37 The report added that:
- "UNFPA estimates that 5000 new cases of obstetric fistula occur every year in Sudan where there are only three fistula centres across the country, in Western Darfur, Khartoum and Juba. In Southern Sudan, there are only eight qualified midwives with six in the capital city of Juba, Central Equatoria, and one each in Eastern and Western Equatoria States. This leaves seven States with no qualified midwives, where women are at an increased risk of developing fistula. This is further exacerbated by the fact that across the ten States of Southern Sudan, there are less than 30 general practitioners." [68h]
- 19.38 Likewise the UN News reported on 12 June 2007 that:
- "Obstetric fistula, which leaves women with chronic incontinence and in most cases a stillborn baby, is almost entirely preventable. However, there are only three health centres for fistula across in the vast country. Occurring disproportionately among impoverished girls and women, it occurs when emergency obstetric care is not available to women developing complications during childbirth. Many Sudanese women live far from the reach of medical services." [6af] Furthermore: "In Southern Sudan where reproductive health problems such as fistula are the leading cause of death and illness for women of childbearing age, there are only eight qualified midwives, and seven of the ten States have none. Further compounding the risk of developing obstetric fistula is the fact that there are fewer than 30 general practitioners in all of Southern Sudan." [6af]
- 19.39 ReliefWeb reported on 19 October 2007 about a number of women who spoke about the impact of their conditions in relation to Fistula at a momentous conference:

“They travelled from different places across Africa - Sudan, Tanzania, Niger, Nigeria, Kenya but their common stories brought them together at Women Deliver, a landmark conference focused on curbing pregnancy-related death and disability. As part of the Campaign to End Fistula, a delegation of six fistula survivors shared harrowing tales of childbirth gone wrong in panel events and plenaries, building awareness on a global platform of this preventable and treatable injury. Each presentation ended with a call to action, urging greater support and resources for safe motherhood.” [68n]

Prostitution

- 19.40 The USSD Human Rights 2007 report stated that: “Prostitution was illegal, but widespread throughout the country, and that trafficking in women remained a problem.” [3a] (Section 5)

VIOLENCE AGAINST WOMEN

- 19.41 The USSD Human Rights report for 2007 stated that:

“There are no laws specifically prohibiting domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. The government launched its Violence Against Women Action Plan in 2005; the program included awareness posters and a media campaign of zero tolerance for violence against women, increased the number of female police officers, and expanded training for police in Darfur. “[3a] (Section 5) Adding, “Southern women displaced by the north/south conflict were vulnerable to harassment, rape, and sexual abuse, particularly during informal repatriation to their place of origin” [3a] (Section 5)

- 19.42 The USSD 2007 report noted that: “the police arrested unmarried pregnant women who claimed to have been raped” and unless a victim could provide proof of the crime, she could be charged with the capital offense of adultery. [3a] (1g) Additionally “The punishment for rape under the law varies from 100 lashes to 10 years’ imprisonment to death. Spousal rape is not addressed. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum.” [3a] (section 5)

- 19.43 IRIN News reported that the Ugandan government stated at a meeting the previous day [8 May 2007] that:

“The rebel Lord’s Resistance Army (LRA) continued to hold thousands of abducted children and women, despite repeated pleas for their release from both the state and international organisations. Okello Oryem, a junior foreign minister and deputy head of the government delegation to peace talks with the LRA in Southern Sudan, told reporters in Kampala that we keep reminding the LRA about the request over the issue and on numerous occasions we tell them face-to-face to release the children and women they hold hostage. The answer we get is that the women and girls are their wives and children. The LRA has been widely accused of killing and maiming civilians and abducting

thousands of children and using them to fight or become servants and wives of adult soldiers". [10ff]

- 19.44 The World Organisation against Torture (OMCT) reported on 9 March 2007 about violence against two women who were sentenced to death by stoning on adultery charges. The report stated that the International Secretariat of OMCT had been informed by SOAT, a member of the OMCT network, of the recent sentencing to death by stoning of two women by the criminal court of Al-Azazi, Managil province, Gazeera state. [55d]

- 19.45 The report added that, SOAT had received information that the court, headed by Judge Hatim Abdurrahman Mohamed Hasan, had sentenced to death by stoning Ms. Amouna Abdallah Daldoum (23 years old) and Ms. Sadia Idries Fadul (22 years old from Tama tribe, Darfur), on 6 March 2007 and 13 February 2007 respectively, for committing adultery.

"The two women were charged under article 146 (a) of Sudan's 1991 Penal Code, which states that 'whoever commits the offence of adultery shall be punished with: a) execution by stoning when the offender is married (*Muhsan*); b) one hundred lashes when the offender is not married (non-*muhsan*)'." [55d]

- 19.46 HRW reported that in July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded that:

"Members of militia forces regularly perpetrate crimes of sexual violence against women and girls engaged in income generating activities, such as farming or collecting firewood, grass, and water. Market days are especially dangerous: armed men will intercept people coming to or from their homes to buy or sell goods. Attackers are often dressed in a variety of military uniforms and travel in small groups of men on horses and camels. They demean women and girls because of their African ethnicity, calling them 'slaves' and 'Tora Bora', meaning 'rebel', as they beat them with whips, gun butts, or fists. Victims of these abuses have been told to get off the land and stop collecting wood. Fighters from the SLA/Minawi former rebel group are also implicated in sexual violence, especially in the area of Tawila and Korma in North Darfur in 2007. Women and girls are often targeted because of their ethnicity and accused of supporting the SLA/Abdul Wahid rebel faction. Government soldiers and other state actors have also committed acts of sexual violence both in large attacks against entire populations, as was the case in Dereibat, and in small attacks against women and girls inside and outside camps and villages." [19r]

- 19.47 The report added:

"The issue of sexual violence remains shrouded in silence. Social stigmatization prevents many victims from telling relatives, doctors, or police what has happened to them. Some government officials deny that rape is a serious problem in Darfur, and humanitarian aid workers are afraid of jeopardizing their work if they speak out about the issue. This allows the police to ignore victims or seek to punish them by countering their claims with charges of adultery." [19r]

Rape

- 19.48 AI, HRW, ReliefWeb, UN and BBC News all reported of the continuing violence against women particularly rape of women and girls and all concurred that rape was widespread. [16y],[19r],[68i],[6q],[9j]. AI recorded in its annual report for 2007 that violence against women was prevalent. [16y] (p3)

“Rapes of women by Janjawid militias in Darfur remained systematic. Most rapes of women took place when they ventured outside IDP camps to collect firewood. Other women were raped after Janjawid attacks on villages. The perpetrators benefited from almost complete impunity. Authorities routinely took no effective action to investigate women’s complaints of rape. At worst, raped women were arrested for adultery. [16y] (p3) In May military police travelling by train to Nyala raped six women near Belail IDP Camp. Community leaders reported the rapes to the police, who immediately arrested three men. By the following day they had all been released. Janjawid accompanying the armed forces offensive in North Darfur in September captured five girls and women aged between 13 and 23 in the village of Tarmakera, south of Kulkul. They were reportedly raped and severely beaten before being released the following day.” [16y] (p3)

- 19.49 Physician’s for Human Rights (PHR) reported on 14 May 2007 that:

“The widespread use of rape of women and girls as young as eight in Darfur has been a horrific reality since the violence there began in 2003. Systematic rape, used to terrorize and humiliate both the victims and their families, is a crime against humanity. Currently, women and girls are being raped when they leave the relative security of the camps for refugees and the internally displaced to gather firewood and water, vital commodities. The vast majority of these crimes are being perpetrated by the Janjaweed militias who carry out attacks with the support of and in concert with the Government of Sudan (GOS).” [34e]

- 19.50 The USSD Human Rights report for 2007 stated that:

Women in Darfur were vulnerable to abuse and rape. Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for ‘illegal pregnancy’. Despite a 2005 decree that waived the requirement for rape victims to file a police report before receiving medical treatment, some local authorities continued to require the report. [3a] (Section 5) The report however noted that according to the UN and several international NGOs, many local police were unaware of the new policy. The report added that: “Many women distrusted the police, and few victims actually filed reports.” [3a] (Section 5)

- 19.51 The report also noted that

“The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.” [3a] (Section 5) Furthermore: While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person’s modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not

available.” Also that there were frequent reports of sexual harassment by police in Darfur and elsewhere. [3a] (Section 5)

19.52 The UN Secretary General’s (UN SG) Report of 27 July 2007 stated that:

“During the reporting period, the female population of Darfur continued to be the target of systematic sexual and gender-based violence. In a single camp for internally displaced persons in Western Darfur, Massalit women and girls between the ages of 15 and 60 were involved in at least eight different reported incidents of sexual and gender-based violence between late January and early March 2007; in February alone, nine female internally displaced persons, including two girls under the age of 10, were raped in six separate incidents in various parts of Darfur, usually near camps for internally displaced persons; and, in a 14 April incident, a 10-year old girl was physically assaulted and raped by an armed man on the outskirts of the Hamadiya camp in Zalingei (Western Darfur) while collecting firewood outside the camp with seven other women.” [6q]

19.53 In its 2007 world report on events of 2006, Human Rights Watch (HRW) noted that:

“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.” [19p]

19.54 Refugee International reported on 28 June 2007 that a report regarding Sudanese laws exposes an unjust system that compounds rape victims' trauma [81a]

“Sudan’s laws governing rape expose rape victims to further abuse, shield perpetrators from prosecution, limit the ability for survivors to receive medical services and generally deny any access to justice, according to a detailed analysis by Refugees International. The crisis of rape in Sudan’s Darfur region can’t be addressed until Sudan revises its laws, says the report, ‘Laws Without Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape’. The Refugees International report examines Sudan’s laws on rape and makes a series of recommendations on how they can be revised. The report also encourages international support of Sudanese civil society organizations and opposition members of Parliament who are calling for changes to these laws. Laws Without Justice was written by Adrienne Fricke, an Arabic speaking lawyer, and Amira Khair, a Sudanese human rights advocate who has worked extensively with rape victims in Darfur, after extensive interviews and legal analysis in Sudan.” [81a]

19.55 The report added:

“ ‘Much has been written about the scale of rape in Darfur’, Fricke said. ‘But unless we understand the legal mechanisms that are creating and reinforcing the problem, it will be impossible to bring justice to the victims or reduce the

incidence of rape. Denying justice to these women only compounds the terrible physical and psychological trauma of rape’.” [81a]

- 19.56 Physicians for Human Rights (PHR) its 2007 report regarding the continuing rape and sexual violence against women in IDP camps noted:

“Rape and sexual violence continue at an alarming rate in the ongoing genocide in Darfur. Sudanese security forces, including police deployed to protect Internally Displaced Persons (IDPs), and allied Janjaweed militias have been implicated in acts of rape and sexual violence. Women IDPs and refugees report also being forced to exchange sexual favours for desperately needed goods and services. The Office of the Prosecutor of the International Criminal Court has identified ‘high numbers of ... mass rapes and other forms of extremely serious gender violence’.” [34a]

- 19.57 The report continued:

Mass rapes in Darfur effectively terrorize the people, break their will, and destroy the fabric of society. In addition to causing horrific mental and physical trauma, rape has serious social and economic consequences in Darfurian society, often making the victim ineligible for marriage and causing her to be ostracized by the community and even her own family. [34a]

- 19.58 Human Rights Watch reported in April 2008 of the sexual violence in Darfur in 2007-2008

“Rape and other forms of sexual violence remain endemic to the Darfur conflict. As documented extensively, it featured prominently in the government’s “ethnic cleansing” campaign, both during and following displacement to date, sexual violence continues to threaten the safety of women and girls across Darfur in patterns that reflect current conflict dynamics and the breakdown of law and order.” [19i]

FEMALE GENITAL MUTILATION (FGM)

- 19.59 According to Ms. Asha El-Karib, who addressed Canada’s Standing Senate Committee on Foreign Affairs in May 2005:

“Female genital mutilation in Sudan is a serious challenge for women and girls in the country. The rate of prevalence of female genital mutilation in Sudan is still over 80 per cent, despite years of work from activists, civil society and women’s groups to fight the practice. It has, of course, very serious impacts on women in different aspects. First, there are serious impacts on the health of girls and women. In most cases, the environment is very bad, the utensils used are unhygienic, and girls often die through or because of the effect of the practice. During adolescence and early marriage and throughout their reproductive lives, when women give delivery and also in situations where the health service is very poor, they suffer from bleeding and difficult labour and they die because of those ... Female genital mutilation is psychologically harmful to women and girls. They live the trauma throughout their lives. They get very little support and assistance in this area. There are many incidents of psychological stress, depression and even mental breakdown because of the practice of female genital mutilation. It is a serious violation of girls’ rights, as it

is practiced on very small girls. In some areas of Sudan, female genital mutilation is practiced on seven-day-old babies.” [39a] (p12)

- 19.60 An IRIN News report of 25 May 2005 outlined the continuing practice of FGM in Sudan.

“Omnia was nine years old the day she was forced onto a cold metal table by her mother and grandmother and circumcised by a stranger. Now 22, she has never forgotten the incident. ... According to experts, circumcision of women which is now widely known as female genital mutilation (FGM) is more commonly practised in Sudan than anywhere else in the world. Across the East African country, FGM is a respected custom. Although its origin is still unknown, many argue that it is practised for the sake of religious commitment or tradition. It is also believed to control the sexual appetite of a woman, thereby minimising promiscuity. ... According to the UN Children's Fund (UNICEF), almost 90 percent of Sudan's female population undergo 'the cut' especially in the north. In many cases it is practised in its most extreme form: infibulation or pharaonic circumcision.” [10p]

- 19.61 The USSD Human Rights 2007 report recorded that:

“FGM remained widespread, particularly in the north. FGM was becoming less common as a growing number of urban, educated families abandoned the practice. In a compromise with tradition, some families adopted clitoridectomy, the least severe form of FGM, as an alternative to infibulation. Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulation, the most common form of FGM. The government actively campaigned against it. Several NGOs worked to eradicate FGM.” [3a] (Section 5)

Government attitude/policy to FGM

- 19.62 The USSD's report on FGM or Female Genital Cutting (FGC), released on 1 June 2001 stated that:

“The government of Sudan publicly opposes Type III or infibulation. Although today there is no law against FGM/FGC, Sudan is the first country in Africa to have a record of legislating against it. As early as 1930 an article appeared, written by a medical student, about the harmful effects of the practice and urging that it be abolished. Sudan was then under an Anglo-Egyptian administration. The article was withheld from distribution by government authorities.” [3q]

- 19.63 The report also added that: “In 1943, a medical committee was set up by the governor-general to study the practice. The conclusion was that it was cruel and should be abolished. A radio and media campaign followed. Nothing, however, was done. As a result, an amendment to the 1925 Penal Code was introduced in 1946 to outlaw Type III. The 1946 Penal Code prohibited Type III, but permitted the less severe form. Families hurried to have their girls' infibulated before the law went into effect. The law provided for imprisonment up to seven years and a fine for those who carried out the procedure. There were violent demonstrations after the first arrests.” [3q] However, the report further added: “Despite a massive effort to eradicate the more severe form of

FGM/FGC and a law that prohibited it, there has been little effort over the years to enforce it.” [3q]

- 19.64 The USSD’s Report 2007 noted that the government did not support FGM and actively campaigned against the practice also that several NGOs worked to eradicate FGM. [3a] (Section 5)

WOMEN: WEST SUDAN (DARFUR)

- 19.65 HRW reported on 22 August 2007 that:

“... Women in Darfur are also at risk of sexual violence outside the context of large attacks. Women risk being raped if they leave their camp for internally displaced people to search for firewood. In some areas, the current African Union Mission in Sudan (AMIS) has provided ‘firewood patrols’ to accompany groups of women once or twice a week as they gather firewood. But these patrols have often been ineffective due to poor organization, lack of resources, and lack of communication with the people who benefit from the patrols. Human Rights Watch welcomed the recent agreement on a proposed AU-UN hybrid force for Darfur. However, that force will not be on the ground until next year. [19e] Furthermore: “In 2005, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC). When serious sexual violence forms part of a widespread or systematic attack against civilians, it can constitute a crime against humanity. In the case of Darfur, such crimes could be prosecuted under the jurisdiction of the ICC.” [19e]

WOMEN: SOUTH SUDAN

- 19.66 The *Sudan Tribune* reported on 29 September 2007 regarding the importance of women being educated, organised and united in order to bring about change. [12u]

“For women to be able to bring changes in Sudan, they must be educated, organize and united before they could achieve anything, SPLM Deputy Secretary General Southern Sector Dr. Anne Itto has said. Opening the first SPLM Women League National Conference, today in Juba, under the theme: SPLM Women; shall power the liberation of the marginalized under the auspices of SPLM Secretary General Pagan Amum, Anne reminded SPLM Women delegates that late Dr. John Garang used to say that rights are not given but taken by force of unity. She emphasized that if southern Sudanese women understand their problems, then it will be easy to find a solution to it as was the case of southern Sudan problems that were finally resolved through Machakos protocols that pave ways to signing of the CPA on 9 January 2005. She also observed that previously parents in the then liberated areas of new Sudan were much more educated than their children partly because of war situation then. She appealed to all southern Sudanese women to seriously ensure that their children go to school.” [12u]

- 19.67 The USSD report for 2007 stated that “Southern women displaced by the north/south conflict were vulnerable to harassment, rape, and sexual abuse, particularly during informal repatriation to their place of origin” [3a] (Section 5) Whilst the November 2005 FMR report records that: “During resettlement, women face specific challenges including increased burdens as female heads

of household, little access to healthcare and education, and few economic opportunities.” [32a]

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CHILDREN

GENERAL INFORMATION

Brief Overview

- 20.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 14 of the INC states that: "(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically; and protect children from moral and physical abuse and abandonment." [94a] (p7)
- 20.02 The USSD Human Rights report of 2007 stated that:
- "Although mandated by the interim constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy." [3a] (Section 6d)
- 20.03 Save the Children reported on 9 January 2008, that, the mortality rate for children is still high in southern Sudan, further warning that three years after the signing of the Comprehensive Peace Agreement between north and south Sudan, thousands of children are still facing death.
- "One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." [24d]
- 20.04 The report added that:
- "The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers," said Patience Alidri, Save the Children's Southern Sudan Country Director. [24d]
- 20.05 UNICEF's website accessed 4 August 2008 provided statistics and detailed information on the basic demographics regarding children in Sudan. [40c]

Age of consent

- 20.06 Khartoum US Embassy noted in its February 2001 report that: Male applicants must be at least 18 years old, while females must be at least 16 years old. If

an applicant does not meet the age requirements, then he/she must obtain the consent of the parents or the Khartoum Province Judge. [88a]

- 20.07 The USSD Human Rights report for 2007 recorded that: "The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage." [3a] (Section 5)

Judicial and penal rights

- 20.08 The Office of High Commissioner for Human Rights reported the following concerning penal rights in Sudan. The March 2007 report has been taken from its global initiative to end all corporate punishment of children.

"Corporal punishment is lawful in the home. There is no legislation concerning violence against children in Southern Sudan. Drafting of a children's act was due to begin in April 2005 but we have no further information." [6t]

- 20.09 The report stated that:

"Corporal punishment of boys is lawful in schools under the School Regulations (1993), and in alternative care settings. In the penal system, corporal punishment is lawful as a sentence for crime. The Sudanese Criminal Code (1991) is partly based on Shari'a law, reinstating hadd offences and the law of qisas and diyat, and allowing for flogging and amputation. Article 47 states that among the measures a court may order is "flogging as a disciplinary punishment for any person having attained 10 years of age, although not more than 20 lashes of the whip may be administered". Flogging is a penalty for other offences in the Criminal Code and the Public Order Act (1996), and the manner in which it should be carried out is regulated by the Criminal Procedure Act (1983). Amputation is also a penalty under the Criminal Code, e.g. for armed robbery (article 168). Corporal punishment is also lawful as a disciplinary measure in penal institutions." [6t]

EDUCATION

- 20.10 UNICEF reported in its humanitarian action report 2007 that: "Despite efforts that have increased the number of children receiving basic education, hundreds of thousands remain out of school, while child-friendly learning spaces and qualified teachers are lacking." [40f]

- 20.11 The USSD Human Rights Report for 2007:

"The government was somewhat committed to children's rights and welfare, but there were great disparities by regions. While education is compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education up to grade eight, but students continued to be expelled from class for failing to pay school fees, despite a 2005 government decree prohibiting the practice; nearly all children were charged fees for "school support" or "community contribution." There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrolment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the north boys and girls generally had equal access to education (enrolments of 50 and 47 percent, respectively),

although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of three boys for each girl.” [3a] (Section 5) (also see 21.05)

- 20.12 The same report also added that: “UNICEF reported that while school enrolment among IDPs and in nomadic communities remained low, there was an increase in student numbers during the year.” [3a] (Section 5)

Education - South Sudan

- 20.13 UNICEF in its humanitarian action report 2007 recorded that:

“In Southern Sudan, UNICEF will ensure that 750,000 children already enrolled remain in school; enrol an estimated 500,000 out-of-school boys and girls, orphans and vulnerable children (OVC) and demobilized child soldiers as well as 100,000 returnee children, and promote their participation in basic education (including alternative learning systems for over-aged girls and out-of-school youth); improve the skills of 2,500 teachers/facilitators through fast-track training on interactive teaching methodologies, and provide intensive English language training to 200 returnee teachers. In North Sudan, UNICEF will ensure access to quality basic education for an additional 59,500 primary school-aged children, and nearly 9,500 nomadic children in Abyei and Darfur; strengthen the capacity of local educationalists through vocational and teacher training for 2,000 adolescents and 155 teachers; and reach 100,000 children and 200 teachers with correct information and life skills to reduce their risk of acquiring HIV/AIDS and increase their ability to inform others.” [40f]

- 20.14 The USSD Human Rights report for 2007 stated that: “In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of three boys for each girl.” [3a] (Section 5)

- 20.15 UNICEF reported on 8 July 2008 that Southern Sudan celebrated its annual Girls’ Education Day the previous day, stating that the day was “an opportunity to acknowledge achievements in girls’ enrollment [sic] and galvanize action to close the gender gap in education.” [40j]

- 20.16 The report added that:

“This year celebrations were focused in the Lakes State capital of Rumbek where thousands of school children gathered in the town’s Freedom Square. The event, which was attended by representatives of the Government of Southern Sudan, Ministers of Education from all ten States, United Nations and NGO partners, was presided over by the Governor of Lakes State, H.E. Daniel Awet Akot and the Minister of Education, Science and Technology of the Government of Southern Sudan, H.E. Professor Job Dhoruai.” [40j]

Education - West Sudan (Darfur)

- 20.17 UNICEF reported on 5 November 2007 that the Executive Director of UNICEF Ann M. Veneman expressed her optimism at the progress she had witnessed

for women and children, during her recent tour in Sudan, while noting that more efforts were needed, especially in tackling high rates of child and maternal mortality.

“Ms. Veneman was particularly impressed by the number of children now learning again in Southern Sudan. In the town of Malakal, she toured classrooms in one UNICEF-supported school to see first hand how enrolment had leaped in the last two years, since the Comprehensive Peace Agreement that ended Sudan’s civil war. Across Southern Sudan, primary school attendance has almost tripled from wartime estimates of 340,000 to some 1.2 million children now in classes.” [40b]

- 20.18 In UNICEF’s report above, Ms. Veneman described the new unit as a potential model for the rest of Africa in both raising awareness of, and providing support to, those affected by gender-based violence. “ ‘I come away from my time in Sudan with a sense of optimism about progress being made in many parts of Sudan’, said Ms. Veneman. ‘And while there is a lot to be done and lot of issues to be resolved, especially in Darfur,’ she added, ‘I think that the country is generally headed in the right direction with regards to progress for women and children’.” [40b]

CHILDCARE AND PROTECTION

Violence against children

- 20.19 Save the Children reported in November 2006 that a newly formed child Protection Unit has been established in Khartoum, northern Sudan.

“Sudan Police has officially formed a Pilot Child/Family Protection unit within a Rights Framework. This initiative is jointly supported by SCS Northern Sudan Programme in collaboration with UNICEF and Sabah (a local NGO who has been a long standing partner of SCS). This unit had been formed under the auspices of the Police Public Law and Order Dept. previously considered notorious for its gross violations of Human Rights in general and wide practice.” [40b]

- 20.20 The Sudan Tribune reproduced allegations in an article by the Daily Telegraph (London), originally published on 3 January 2007, stating that the UN peacekeepers and civilian staff were raping and abusing children as young as 12 in southern Sudan.

“The newspaper, in a story posted on its Web site, said it had gathered accounts from more than 20 young victims in the town of Juba of U.N. civilian and peacekeeping staff forcing them to have sex. The abuse allegedly began two years ago when the UN mission in southern Sudan (UNMIS) moved in to help rebuild the region after a 23-year civil war. The UN has up to 10,000 military personnel in the region, of all nationalities and the allegations involve peacekeepers, military police and civilian staff. The first indications of sexual exploitation emerged within months of the UN force’s arrival and The Daily Telegraph has seen a draft of an internal report compiled by the UN children’s agency UNICEF in July 2005 detailing the problem.” [12ac]

- 20.21 CRIN and UN News both reported on 6 April 2007 that: “ ‘Soldiers came in cars heading towards the hills. Three were in green military uniform and the

fourth was in civilian clothes. All four of them were armed and all of them raped me', said one 13-year old victim", according to the report. [71a], [6ae]

20.22 An article in the Forced Migration Review (FMR) of July 2007 stated that:

"The protection and well-being of children in Sudan are at a crucial juncture. While children in the South are enjoying improved security and access to services, those in Darfur continue to face appalling levels of violence and denial of basic services. Protection of children must be at the forefront of efforts to bring peace and stability to Sudan." [32b] (p36)

20.23 CRIN again reported on 17 September 2007 that:

"Sudanese children continue to face grave violations of their human rights, from being recruited and used by armed forces and groups to suffering rape or sexual abuse at their hands, according to Secretary-General Ban Ki-moon's latest report on children and armed conflict in the African country. Mr. Ban says the situation in general for Sudanese children 'is showing small signs of improvement', but cases of killings, abductions and rapes are still being recorded and the ongoing conflict in the Darfur region means there is limited humanitarian access to children at risk. "... Mr. Ban voices deep concern that 'sexual violence against women and girls continues with impunity throughout the country', and especially in Darfur, where rebel groups have been fighting Government forces and allied Janjaweed militia since 2003. He calls on Khartoum to step up its efforts to enforce the rule of law, including by establishing child and women protection units within the police force and by training social workers and judicial officials." [71c]

20.24 The report added that:

"... The allegations will be deeply embarrassing to the new UN Secretary General, Ban Ki-moon, as the UN is pushing to be allowed to launch a new peacekeeping mission to help end the humanitarian crisis in Sudan's north-western region, Darfur. The Telegraph understands that the Sudanese government, which is deeply opposed to the deployment of UN troops to Darfur, has also gathered evidence, including video footage of Bangladeshi UN workers having sex with three young girls. Further adding that many of the children who claim to have had sex with UN personnel in Juba belong to southern Sudan's 'lost generation', who have been separated from their families by the recent civil war, and are now sleeping who now sleep rough on the streets of Juba, the regional capital." [12ac]

Forced/Customary Marriages

20.25 The Gurtong reported in 2004 the following concerning customary marriages in Sudan.

" 'Customary Law is a manifestation of our customs, social norms, beliefs and practices. It embodies much of what we have fought for these past twenty years. It is self-evident that Customary Law will underpin our society, its legal institutions and laws in the future' - Chief Justice Ambrose Thiik. During the past twenty years of civil war, customary law has been the primary source of social order and stability within southern Sudan. It has been the cement that has held together communities and tribes and a bridge between the many and

varied tribal groups that make up the population of the region. It is also, as described by Chief Justice Thiik, a symbolic affirmation of southern Sudanese culture, tradition and indigenous identity.” [18r]

Forced Labour

20.26 The USSD Human Rights report of 2007 noted that:

“The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued. Although the government continued to deny that slavery and forced labor existed, CEAWC acknowledged that abductions had occurred. Both the government and rebel factions continued to conscript men and boys into the fighting forces. Abduction, forced labor, and sexual slavery of women and children continued.” [3a] (Section 6c)

20.27 The report also noted that: “... Child labor remained a problem mainly in the informal sector. In the south children, particularly girls, often worked in the fields.” [3a] (Section 5) Also that: “Child labor existed in the south, particularly in the agricultural sectors, where children were employed as field workers, harvesters, and street vendors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.” [3a] (Section 6d)

20.28 Furthermore:

“Although mandated by the interim constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy.” [3a] (Section 6d)

Health and Welfare

20.29 The USSD Human Rights Report for 2007 recorded that a large number of children suffered abuse, including abduction, enslavement, and forced conscription during the reporting year. [3a] (Section 5)

20.30 Additionally:

“The government operated ‘reformation camps’ for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam. In the IDP camps in Darfur and refugee camps in Eastern Chad, rebel groups often conscripted teenage males. Conscripts faced significant hardship and abuse in military service, often serving on the front line. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam. [3a] (Section 5)

20.31 Furthermore:

“Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement. Child labor remained a problem mainly in the informal sector. In the south children, particularly girls, often worked in the fields.” [3a] (Section 5)

20.32 The USSD report for 2007 noted that: “Children who were abandoned or whose parentage was unknown--regardless of presumed religious origin--were generally considered Muslims, at least in the north. Christian families were generally permitted to adopt only Christian children.” [3a] (section 2c)

20.33 A May 2007 report by Save the Children recorded the following, regarding the impact of children in the prolonged civil strife in Darfur, noting that children are particularly vulnerable to the violence, displacement, hunger, disease, abuse and exploitation that is prevalent in the conflict situation. An estimated 1.7 million of the conflict-affected are children under the age of 18, whilst as close to 600,000 children are under the age of five. [24f]

- “Children have been displaced from their homes and are in need of shelter
- Children are at risk of rape, abduction, recruitment into fighting forces, harassment and widespread violence
- Children have not got adequate food, clean water, basic healthcare and education. Malnutrition rates for under fives may be as high as 33 %
- Hundreds of children have been separated from their families, leaving them extremely vulnerable.” [24f]

20.34 Save the Children reported on 9 January 2008 that three years after the Comprehensive Peace Agreement was signed between north and south Sudan, thousands of children are still facing death.

“One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change. [24d]

20.35 The report added that:

“The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers,” said Patience Alidri, Save the Children's Southern Sudan Country Director. [24d]

20.36 UNICEF in its humanitarian action report 2008 recorded that: “With continued violence, insecurity and increasing fragmentation of the various rebel factions, the situation of children and women remained precarious.” [40h] (p148)

CHILDREN'S HOMES

20.37 The Children's Rights Information Network (CRIN) reported on 3 July 2007 that the UN Children's Fund and Sudanese authorities have launched a campaign to prevent people from abandoning infants and to find temporary families to avoid placing the children in institutions. "A joint assessment carried out in 2003 by the Government and UNICEF found that an estimated 100 newborns were being abandoned on the streets of the capital Khartoum every month. 'Half of these were dying on the streets, the others left with no alternative but institutional care', the agency stated." [71e]

20.38 The report added:

"These 'alarming statistics' led the Ministry of Social Affairs for Khartoum State and UNICEF to develop a pilot programme to move away from institutional care towards the placement of children with alternative families. Evidence shows that children's development is improved when placed within alternative families, including dramatic changes in motor, language and social development, the agency noted. Based on the Islamic system of kaffala, which requires communities and families to support the welfare of vulnerable children, some 500 emergency alternative families that are willing to provide temporary care for abandoned babies have been identified." [71e]

20.39 The report continued:

"The launch of the initiative coincides with the planned closure of Khartoum's largest orphanage, Maygoma, which in 2004 received nearly 700 new referrals despite concerns over the quality of care being provided to abandoned children. In the last three years, as the pilot family care programme was developed and non-governmental organizations assisted in the management of the orphanage, more than 2,500 children were moved to the family care system." [71e]

FORCED CONSCRIPTION

Forced Conscription: West Sudan (Darfur)

20.40 UNICEF reported on 11 June 2007 that the organisation "welcomed an announcement by the Sudan Liberation Movement/Army (SLM/A) – one of the signatories to the Darfur Peace Agreement – that it would begin handing over children associated with its armed groups in Darfur. The SLM/A has indicated that it has already identified a number of children attached to its forces in South and North Darfur and that a formal process of identifying all children associated with its armed groups would start within the next month." [40i]

20.41 The USSD Human Rights report for 2007 stated that:

"Recruitment of child soldiers remained a serious problem in Darfur." The report made reference to another report issued by the UN in August 2006 on Children in Armed Conflict in Sudan, which cited recruitment of child soldiers by the SAF, government-aligned Popular Defense Forces (PDF), janjaweed, central reserve police, and numerous Darfur rebel groups including the JEM,

the SLA/Minawi, the SLA/Wahid, the SLA/Peace Wing, and the SLA/Abu Gasim. The same report also cited recruitment of child soldiers by Chadian rebel forces operating inside Sudan, and also that Darfur rebel groups recruited child soldiers in the Sudanese refugee camps in Chad. [3a] (Section 1g)

20.42 The report also noted that:

“Government and government-aligned militias conscripted children and accepted children as soldiers Child trafficking continued, and child prostitution was widespread.” [3a] (Section 5)

20.43 Further adding that: “A large number of children suffered abuse, including abduction, enslavement, and forced conscription. “ There were also reports that: “Government-aligned militias and rebel forces conscripted or accepted young men and boys into the aligned militias in Darfur.” [3a] (Section 5) And also that: “A large number of children suffered abuse, including abduction, enslavement, and forced conscription.” [3a] (Section 5)

20.44 The USSD Human Rights report for 2007 continued:

“In the IDP camps in Darfur and refugee camps in Eastern Chad, rebel groups often conscripted teenage males. Conscripts faced significant hardship and abuse in military service, often serving on the front line. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.” [3a] (Section 5)

20.45 Child soldiers global report 2008 stated:

“The SAF denied recruitment or use of children in their forces, but military officials acknowledged that children from armed groups were transferred into their forces during the unification process. In May 2006, child soldiers were seen in a newly integrated SAF unit. In August 2006 the SAF estimated that there were approximately 19,000 soldiers in these units and it was thought that a significant number of them were under 18.40 There were reports of children associated with both the SAF and allied militias in Darfur.” [42a]

20.46 The same report also noted that:

“Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south.” [42a] (also see 9.16)

20.47 The US State Department’s Trafficking in Persons Report, 4 June 2008 noted that:

“There were confirmed reports of unlawful child recruitment in mid-2007 by the JEM/Peace Wing among communities of internally displaced persons in Dereig, South Darfur. Militia groups in Darfur, some of which are linked to the government, abduct women for short periods of forced labor and to perpetrate sexual violence. Forcible recruitment of adults and particularly children by

virtually all armed groups involved in Sudan's concluded north-south civil war was commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin. In addition to the exploitation of children by armed groups during the two decades-long north-south civil war, thousands of Dinka women and children were abducted and subsequently enslaved by members of the Missiriya and Rezeigat tribes during this time. An unknown number of children from the Nuba tribe were similarly abducted and enslaved. A portion of those who were abducted and enslaved remained with their abductors in South Darfur and West Kordofan and experienced varying types of treatment; others were sold or given to third parties, including in other regions of the country; and some ultimately escaped from their captors. While there have been no known new abductions of Dinka by members of Baggara tribes in the last few years, inter-tribal abductions continue in southern Sudan, especially in Jonglei and Eastern Equatoria states." [3g](p11)

Forced Conscription: South Sudan

20.48 Save the Children reported on 2 February 2007 that child soldiers were being actively recruited as frontline fodder in at least 13 countries including Sudan. "Ten years after international guidelines were established to stamp out the recruitment and use of child soldiers, under-age fighters are still actively being recruited the report stated. Government forces are also implicated in countries such as Southern Sudan, where the SPLA is re-recruiting children who have already been released from their own ranks." [24c]

20.49 The report added that children as young as eight are being recruited by the government army of Southern Sudan.

"Child soldiers are subjected to brutal intimidation, often forced to commit atrocities as military 'training', and then used on the frontline. Whether violently abducted, coerced into signing up or 'volunteering' because they have no safe alternative, they get no access to school or healthcare and are exposed to abuse and exploitation. Girls taken to become army 'wives' are often subjected to physical, sexual and emotional abuse. When released, ex-child soldiers are frequently rejected by society, refused access to school, and find it impossible to re-enter 'normal' life after so long immersed in violence. Girls as young as 12 have to deal with rape, and care for babies in isolation without any support from the community." [24c]

20.50 IRIN reported also on 2 February 2007 that "Boys in Sudan's war-torn Darfur region are increasingly at risk of being recruited into armed groups, while sexual violence against girls is unabated, despite growing official awareness, a top United Nations envoy said." [10ei]

20.51 Following visits to Darfur and the South Sudanese capital of Juba and meetings with top Sudanese government representatives, the UN Special Representative to the Secretary-General on children and armed conflict, Radhika Coomaraswamy stated: "While Sudanese officials have made promises to reduce threats to children, little progress has been seen on the ground. There is recognition in Sudan at the official level of the problems of child recruitment and sexual violence, [Sudan] has agreed to frameworks and they have agreed to commitments. However, we are concerned that there's

not enough implementation and that the results are not showing on the ground.” As reported by IRIN News on 21 February 2007. [10ez]

20.52 The report also stated that children are being increasingly recruited by both rebel factions and the Sudanese army. “Independent monitors have pointed out to us through verified data that child recruitment is increasing in Darfur and that all parties to the conflict engage in child recruitment.” The report however noted that child recruitment in southern Sudan was decreasing, following the signing in 2005 of the Comprehensive Peace Agreement. “However, Coomaraswamy said. Programmes aimed at reintegrating former child soldiers into society had faced difficulties.” [10ei]

20.53 Furthermore:

“Thousands of children were recruited into the SPLA during the civil war and some former child soldiers are struggling to readjust to life outside the military. We found that reintegration programmes of child soldiers are not working as well as we would like, Coomaraswamy said. “What happens is children are demobilised, but they come back to the armed camps because they feel alienated in their communities.” [10ei]

20.54 A report by UNICEF, accessed via the Child-soldiers website on 30 April 2007, stated that the organisation’s Ambassador James Nesbitt, returned from southern Sudan that week where he reported that he “heard harrowing stories from children who were recruited into the armed forces during Sudan’s long-running civil war. While conflict still rages in Darfur, the South has been at relative peace since 2005; however the children still bear the scars.” [40e] Visiting the small town of Leer in Unity state the Ambassador said he heard stories from girls and boys who are amongst the “thousands used as soldiers during the war but also as porters, cooks messengers and for sexual purposes.” [40e]

20.55 The report noted however that, “Child recruitment has declined in southern Sudan and the government is leading on the demobilisation process. The region is desperately poor and infrastructure is limited.” [40e] The report added that: “In order to ensure that children are not re-recruited they need opportunities to go to school and learn skills so that they can earn an income. There is a pressing need to increase reintegration programmes to enable children to successfully return to civilian life without fear of re-recruitment.” [40e]

20.56 The USSD Human Rights report for 2007 stated that: “The Government of Southern Sudan generally did not interfere with privacy, family, home, or correspondence in the south. Unlike in the previous year, southern militias, especially the South Sudan Independence Movement, did not forcibly conscript citizens, including children.” [3a](1f)

20.57 The further stated that:

“During the past 20 years, the LRA kidnapped more than 20,000 Ugandan children, took them back to the northern part of Uganda, and forced them to become sex slaves, porters, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in Southern Sudan. The government permitted the Ugandan army access to Southern Sudan to pursue

the LRA. Although Ugandan military operations have significantly reduced LRA numbers, the LRA continued to operate in the south and to hold child abductees, despite its August 2006 signing of an agreement to cease hostilities; such LRA attacks restricted humanitarian activities.” [3a] (Section 5)

20.58 UNICEF’s humanitarian report for 2008 recorded that:

“While some recovery and development actions are taking place in Southern Sudan, the area is still thought to have one of the highest, if not the highest, maternal mortality ratio in the world, with only 10 per cent of births assisted by qualified personnel. Over 15 per cent of children under the age of 18 are orphans, with one in five children an orphan in some regions. Infant and neonatal mortality rates are amongst the highest in the world, and child malnutrition rates, although not a problem for under-one children, are of major concern. Recurrent drought and chronic food insecurity over the past four decades have contributed to both acute and chronic malnutrition, and stunting in children under the age of 14 is amongst the highest in the world, reflecting inadequate nutrition over a long period of time. Wasting is a major problem, with the worst cases in Western Bahr el Ghazal affecting 9 per cent of under-five children. Water, sanitation and hygiene is a critical issue with only 15 per cent of people drinking treated water and less than 7 per cent having access to a safe means of excreta disposal.” [40h] (p148)

See also Section 9.01: [Military Service](#)

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EDUCATION

21.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 13 (1) of the INC records that:

- “(a) The State shall promote education at all levels all over the Sudan and shall ensure free and compulsory education at the primary level and in illiteracy eradication programmes.
- (b) Every person or group of persons shall have the right to establish and maintain private schools and other educational institutions at all levels in accordance with the conditions and standards provided by law.” [94a] (p7)

21.02 Prior to the signing of the INC, the Encyclopaedia Britannica (EB) Online recorded that:

“A modern educational system was established in The Sudan in the 1970s when the government reorganized a haphazard system of schools inherited from the British colonial government.” [62c] (p3)

21.03 EB 2004 also reports:

“It [the national educational system] consists of a six-year curriculum for primary (or elementary) schools and a three-year curriculum for junior secondary schools, from which students can progress to any of three types of schools: a three-year higher secondary school to prepare students for higher education; a four-year commercial, agricultural, or other technical school; or a four-year teacher training school.” [62c (p3-4)]

21.04 EB online further states that:

“The primary language of instruction in the nation’s primary schools, in both the north and south, is Arabic.” (p4) It also said that: “English was formerly the medium of instruction in the nation’s universities and secondary schools but has now been largely replaced by Arabic.” [62c] (p4)

21.05 The USSD Human Rights report for 2007 stated that:

“The government was somewhat committed to children's rights and welfare, but there were great disparities by regions. While education is compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education up to grade eight, but students continued to be expelled from class for failing to pay school fees, despite a 2005 government decree prohibiting the practice; nearly all children were charged fees for "school support" or "community contribution." There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrolment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the north boys and girls generally had equal access to education (enrolments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to

school. In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of three boys for each girl.” [3a] (Section 5) (also see 20.37)

21.06 The report further stated that:

“UNICEF reported that while school enrolment among IDPs and in nomadic communities remained low, there was an increase in student numbers during the year.” [3a] (Section 5)

21.07 The USSD report of 2007 noted that: “The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas.” [3a] (Section 5)

21.08 Furthermore the report noted:

“While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that “the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society.” The government did not discriminate against persons with disabilities but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day.” [3a] (Section 5)

21.09 The same report noted further that:

“Under the state-mandated curriculum, all schools in the north—including private schools operated by Christian groups—are required to teach Islamic education classes from preschool through university. Some public schools excused non-Muslims from Islamic education classes, but others did not.” [3a] (Section 2c)

See also Section 20.01: [Children](#)

21.10 Sudan American Foundation for Education (SAFE), was established in 1985 as a non-profit [organisation] by concerned American and Sudanese business persons, academics, and government officials to help improve educational opportunities for Sudanese children and youth. The website, accessed 14 May 2007, reports that they are currently accomplishing their goal by collecting and delivering donated books to university, college, and public libraries throughout the Sudan, including SAFE’s first delivery to institutions in Southern Sudan. [54b]

21.11 The report stated that in May 2006, the foundation sent its 32nd shipment to Sudan. This shipment was distinctive in three ways the report added:

- The largest yet – over 30,000 books

- A collaborative effort with Books for Africa www.booksforafrica.org; BFA supplied the books and shared with SAFE in the cost of shipping then to Sudan
 - A substantial number of these books will go to colleges and universities in Southern Sudan. [54b]
- 21.12 UNICEF reported in its humanitarian action report 2007 that: “Despite efforts that have increased the number of children receiving basic education, hundreds of thousands remain out of school, while child-friendly learning spaces and qualified teachers are lacking.” [40f]
- 21.13 ReliefWeb also reported in its humanitarian action report on Sudan on 28 August 2007 that:
- “According to UNICEF and partners, the gains made in 2006 towards increased school enrolment in Darfur run the risk of being reversed. This is due to a shortage of teachers, in turn largely due to erratic payment of salaries. In 2007, 8,975 teachers (4,902 in North Darfur, 1,200 in South Darfur, and 2,873 in West Darfur) need to be recruited 1,646 of them for schools in IDP camps (200 in North Darfur, 700 in South Darfur and 746 in West Darfur). For the upcoming 2007/2008 school year, UNICEF has confirmed that it will cover the training and provision of stipends for 2,296 untrained volunteer teachers for three months, at a cost of US\$ 70 per teacher per month, totalling US\$ 482,160. But for the rest of the school year (October to December) another US\$ 482,160 needs to be urgently mobilised. The Federal Ministry of Education has recently signed a technical agreement with UNICEF, which indicates that the Government will take over the payment of salaries for these volunteer teachers from 2008.” [68k]
- 21.14 UNICEF reported on 5 November 2007 of optimism at the progress made by primary school children across southern Sudan during a recent tour by UNICEF’s Executive Director give a glimmer of hope in terms of educational progress in a major part of Sudan. [40b]

EDUCATION: SOUTH SUDAN

- 21.15 The USSD Human Rights report for 2007 stated that:
- “In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of three boys for each girl.” [3a] (Section 5) EB 2004 also reported that: “The southern partisans operate schools in the areas they control, but their resources are extremely limited.” [62c] (p3)
- 21.16 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that, according to an Education Base-Line study (UNICEF/Secretariat of Education (SoE), Dec. 2003), “30% of school-aged children in Upper Nile are enrolled in primary education; 31% in Bahr el Gazal and 39% in Equatoria.” [20a] (p1) UNHCR also stated that the SoE was currently attempting to update the data available and that the most recently received figures were for Ceuibet, which is a county close to Rumbek, where total enrolment was only 5 per cent. [20a] (p1)

- 21.17 “Nina Hjellegjerde, data and statistics Unit, SOE, Rumbek HQ stated that (south) Sudan has the highest gender gap in the world regarding primary education enrolment. Girls are only representing 20-30% (depending on the region) of the total number of children enrolled in primary education. [Nevertheless,] UNICEF has started [a] community-based girls’ schools in order to attempt to combat the serious under-representation of girls in primary education.” (UNHCR’s comments to the APCI, 8 March 2006) [20a] (p1)
- 21.18 DfID’s report on 9 January 2007 confirmed on the second anniversary of peace in South Sudan, that the organisation had established eight new projects in Southern Sudan.
- “... which will mean that over 13,000 children will be able to go to school for the first time, a further 65,000 will continue in education, over 580 teachers will be trained, and seven primary schools will be built. In the health sector, 19,000 mosquito nets will be distributed, and over a million people will be given access to primary health care while over 250,000 people will be given access to safe water, sanitation and bore holes.” [8b]
- 21.19 Recording a statement made by Hilary Benn, International Development Secretary, and DfID reported that:
- “There has been progress in South Sudan since the Comprehensive Peace Agreement was signed two years ago, but there is still a great deal to do. Everyone, including people returning to their homes, has a right to [sic] access of basic services such as health care, clean water and education. The UK is committed to playing our full part in supporting South Sudan work to make this right a reality.” [8b]
- 21.20 ReliefWeb reported in its humanitarian action report on Sudan published 28 August 2007, that:
- “In Southern Sudan, estimated Gross Enrolment (GE) in primary schools has reached 1.2 million children, including 400,000 who have enrolled in 2007. Since 01 January, the United Nations Children’s Fund (UNICEF) has provided 11,378 student kits, 13,718 teacher kits, and 9 million exercise books, to support the increased demand for primary education. A total of 150 programme trainers and tutors were trained for fast-track training of teachers, 1,300 teachers were trained, and 1,100 teachers also received English language training.” [68k]

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TRAFFICKING

- 22.01 The US State Department's Trafficking in Persons Report, 4 June 2008 noted that:

"Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. ...Sudanese women and girls are trafficked within the country, as well as possibly to Middle Eastern countries such as Qatar, for domestic servitude. In 2007, Greek law enforcement authorities identified a female sex trafficking victim from Sudan. The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of Sudanese and Ugandan children in the southern part of the country for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. In March 2007, six Sudanese girls were abducted by the LRA near Maridi, Western Equatoria. Sudanese children are unlawfully conscripted, at times through abduction, and utilized by armed rebel groups—including all SLA factions, the Popular Defense Forces, Janjaweed militia, and Chadian opposition forces—in Sudan's ongoing conflict in Darfur; the Sudanese Armed Forces and associated militias also continue to exploit young children in this region." [3g] (p11)

- 22.02 USSD's Report on Human Rights Practices 2007, 'Trafficking in Persons' noted that "Although the law prohibits slavery and forced labor, the law does not specifically address trafficking in persons, and there were reports that persons were trafficked from and within the country. There were some reports that the abduction of women and children continued in the south due to tribal clashes." [3a] (section 5)

- 22.03 The report added that:

"There were credible reports that intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. CEAWC and its 22 joint tribal committees investigated abduction cases, but have not engaged in any transport or retrieval missions since early 2006 due to lack of funding." [3a] (section 5)

- 22.04 The USSD report for 2007 also recorded that, "Prostitution is illegal but widespread throughout the country." [3a] (Section 5)

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MEDICAL ISSUES

GENERAL

- 23.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 19 of the INC states that: "The State shall promote public health and guarantee equal access and free primary health care to all citizens." [94a] (p9)
- 23.02 The Foreign and Commonwealth's (FCO) 6 November 2007 Country Profile stated that: "Malaria and many other diseases are common in Sudan and AIDS is believed to be a growing problem." [4a]
- 23.03 The CIA World Factbook – Sudan, updated on 12 February 2008 noted that the average life expectancy at birth is of:
- the total population: 49.11 years
 - the male population: 48.24 years
 - the female population: 50.03 years (2007 est.). [2a] (p4)
- 23.04 The FCO Country Profile, 2007 stated that the prolonged civil war has made it difficult to access healthcare and as such the health status of the population has suffered greatly. The report noted however, that immunisation rates for most childhood diseases such as diphtheria, polio, measles, pertussis and tetanus are more than 50 percent. Sudan's last polio case was reported in 2005. [4a]
- 23.05 The *Gurtong* reported on its website on 17 April 2007 that a recent measles outbreak in the middle of south Sudan had killed at least 14 and infected 470 people according to a report released to Reuters that day by ministry of health and World Health Organization (WHO) authorities. The report stated:
- "With measles, one case is a problem, said John Rumunu from the semi-autonomous government of south Sudan's ministry of health about the highly infectious disease that mostly affects children."
- 23.06 Reporting further, *Gurtong* stated that following 21 years of conflict between the north and south of Sudan which ended with the peace deal that was signed on 9 Jan. 2005, a mass measles campaign was launched by the south's health ministry together with UNICEF and WHO. The campaign, which has vaccinated over 2 million six month to 15 year olds so far, aims to reach more than 85 per cent coverage which would provide 'herd immunity' for south Sudan's children. The health minister stated, "We hope this year is the last year of measles," [18m]
- 23.07 *The Gurtong* also reported on 25 March 2007, regarding a three days national immunization programme, aimed to keep Sudan polio-free:
- "The three day campaign sets out to reach nearly 5 million children across the country. The first round of Sudan's National Immunization Days against polio

in 2007 gets underway on Monday 26 March, with a focus on ensuring that no eligible child is overlooked during the three day campaign.”

- 23.08 A Representative of UNICEF underlined the need to reach every child on the eve of the first day, stating:

“If we are to ensure that no new cases of polio emerge in Sudan, vaccination teams must be able to access every community, every household, and every child aged under-five. That means ensuring that adequate stocks of vaccine are available, that the necessary logistical systems are in place, that vaccinators are properly trained on how to locate and register children being vaccinated, and that we press home the message that polio immunization is a priority for every family in Sudan.” [18o]

- 23.09 The report stated further that an estimate of 5 million children under the age of five will be targeted across Sudan during the National Immunization Days, including 500,000 in Southern Sudan. The campaign is being spearheaded by government health departments at national and local level, with vaccines, technical support and funding provided by UNICEF and WHO. Local NGOs will also be involved in implementing the campaign, which costs an estimated US\$3 million for every round. [18o]

- 23.10 The *Sudan Tribune* reported on 8 August, 2007 that 4.9 million children in the north have been vaccinated against polio, following reports of polio cases in neighbouring Chad, which has triggered fear of transmission across the border.[12j] “The U.N. children’s agency (UNICEF) and the World Health Organisation (WHO) funded and trained some 40,000 personnel to vaccinate children under the age of five, said a senior UNICEF official. ‘What’s unique is it’s an additional campaign that we’ve put together with the ministry of health because of the reports of some cases in Chad,’ Cawardine told Reuters, adding it was a swift three-day campaign.” [12j] Adding that the flooding, which has affected about 500,000 people and killed 64, may have prevented the immunisation campaign from reaching up to 20 percent of the children targeted, but the campaign will return to those areas when the flooding subsides. [12j]

- 23.11 UNICEF reported on 6 August 2007 regarding a Polio immunization campaign, designed to protect almost five million children in northern Sudan.

“An estimated 4.9 million children across northern Sudan are being targeted in a special round of polio immunization beginning on Monday 6 August. Led by the Ministry of Health and backed by UNICEF, WHO and other partners, the three-day campaign to protect children against the virus comes in response to reports of polio being discovered in neighbouring. UNICEF Representative Ted Chaiban noted that Sudan has not reported any cases of polio itself since 2005. ‘There has not been a single case of polio in Sudan since June 2005, and we have arrived, in the face of many challenges, to a point where polio could soon be stamped out in Sudan’, said a UNICEF Representative, Ted Chaiban. ‘But because polio respects no borders, we have to ensure that when cases are found close to home, we redouble our efforts to protect children’.” [40g]

- 23.12 Likewise UN reported on 22 October 2007 regarding the launch of nationwide polio immunization campaign after the virus was detected in the country which

had previously been declared polio-free. The report stated that the drive is being carried out by the Sudanese Ministry of Health, the UN World Health Organization (WHO) and the UN Children's Fund (UNICEF) from 23 to 25 October and again in November 2007. [6f]

"According to WHO, the virus was confirmed in a 30-month-old boy from South Darfur with onset of paralysis reported on 10 September. The virus has been genetically linked to the virus circulating in neighbouring Chad, where six cases were confirmed this year, with the most recent case indicating onset of paralysis on 31 August. Prior to the confirmed polio case, Sudan had been certified polio-free, with no cases reported since August 2005. [6f]

- 23.13 The *Sudan Tribune* reported an article by the WHO on 22 January 2007 noting that a meningitis outbreak sweeping through southern Sudan has killed 17 people and infected 211. The WHO however added that it had enough vaccines to contain the outbreak. "On 21 January [2007], the governor of south Sudan's central Warap stated that at least 1,000 people had died in one week in an outbreak of meningitis and another unknown disease." [12q] However, the following day [22 January 2007], this was corrected by Abdullahi Ahmed, head of WHO in south Sudan, who confirmed: "As of January 17, the number of cases was 211 of which only 17 died and that includes Central Equatoria states and Warap states." The report noted further that South Sudan, after suffering decades of civil war, has little or no infra-structure and is particularly at risk to outbreaks of disease. The report added that meningitis outbreaks affect Sudan during the dry season, which runs from East to West Africa, and accounts for more than half the cases of the disease worldwide each year. [12q]

- 23.14 The following statistics taken from the above article reported by *Sudan Tribune* on 22 January 2007, noted there were:

"7,690 Meningitis cases reported in the North, 1,405 in South Sudan
Two million children vaccinated against measles in South Sudan and
1070 Meningitis Cases reported in Sudan." [12q]

- 23.15 *The Gurtong* reported on 3 April 2007 that:

"Ten brand new ambulances standing in the sun next to the Government of Southern Sudan's Ministry of Health will be joined by another 10 before being sent off to state capitals in the next weeks said health minister Theophilus Ochang in an interview with Gurtong on the 2 April." [18q]

- 23.16 He stated further,

"Absolutely this is the first time for most states to have an ambulance, for a long time the idea of an ambulance for us has just been a car with a bed, but these are fitted with life saving equipment including respirators and oxygen masks and equipment to restart a heart." [18q]

- 23.17 The same report also stated that the GOSS Ministry of Health, Theophilus Ochang is about to embark on dispersing US \$20 million worth of drugs to the Southern states, following last year's distribution of USD 4 million in drugs which the Health Minister described as 'a drop in the ocean'. "The South still

suffers from having especially porous borders he said and added that another truck of illegally imported drugs had been seized on the weekend.” [18q]

23.18 The report added that:

“The Health Minister also said that the ministry’s first of ten planned county hospitals is about to be completed within the next two weeks in Kapoeta, Eastern Equatoria State. The hospital was constructed though a Norwegian company which signed a contract with the health ministry and the GOSS Ministry of Finance and Economic Planning in September [2006] for 160 million Euros.” [18q]

23.19 The report further added that:

“The Norwegian company is to supply us with ten county hospitals of around 100 to 150 beds, backed up by five mobile clinics each. This is important, our biggest problem is our lack of infrastructure which limits our outreach, the Minister stated further.” [18q]

23.20 Physicians for Human Rights (PHR) reported on 7 March 2007 that the organisation applauds the introduction of the African Health Capacity Investment Act of 2007. The bipartisan plan introduced by Senator Richard Durbin is expected to supply \$600 million over three years to stem the flood of doctors and nurses out of African countries in the midst of the AIDS pandemic and other huge health issues. “The bill’s introduction is an important milestone in a nearly three-year effort spearheaded by Physicians for Human Rights and Health GAP to move the world to act on this problem.” [34d] Adding that the United States has recruited thousands of doctors and nurses out of African countries. “... this bill would enable the next generation to treat their patients instead of our patients, said PHR Senior Global Health Policy Analyst and Global Health Workforce Alliance board member Eric A. Friedman, JD.” [34d]

23.21 Furthermore:

“The World Health Organization estimates that sub-Saharan Africa is suffering a shortage of at least 800,000 doctors, nurses, and midwives, and an overall shortfall of nearly 1.5 million health workers of all kinds. Many receive salaries so low that they cannot afford to pay for rent even in their home country, let alone support a family. Some are forced to live in their own examination rooms.” [34d]

23.22 BBC News reported on 1 March 2007 of a

“New malaria drug that is targeted at children. ‘The disease affects 3,000 children under five in Africa each day. A new, low-cost anti-malarial drug has been launched, aimed especially at the thousands of children in sub-Saharan Africa affected by the disease. The medicine, launched in Paris, is a combination of two drugs which have proved successful in the past. “Malaria kills up to three million in the world each year, mostly in Africa. More than a million children in Africa die from malaria each year, while the disease affects some 3,000 children under five in Africa each day’.” [9bc]

23.23 The report further stated that:

“Europe’s largest multi-national pharmaceutical company, Sanofi-Aventis, has joined forces with a non-profit organisation, Drugs for Neglected Diseases Initiative (DNDI), to launch the drug ASAQ. The drug will be sold at a very low price and will not be patented, which means other companies could also produce it cheaply. The new medicine is a ‘fixed-dose combination’ of two drugs artesunate and amodiaquine that have proven effective in the past in fighting malaria.” [9bc] Additionally, “The previous combinations of these drugs have meant patients taking up to six tablets a day for a period of five days, but the course of treatment for the new drug consists of just two pills a day for three days for adults and importantly, one pill a day for three days for children.” [9bc]

- 23.24 The IMC study found that women’s health issues had suffered from general neglect, with high pregnancy rates, minimal family planning and prenatal services and high rates of childbirth with no skilled attendants. Yet, women head between 65 and 84 percent of all households among those internally displaced by the conflict in Darfur. [10fe]

- 23.25 The US Agency for International Development (USAID) reported in its May 2007 monthly update that a new Malaria office has been officially opened in Juba by the Southern Sudan Minister of Health:

“Malaria Office Opens On April 25, Dr. Theophilus Ochang Lotti, Government of Southern Sudan Minister of Health, officially opened the new Juba office of the National Malaria Control Program (NMCP), which coordinates activities government and donor efforts to control malaria in Southern Sudan. The new building, which was constructed and furnished with support from USAID, finally gives the NMCP the work and conference space it needs to function effectively.” [3l]

- 23.26 Reuters reported on 31 July 2007 that malnutrition rates for young children have risen above emergency levels in West Darfur’s capital el-Geneina and the surrounding camps. “The emergency threshold for Global Acute Malnutrition (GAM) is 15 percent but the Concern survey in the el-Geneina area of western Sudan found the rate among children under 5-years old to be more than two percentage points above that.” [70a] Adding that Country Director Janu Rao raised concerns and warned that immediate action was needed to prevent a worsening of the Severe Acute Malnutrition (SAM). “ ‘The results reveal an increase in moderate malnutrition amongst the under-5 population with a GAM of 17.4 percent and SAM of 1.4 percent’, the Director said. In 2006, 12.3 percent of children under 5 were moderately malnourished. This result is alarming as this survey comes at the start of the traditional ‘hunger gap’, with harvests not due until October/November [2007].” [70a]

- 23.27 The report continued:

“About 94,000 Darfuris live in camps surrounding el-Geneina town. They fled the rape, pillage and murder that began when Sudan’s government countered a rebel uprising in early 2003. While 2.5 million people have been driven from their homes to miserable camps, the world’s largest aid operation helps some 4.2 million overall, including those who remained in remote villages but are cut off from normal life and their livelihoods.” [70a]

- 23.28 The *Sudan Tribune* in an article dated 14 August 2007, reported a World Health Organisation (WHO) alert of a cholera outbreak in eastern Sudan. The disease has spread through flood waters, killing 49 people with others affected. [12e]. Adding that: "Last year [2006] a cholera outbreak throughout Sudan killed 700 people and affected 25,000. It was the first time in many years the water-borne disease had been reported in Africa's largest country." [12e]. Furthermore: "All the recent cases had been reported in the eastern Gedaref state and Kassala town, with the first reported on April 19 [2007]." [12e].
- 23.29 UNICEF reported in its humanitarian action report 2007 that:
- "In Southern Sudan, UNICEF will immunize at least 3.2 million young children against measles and 2 million people against meningitis in case of outbreak; provide nutritional support to an estimated 300,000 children and 25,000 pregnant or lactating mothers, persons living with HIV/AIDS and other vulnerable people; aim to reduce global acute malnutrition rates to less than 15 per cent; ensure that up to 10,000 people affected by rapid onset emergencies receive medical supplies within 72 hours; and reach at least 600,000 young people with information and skills to reduce their risk of acquiring HIV/AIDS. In North Sudan, including Darfur, UNICEF will improve the quality of antenatal care and access to and attendance at referral hospitals for emergency obstetric care for 110,000 pregnant women and 98,000 surviving infants in Darfur state and increase husbands'/partners' participation in safe motherhood/reproductive health services; ensure access to primary health care for 3.7 million conflict-affected in Darfur; protect under-five children and pregnant women against vaccine-preventable diseases; administer two doses of polio vaccine to 5.8 million under-five children; and reach 2 million people with health-related disease outbreak activities." [40f]
- 23.30 In its humanitarian action report 2007, UNICEF reported that:
- "Southern Sudan is host to rare tropical diseases, while malaria is endemic and measles, yellow fever, meningitis and cholera continue to take lives. Large areas are food insecure, acute malnutrition among under-five children is unacceptably high and micronutrient deficiencies remain problematic. Only 40 per cent of the people have access to safe drinking water while most do not have access to sanitary means of excreta disposal. The prevalence of diarrhoea is 43 per cent in children aged 6-59 months and guinea worm is endemic in some 3,400 villages." [40f]
- 23.31 The WHO reported in its quarterly newsletter for 2007 that:
- "Forty (40) participants from the Government of Sudan Ministry of Health, Government of South Sudan Ministry of Health and WHO sub offices in Sudan attended the National Training Workshop on Influenza Surveillance and Pandemic Preparedness on 7-9 May 2007. Sudan's Minister of Health Dr Tabita Botros Shokai and WHO Representative Dr Mohamed Abdurrah opened the training at the Petroleum Training Centre in Khartoum. In the context of the Federal Ministry of Health's (FMOH) finalizing the preparedness plan for avian influenza including pandemic influenza, the training course was held to strengthen the public health capacity to rapidly detect, assess, respond to and contain public health risks resulting from avian influenza as well as pandemic influenza in Sudan." [44i]

- 23.32 IRIN news reported on 5 February 2008 of a staggering increase in whooping cough cases reported in West Darfur but uncertainty in the region has made it difficult for medical staff to reach those affected. The report added that many those affected were over five, including adults, suggesting that recent immunisation had protected some of the younger children. Although the general population was at greater risk because they have had little access to routine immunisation. [10f]

“A dramatic rise in whooping cough cases has been reported near El Geneina, capital of the Sudanese state of West Darfur, but insecurity has made it difficult for medical personnel to reach the affected populations, according to an international NGO. Two cases of the disease (also known as pertussis) were reported in Kondobe, a remote village 20km north of El Geneina, a fortnight ago, according to the NGO, Medair. But by last week, the number had risen to 147 while another 11 cases were reported in Bir Dagaig village, 10km further north. ‘Whooping cough is a particularly dangerous disease’, David Sauter, Medair’s operations manager, said in a statement. ‘It is an important cause of infant death around the world’.” [10f]

- 23.33 International Committee of the Red Cross (ICRC) reported on 12 May 2008 that the organisation has provided medical aid for victims of fighting in Khartoum following the JEM attack on 10 May 2008.

“In response to fighting over the past two days in Omdurman, part of greater Khartoum, the International Committee of the Red Cross (ICRC) delivered medical supplies to the main hospital there on Sunday. An ICRC team, accompanied by members of the Sudanese Red Crescent Society, reached the Omdurman hospital on Sunday afternoon thanks to cooperation from the authorities, who had ensured easy, unimpeded access. The team delivered medical supplies sufficient to treat some 100 wounded patients. These included surgical material, dressing sets and medicines. The hospital had so far admitted 87 wounded, 51 of whom remain hospitalized, and received 24 bodies.” [22d]

- 23.34 The report added that:

“Dozens of people have been injured, but exact figures are very difficult to estimate,” said Cleto Chashi, the ICRC’s medical coordinator in Sudan, who was part of the team. “The fighting has been taking place in densely populated areas, and more wounded may arrive at hospitals in the coming hours.” ICRC staff were preparing to deliver further medical supplies on Monday to two other hospitals, in western and northern Omdurman, which could not be reached on Sunday because of the security situation in those areas.” [22d]

- 23.35 WHO published on 13 June 2008 that the organisation together with other key UN agencies would be making the first high-level international visit to Abyei since last weekend's peace accord in the central west Sudanese town the following day, 14 June.

“The mission is to plan for the reconstruction of health facilities and other vital infrastructure in the town, as well as for the return of thousands of people displaced by more than five weeks of insecurity. Fighting commenced in early May and forced Abyei's population to flee to displacement camps and

settlements in nearby areas, giving rise to numerous health risks. Most of Abyei's inhabitants remain in Agok, Abathok, Awal, Wun-Peth and Malual Aleu, increasing strains on resources in host communities.” [44a]

- 23.36 Adding that the main health risks facing the displaced people of Sudan are malnutrition and lack of access to safe drinking water.[44a]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 23.37 The Joint United Nations Programme on HIV/AIDS' (UNAIDS) December 2007 Report on the global AIDS epidemic reported in its aids epidemic update that:

“Reported numbers of HIV cases in the region remain small. Most HIV infections are occurring in men and in urban areas, with the exception of the Sudan, the country with the highest prevalence in the region, where unsafe heterosexual intercourse is the most important risk factor for HIV infection.” [46a] (p35)

- 23.38 Further information on cost and availability was supplied by the FCO in July 2004. [4d] The FCO advised that a: “Dr Hamdoun [Elbushra] [an importer of ART drugs in Khartoum] has no problem importing the [ART] drugs and supply more than matches demand. He maintains a residual stock at all times.” [4d] The six treatment regimes Dr Hamdoun supplied to his customers, in descending order of preference, were:

	Name of drug	Strength of drug (mg)	No of tablets/strip	Wholesale price of strip (Sudanese Dinars)	No of tablets/day
1	Zidovir	100	10	1,700	6
2	Lamivir	150	10	1,000	2
3	Nevimune	200	10	1,800	2
4	Douvir	Comb. 1+2	10	2,500	2
5	Indival	400	30	4,750	6
6	Tri-Immunal	N/K	N/K	13,900 for 1 month	N/K

- 23.39 The FCO information of July 2004 stated that these drugs were available from three different pharmacies in Khartoum and one in Omdurman: “However if the treatment is obtained at the pharmacy the retail price is 20% more than the wholesale price.” [4d]

- 23.40 In its humanitarian action report 2007, UNICEF reported that whilst blanket HIV/AIDS prevalence is estimated at 2.6 per cent, rates of over 20 per cent have been recorded. [40f]

MENTAL HEALTH

- 23.41 The World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005 reported that most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. [44d] (**Mental Health Resources**) It recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. [44d] (**Psychiatric Beds and Professionals**) It also states that: “Many mental health professionals including most psychiatrists have left for other countries.”

[44d] (**Psychiatric Beds and Professionals**) And that: "Sudan has the experience of using traditional healers for provision of mental health services. ... Community care is absent due to the lack of proper transportation, lack of social workers and poor health education." [44d] (**Mental Health Facilities**)

23.42 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that: "Contrary to the cited WHO report, there are **no** special programmes in Sudan for the mental health of refugees." [20a]

23.43 IRIN reported on 15 December 2006 that a significant number of displaced women in South Darfur, western Sudan, suffer from depression and experience suicidal thoughts because of largely unaddressed mental-health problems, according to a study by the International Medical Corps (IMC). [10fe] The IMC country director in Darfur, told IRIN that "... the study was conducted in the field two years ago, but the situation had since deteriorated further. We are looking for funds to update [the study] because the situation is now worse than it was at that time." [10fe]

23.44 The study of 1,283 women found that one-third met the criteria for major depressive disorder and double that number reported symptoms of depression.

"One in every 20 respondents reported suicidal thoughts and two percent said they had attempted suicide. Both statistics represent rates much higher than global norms, the study noted. Humanitarian aid has met some of their basic needs [but] women's health and mental health remain largely unaddressed, the IMC said. While suicide-related figures were actually lower than in other conflict-affected populations, they are still alarmingly high compared to general rates globally, and indicate a serious shortage of access to mental-illness treatment in South Darfur." [10fe]

MEDICAL ISSUES: SOUTH SUDAN

23.45 A British and American Friends of Southern Sudan (BAFOSS) conference Report from July 2005 found that: "The health status in Southern Sudan is far worse, than other regions in Sudan. The health indicators, high prevalence of endemic and epidemic diseases as well as the new challenges that will be created by the Internally Displaced Persons (IDP) and the returning refugees will intensify the magnitude of the problem." [45a] (p2-3)

23.46 The BAFOSS conference went on to discuss the health system and health service delivery, infections and endemic diseases, health expenditure, human resources and disparity of health care within south Sudan. [45a] (p4-5)

23.47 WHO reported the following on 15 February 2007:

"The Ministry of Health reported suspected cases of meningococcal disease and noted that from 1 January to 10 February 2007, there were 1,129 suspected cases of meningococcal disease including 96 deaths (case-fatality rate, 8.5%) in 8 out of 10 states of Southern Sudan. Within the period of 4 to 11 February [2007], a total of 79 suspected cases including 8 deaths were reported." [44f] Adding that, "Delayed and irregular reporting as well as incomplete disaggregated population data were leading to difficulties in

determining whether districts in these areas had reached the epidemic threshold.” [44f]

- 23.48 The same report provided an update on the Meningococcal disease:

“From 1 January to 11 March 2007, the Ministry of Health of the Government of Southern Sudan (MoH) reported 6,946 suspected cases of meningococcal disease including 430 deaths (case-fatality rate, 6.19%) in 9 out of 10 states of Southern Sudan. Due to delayed and irregular reporting these, figures should be considered provisional. Currently the most affected counties are Aweil West, Juba, Mundri East, Rumbek, Tonj South, Wulu and Yirol. The reported added that within the period from 4 to 11 March, a total of 1,541 suspected cases including 81 deaths were reported. The Ministry of Health of the Government of Southern Sudan, WHO and its partners have carried out a mass vaccination campaign in 4 counties; Aweil town (MoH), Kajo-Keiji (Médecins sans Frontières (MSF) – Switzerland), Tonj-East (MSF-Switzerland) and Yambio (International Medical Corp). Mass vaccination campaigns are ongoing in Aweil West (MSF-France) and scheduled to start in Bor, Juba, Nimule, and Rumbek in mid-March.” [44g]

- 23.49 IRIN News reported on 9 March 2007 that health workers in Malakal, capital of Upper Nile State in southern Sudan, face great odds in trying to counter the ignorance and stigma that prevents people benefiting from available HIV/AIDS services:

“Despite the presence of a voluntary counselling and testing (VCT) site in the city, little is known about HIV. Regina John, 18, who works in her mother’s food shop, did not know the government-run VCT centre existed, even though it was just 100 metres away from her doorway’. ‘I don’t know where people are being tested for HIV/AIDS’, she said. ‘I have heard about AIDS on the radio, and from people talking about it, but I do not know how it is contracted or where it originated’.” [10fd]

- 23.50 The report stated that:

“A survey by the Sudanese National AIDS Control Programme and United Nations agencies in 2005 found that less than 10 percent of Sudan’s young people knew how to prevent HIV or what a condom was. Dr Onuar Obathur, director of preventive medicines in Malakal, told IRIN that few of the town’s people volunteered for HIV testing. The stigma is very high about this disease. People are refusing to come for testing. They think that if they are found HIV-positive, the information will be circulated all over and it will be difficult for them to live in the community.” [10fd]

- 23.51 IRIN further reported that Sudan has a relatively low HIV prevalence of 1.6 percent, according to a 2003 UNAIDS survey. However, “it is thought to be higher in the southern region, and there are fears that increased population mobility could see it spread more rapidly since decades of civil war ended in 2005. So far, we have found 22 HIV-positive cases. Out of these, 11 are eligible for drugs, but only one person is benefiting from these ARVs [antiretrovirals]; the rest have disappeared and we have no means to trace them,” said Obathur. [10fd]

23.52 On 30 March 2007, IRIN News reported again regarding HIV/AIDS awareness “Malakal in Upper Nile state of southern Sudan is almost ‘off the map’ in terms of the community’s access to information and treatment for HIV/AIDS.” [10ey]

23.53 ReliefWeb reported on 10 June 2007 that the UNFPA Office in southern Sudan had implemented fistula preparation in southern Sudan. UNFPA had begun implementing treatment programmes training sessions and providing essential drugs and equipment. [68h]

“Currently, the Ministry of Health, in conjunction with UNFPA, is conducting a one-month training session on Emergency Obstetric Care (EmOC) for health workers from the Upper Nile, Northern Bahr El Gazal, Lakes and Jongolei States. A team of experts from UNFPA Headquarters in New York will be visiting Juba on 11-12 June as part of the Global Campaign to End Fistula. The team will meet with Ministry of Health officials and health care workers and will discuss fistula prevention, maternal and reproductive health policy and strategy development towards reducing fistula and other preventable reproductive health related diseases in Southern Sudan in general.” [68h]

23.54 Doctors Without Borders reported on 28 January 2008 that despite the peace agreement between north and south, the people in the region of south Sudan are still struggling for survival:

“Despite the signing of a peace agreement between North and South Sudan on January 9, 2005, which ended decades of civil war, medical needs in southern Sudan remain overwhelming. Outbreaks of disease and violence continue, while many people still do not have access to basic health care, resulting in preventable deaths.” [93a]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT (SOUTH SUDAN)

23.55 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that: “VCT [voluntary counselling and testing] centers are now established in several areas under SPLM control. Rumbek, Billing, Malualkon, Yei, Yambio to name a few.” [20a] (p1) However, on 22 August 2006 IRIN reported that: “There are no HIV testing and counselling centres in Bentiu, the main town in southern Sudan’s oil-rich Unity State.” [10az]

23.56 IRIN News reported on 14 August 2007 that thousands of lives are being threatened because of the unavailability of life-prolonging antiretroviral (ARV) drugs in southern Sudan. This is forcing many patients to travel to neighbouring Uganda in search of the medication, the report stated. [10q]

“ ‘There are no ARVs here, so once a month we have to travel to Arua [a town in northwestern Uganda] to get drugs’, said Joel Baba, who lives in the southern Sudanese town of Yei in Central Equatoria State. ‘This trip is so expensive; we have to pay border charges, and for accommodation, food and transport not many people can afford it’.” [10q]

23.57 The report added:

“Although peace has returned after 21 years of conflict between the northern and southern parts of Sudan, many areas in the south that were cut off from

basic health services during the war still have no access to HIV medication. Arua is more than 100km from Yei on badly maintained roads that have been damaged by bombs. 'In the beginning [of treatment] the Ugandan clinics don't let you take a whole month's supply you have to keep going for adherence counselling or stay in Uganda for some time, which makes it even more expensive', Baba said. 'For patients who are already sick, it is impossible to travel'." [10q]

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HUMANITARIAN ISSUES

GENERAL

24.01 UNICEF's Humanitarian Action Report 2008 stated that:

"Nearly three years after the signing of the Comprehensive Peace Agreement, major humanitarian challenges remain throughout the Sudan. While recovery and development activities are taking place throughout the country, large pockets of humanitarian need persist. The most notable is the ongoing crisis in Darfur. However, disease outbreaks, lack of basic services, natural disasters and intermittent conflict affect communities in every part of the country." [40h]

Summary of UNICEF financial needs for 2008 (US\$)			
Sector	Northern Sudan Area Programme	Southern Sudan Area Programme	Total
Health and nutrition	23,373,800	13,274,526	36,648,326
Water, sanitation and hygiene	22,595,000	16,463,500	39,058,500
Education	13,634,329	10,745,000	24,379,329
Child Protection and mine action	16,738,000	7,855,200	24,593,200
Non-food items and emergency coordination	12,000,000	5,538,000	17,538,000
HIV/AIDS	3,380,000	2,000,000	5,380,300
Communication & Advocacy	1,805,680	971,000	2,776,680
Total*	93,526,809	56,847,226	150,374,035

* The total includes a maximum recovery rate of 7 per cent. The actual recovery rate on contributions will be calculated in accordance with UNICEF Executive Board Decision 2006/7 dated 9 June 2006

24.02 OHCHR's humanitarian appeal 2008 recorded that:

"Despite these challenges, 2007 saw strengthened collaboration between both the Government of National Unity and the Government of Southern Sudan and the United Nations and Partners in areas such as joint assessments, response and policy development. This resulted in increased capacity to deliver basic services and address emergencies. Outcomes include: the successful response to flooding that affected over 625,000 people throughout Sudan; response to meningitis and acute watery diarrhoea outbreaks (with 12,000 and 8,300 cases reported respectively in Southern Sudan); demining [sic] of some six million square meters of road and the signature of the Joint Communiqué for Darfur to facilitate humanitarian activities and administrative procedures. A total of four million people in Sudan received food and livelihood assistance with over 180,000 displaced people supported during the north/south return process. Another 500,000 people are registered to return." [6k] (p34-35)

24.03 The International Committee of the Red Cross (ICRC) reported on 10 April 2008 that the organisation is providing support to areas controlled by both rebels and government forces.

"In a volatile environment such as Darfur, where travelling by road is often dangerous, access to health care is difficult for all communities, whether sedentary or nomadic. At the foot of the Jebel Marra mountains, the ICRC is supporting clinics in areas controlled by rebels and government forces alike. Report by Valérie Petitpierre, ICRC delegate based in Zalingei." [22e]

24.04 The report added:

"The sun was still low on the horizon when the first patients appeared in the doorway of the primary-health-care centre in Gorne. Adam Jibril is a nurse. Having arrived at work early to organize his paperwork from the day before, he was now ready to see his first patient. ... The village of Gorne is situated in a government-controlled area, at the bottom of the Jebel Marra range in West Darfur. The Jebel Marra is considered by some to be the heart of Fur territory and is the stronghold of a faction of the Sudan Liberation Army (SLA), one of the main groups opposing the Khartoum government." [22e]

24.05 Several organisations reported on the JEM attack on Khartoum, the Capital city, 10 May 2008. The Darfur rebel group, the Justice and Equality Movement (JEM), launched an armed attack on Omdurman, one of the three towns that form greater Khartoum as reported by Human Rights Watch. [19a], BBC News reported "Sudanese troops have clashed with rebels from Darfur outside the capital, Khartoum, reports say, prompting an overnight curfew in the city". [9d]

24.06 BBC News reported on 12 May 2008 that Sudan's Islamist opposition leader Hassan al-Turabi had been arrested for the heavy fighting in Khartoum's twin city, Omdurman:

"Mr Turabi's wife told the BBC that the soldiers who arrested him connected him to the weekend attack on Omdurman. Mr Turabi denies any links to the rebels but some rebel leaders used to be close to him - as did Sudan's President Omar al-Bashir. Sudan says it has proof that neighbouring Chad backed the rebels. The attack on the capital's twin city, Omdurman, just over the River Nile, was the closest the rebels have come to Khartoum during five years of fighting." [9e]

24.07 Amnesty International reported on 21 May that the organisation is seriously concerned by the government's security forces' crackdown following the attack into Khartoum, by the JEM..

"The crackdown has been characterized by serious human rights violations including hundreds of arbitrary arrests, cases of ill-treatment, as well as extra-judicial executions. These violations have mostly been targeted at Darfuris." [16c]

24.08 Whilst Amnesty USA reported on 23 May that there had been several arrests in Khartoum, mainly Darfurians, in the last two weeks accused of supporting the JEM.

"Many of those arrested are reported to be held incommunicado in national security detention facilities in the capital or at unknown locations. All the detainees are at risk of torture or other ill-treatment, and may even be killed or subjected to enforced disappearance by the authorities." [16d]

24.09 Likewise IRIN News reported on the attacks as follows:

"Several human rights organisations have accused Sudan authorities of arbitrary arrests, extra-judicial executions and ill-treatment of detainees following the 10 May rebel attack on Sudan's capital. In separate statements

released since the attack, human rights watchdogs accused the Sudanese government of ethnic profiling during the arrests that followed the withdrawal of rebel forces.” [10b]

- 24.10 The *Sudan Tribune* reported on 24 May 2008 that Darfuris have been detained and tortured in White Nile State following JEM attacks on 10 May 2008:

“The Sudan Organisation Against Torture (SOAT) condemns the arbitrary detention of eight Darfuris in White Nile State on 11 May and their subsequent torture in custody. The episode appears to have been directly related to the unprecedented attacks launched near the Sudanese capital Khartoum on 10 May by the Justice and Equality Movement (JEM), a Darfur-based armed opposition group. Though most of the detainees have since been released, the whereabouts of one remain unknown. At around 10am on 11 May members of the Sudanese Armed Forces manning a military checkpoint by a bridge in the town of Kosti, White Nile State, stopped a public bus travelling to Khartoum from el-Obeid, the capital of Northern Kordofan State, and ordered eight Darfuri passengers to disembark.” [12a]

- 24.11 Adding further that:

“Under Sudanese law, a person can be detained for up to nine months without charge. Existing legislation also grants many categories of state officials effective immunity from prosecution for human rights violations like arbitrary detention and abuses in custody.” [12a]

- 24.12 The International Committee of the Red Cross (ICRC) reported on 5 June 2008 of its assistance to two cities in particular affected by heavy fighting in Sudan.

“In mid-May the ICRC's emergency operations focused on Khartoum and Abyei, two cities hit by heavy fighting. The ICRC sent four teams, including a field surgical team, to the Abyei region, distributed medical kits to the Almujiad hospital and provided assistance for the displaced from Abyei. Cooperation with the Sudanese Red Crescent Society (SRCS) was extended to the Abyei region. [22c]

- 24.13 Referring to the JEM attacks in the capital on 10 May 2008, the report added:

“When clashes broke out in Khartoum's twin city, Omdurman, on 10 May, the ICRC delivered war-wounded kits to a number of hospitals in the area. Together with the SRCS, it provided other urgently needed medical supplies as well. It also helped the SRCS, which had mobilized 250 volunteers, to evacuate the wounded and remove the dead.” [22c]

- 24.14 BBC News reported on 29 July 2008 that a Sudanese judge had sentenced eight Darfur rebels to death over the JEM attack. that took place on 10 May 2008 in Omdurman, a city near the capital, Khartoum.

“A judge in Sudan has sentenced eight Darfur rebels to death over an assault near the capital, Khartoum, in May. Those convicted are all from the rebel Justice and Equality Movement (JEM). One suspect was found not guilty. The

attack on Omdurman, Khartoum's twin city, was the closest Darfur's rebel groups had come to the capital in five years of conflict."

24.15 The report added that:

"... The sentences have to be ratified both by an appeals court and the country's top court, then signed by the president, AFP [news agency] said. More than 220 people were reported to have been killed in May's attack, which was followed by a security crackdown and mass arrests. [9f]

24.16 US Aid report, last update 6 June 2008 gave the following account of the humanitarian situation in Sudan:

"In 2008, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan's western region of Darfur has affected 4.2 million people, including more than 2.4 million internally displaced persons (IDPs). In Darfur, fighting among armed opposition factions, the Sudanese Armed Forces (SAF), militias, and ethnic groups is ongoing. According to the U.N., the clashes have displaced more than 158,000 people within Darfur and to Eastern Chad since January 2008." [3d]

24.17 The US States department's Bureau of African Affairs last updated July 2008 noted the following regarding the humanitarian situation in Sudan.

"In 2008, Sudan continues to cope with the countrywide effects of conflict, displacement, and insecurity. During more than 20 years of conflict between the Government of Sudan and the Sudan People's Liberation Movement/Army, violence, famine, and disease killed more than 2 million people, forced an estimated 600,000 people to seek refuge in neighboring countries, and displaced approximately 4 million others within Sudan, creating the world's largest population of internally displaced people. Since the 2005 signing of the Comprehensive Peace Agreement (CPA), which officially ended the North-South conflict, the UN estimates that nearly 2 million displaced people have returned to Southern Sudan and the Three Areas of Southern Kordofan, Blue Nile, and Abyei." [3]

24.18 The United Nations Office of the High Commissioner for Human Rights (UNHCR) in its 2008/2009 report stated that:

"Serious violations of human rights continue in varying forms in different parts of the Sudan. While the situation in Darfur is well known to the international community, violations also occur in northern, eastern, and southern Sudan and in the Transitional Areas." [6p]

PEACE AND CONFLICT IN SUDAN

East Sudan

24.19 The IRC, accessed on 14 May 2007, reported that Sudan, Africa's largest country, has been divided by civil war almost constantly since it gained independence in 1956.

“Despite the comprehensive peace accord signed in 2005, violence continues to plague Darfur and simmers in the east. The brutal tactics of warlords on both sides have left an estimated 300,000 people dead and prompted more than 2.4 million people to flee their homes.” [33e]

24.20 The *Sudan Tribune* reported on 26 April 2008 that:

“A former rebel group in eastern Sudan which signed a peace agreement with Khartoum last year said disappoint [sic] by the attitude of the Eritrean government towards the non-implementation of the signed deal. On October 14, 2006, Sudanese government and East Front rebels, composed of the Beja Congress and Free Lions, signed a peace accord that was negotiated with Eritrean help and is aimed at ending a 12-year armed conflict.” [12h]

24.21 Reuters Alert Net reported on 12 March 2007 of uprising in East Sudan.

“ Sudan has had war in the south and west, and a decade-long low level revolt in the east has threatened to flare into full-scale conflict. But the mid-October 2006 signing of an agreement between eastern Sudanese rebels and Khartoum has given hope that peace could stabilise one of Sudan's most important areas economically. ... The grievances of the Eastern Front, the coalition of rebels in east Sudan, are similar to those of the rebel groups in Darfur and southern Sudan. Put simply, they want more political power and a greater share of Sudan's oil profits. [70e]

24.22 International Crisis Group reported on 16 June 2008 that Sudan is getting closer to collapse as last month saw heavy fighting between government forces and the South over the oil-rich Abyei region, and also an abortive attack by the Justice and Equality Movement (JEM), on Khartoum on 10 May 2008 which the report stated is likely to prompt brutal government retribution.

“Against this backdrop, the prosecutor of the International Criminal Court reported to the UN Security Council, pointing out, yet again, that Sudan has flouted its international obligation to co-operate with the court, and criticizing the international community for its shameful silence in the face of Sudan's wilful defiance.” [14b]

Conflict and insecurity

24.23 In January 2006 ICG reported that:

“The NCP [National Congress Party] is also resorting to potentially more violent tactics. There are persistent reports of efforts to encourage tribal leaders to recruit militiamen in exchange for money and weapons, in order to create a rural force that can monitor the Eastern Front's activities and serve as a first line of resistance. Most of these attempts to form *Janjaweed*-like groups have not yet succeeded, probably because despite their communal divisions, the eastern tribes have an acute sense of their social and economic inter-dependence as part of the Beja nation. Such tribal militias as exist are weak, with members showing up once a month only to collect pay. The policy, and the rumours it engenders, have nevertheless contributed to the spread of weapons and fear among civilian populations.” [14b] (p13)

- 24.24 “The government has also been supporting the army of Sheikh Suliman Ali Betay, which is larger (some estimate 1,000 to 2,000 armed men on camels) and more formidable than the militias. The Hameshkoreb area belongs to his tribe, the Demelab, and he would like his force to replace the SPLM and the Eastern Front in the area. But Sheikh Suliman also refuses to fight other Beja and recognises that an effort to impose a military solution would only hurt the civilian population.” [14b] (p13)
- 24.25 The same Report also noted that:
- “Whatever political game the NCP is playing in the East, militarisation of the region persists. Security is tight in the major cities. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea.” [14b] (p13)
- 24.26 “The greatest danger is the potential for an armed confrontation between the government and Eastern Front over control of Hameshkoreb and the opposition areas after the SPLM withdraws its troops. If not discussed and settled in formal negotiations soon, this could be the flashpoint that produces all-out war. However, the government still underestimates the level of discontent and overestimates its political control. ‘We have complete control over the religious and tribal leaders in eastern Sudan. We are not concerned about this so-called Eastern Front’, an NCP official claimed confidently. This is a dangerous misreading not unlike that which contributed to the government’s failure to contain the Sudan Liberation Army (SLA) in Darfur.” [14b] (p11)
- 24.27 “Under the southern deal, the SPLM were supposed to have redeployed from the east to the south within a year, but they said this week they were unable to meet that deadline because of logistical reasons. [U.N. envoy Jan] Pronk said slow withdrawal was a major problem to the peace deal. On Friday he said: ‘This is creating a void with a potential for new armed conflict.’ “ (*Sudan Tribune*, 14 January 2006) [12b]
- 24.28 The article continued:
- “The Sudanese army is supposed to occupy SPLM positions once they have withdrawn. But eastern rebels, also in the same areas, say the government will have to fight them first.” (*Sudan Tribune*, 14 January 2006) [12b]

The Peace Process

- 24.29 In January 2006, ICG expanded this view, stating that:
- “Like Darfur and the South, the East suffers from marginalisation and underdevelopment: legitimate claims for more power and wealth sharing in a federal arrangement should be addressed within the framework of the Comprehensive Peace Agreement (CPA) the government and SPLM signed in 2005. But the SPLM needs to push for a provisional ceasefire and use its influence in Khartoum to get serious negotiations.” [14b] (Executive Summary, p1)
- 24.30 On 20 June 2006 IRIN reported that:

“The Sudanese government and rebels of the Eastern Front (EF) have signed a ceasefire and agreed on a framework for substantive peace talks to end a simmering civil conflict in east Sudan. Preparatory talks between the government and the EF – an alliance of two rebel movements, the Beja Congress and a smaller insurgency, the Rashaida Free Lions – began in the Eritrean capital, Asmara, on 13 June and concluded on Monday with the signing of two agreements. ‘They signed a declaration of principles – a framework for future talks – and an agreement on creating a conducive environment for peace, which includes a ceasefire, the lifting of the state of emergency, the release of prisoners of war, and an agreement to refrain from hostile media campaigns,’ an analyst in Asmara told IRIN.... ‘The military ceasefire will take immediate effect,’ he added.” [10e]

24.31 FCO Country Profile, dated 6 November 2007 stated that:

“The African Union-brokered Darfur Peace Agreement (DPA), signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM, is a good deal for Darfur. If adopted by all sides it should provide the basis for the return of the millions of people who fled their homes, and a return to normality. It gives the rebels a say in government at the national and Darfur levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to build confidence in the Agreement, particularly by disarming the *Janjaweed* Arab militias. But implementation is slow, also held back by the refusal of other rebel factions to sign it. The UK continues to press both the Government of Sudan and non-signatory rebel groups to commit to the peace agreement for the sake of the people of Darfur. We are urging all parties to renew the political process. Failing to do so would fail the millions of civilians who are suffering the consequences of the conflict in Darfur.” [4a]

WEST SUDAN (DARFUR)

24.32 Refugee Rights reported in its February 2006 newsletter that UNHCR has issued new guidelines to states on the situation of Darfuri and other Sudanese asylum seekers, stating that the previous set of guidelines issued and published in 2001 was now considerably out of date in the light of the major changes which have occurred within Sudan and the region since that time. [85a]

“Qualification of the situation in Darfur is at the heart of the Guidelines: the Guidelines conclude that the security situation in Darfur has noticeably deteriorated since August 2005 and that ‘the absence of effective protection by the authorities has further exacerbated threats to the physical safety of Darfurians’. The Guidelines recommend that ‘States provide international protection to Sudanese asylum seekers from Darfur of ‘non-Arab’ ethnic background through according them recognition as refugees’. Further, even where a state feels unable to grant refugee status under the law, the Guidelines urge that ‘non-Arab’ Sudanese originating from Darfur should not be forcibly returned until such time as there is a significant improvement in the security situation.” [85a]

24.33 On 7 August 2007 ReliefWeb provided an update in its June 2007 humanitarian news, regarding the current state of affairs in Darfur.

“Half way through the year, the humanitarian situation in Darfur continues to be characterized by displacements of civilians, resulting from violence and insecurity. This is leading to an increase in internally displaced persons (IDPs) and mounting tensions in camps. Meanwhile, violence against humanitarian staff is also increasing. At least 25,000 civilians were displaced during the months of May and June [2007], with more than 160,000 persons now identified as newly displaced since the beginning of the year. Fighting between government forces and rebels, as well as reported harassment by armed elements against civilians in Dafaq, displaced approximately 5,000 people to Um Dukhum during June. Aerial bombings by the military continued to be reported in North Darfur up to late June, while clashes between the military and rebel factions continued to be reported on the ground at various locations. The total number of IDPs in Darfur is now estimated at 2.2 million.” [68e]

24.34 The US IRF report 2007 stated that:

“The ongoing conflict in Darfur between the government-backed Arab Muslim militias (*janjaweed*) and non-Arab Muslim rebels did not center on religious differences but rather on political, economic, and ethnic issues.” [3f] (Section I)

24.35 UNICEF’s website, accessed 15 May 2007 reported that the conflict in Darfur is described by the UN as one of the world’s worst humanitarian crises, affecting up to 4 million people.

“Fighting between rebel groups, security forces and the *Janjaweed* militia continues largely unrestrained. Entire villages have been wiped out and 400,000 people have been killed.” [40d]

“The statistics are bleak the report continued. Every day more than 70 children under the age of five are dying across Darfur. Illness and disease are rife and 1 million children in crowded camps are in need of basic food and water. Around 2 million people are internally displaced, half of whom are children. In the last six months alone, 250,000 people have been newly displaced. As more communities become affected, access to them becomes more difficult due to insecurity, with the delivery of assistance to the most vulnerable being compromised.” [40d]

24.36 The International Rescue Committee (IRC) on 28 September 2007 also reported of the Darfur conflict:

“With more than 2 million people driven from their homes, Darfur has been described as one of the world’s worst humanitarian crises. Despite the signing of the Darfur Peace Agreement in May 2006, fighting is increasing across the region and the people of Darfur are suffering violence, atrocities and abduction. Amid desperate conditions, the International Rescue Committee delivers lifesaving aid, protects women and girls, and speaks out for global action on behalf of the Sudanese people.” [33c]

24.37 In a separate report accessed on 14 May 2007 the IRC added that the organisation has responded to regional conflicts, natural disasters and post-conflict reconstruction in Sudan since 1981.

“We are active throughout the country, working with over 2.2 million people, but divide our operations into three regions: West Sudan (Darfur), North and

East Sudan, and South Sudan. The IRC's long-term goal is to improve the Sudanese people's ability to exercise their fundamental rights, access basic services and manage their own livelihoods." [33e]

- 24.38 ReliefWeb reported on 2 July 2007 that Anne Richard, the International Rescue Committee's vice president of advocacy, testified about the plight of Africa's refugees and updated the representatives on recent developments in Darfur, among other crises before the House Foreign Affairs Committee on 20 June, World Refugee Day.

"In Darfur, people continue to flee their homes in large numbers. Since the signing one year ago of the largely ineffective Darfur Peace Agreement, there have been around 450,000 more civilians displaced many for the second or third time. 140,000 have fled since the start of 2007. This spring we have seen renewed, intensified aerial bombing campaigns and attacks on civilians." [68c]

- 24.39 The report added:

"These new displacements have severely impacted an already strained humanitarian response. Many of the camps around Nyala and El Fasher towns are now operating at or above capacity, yet people continue to arrive. In North Darfur in particular, there is increasing pressure on scarce and depleted natural resources and water shortages have been reported in several camps." [68c] Furthermore: "The violence has spread right throughout all three Darfur states. Even the camps where more than 2 million people have sought refuge are increasingly at risk. Armed men routinely enter the camps, to intimidate and harass civilians and to steal humanitarian vehicles and supplies. Agencies frequently have to withdraw from such camps for days or weeks at a time. The prevalence of vehicle hijacking means agencies are now reliant largely on helicopters, with many roads too dangerous to use, leaving whole swathes of rural Darfur where the needs are often greatest of all effectively out of bounds to aid agencies." [68c]

- 24.40 US Aid report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur:

"In May, banditry and hijacking of relief vehicles continued throughout Darfur, further limiting humanitarian operations. Targeting of humanitarian staff and non-governmental organization (NGO) compounds increased, and implementing partners reported additional incidents of livestock theft and attacks on empty convoy vehicles as well as increased impersonation of U.N. staff by bandits. [3d]

- 24.41 The report continued:

"On May 10, armed forces associated with the Justice and Equality Movement (JEM) from Darfur attacked Omdurman, one of the three cities making up the greater Khartoum area. Fighting occurred in the midst of the civilian population in the center of the city. In addition to the deaths of combatants, USAID staff in Khartoum reported that the violence also killed and wounded civilians. Following the attack, the GNU deployed additional security forces throughout the capital and the surrounding region. In addition, international news media and humanitarian agencies reported that in the days following the attack on

Khartoum, government forces arrested more than 300 opposition members and citizens of Darfuri origin.” [3d]

- 24.42 The International Crisis Group (ICG) updated July 2008 also reported of the current situation in Darfur as follows:

“The Darfur conflict has changed radically in the past year and not for the better. While there are many fewer deaths than during the high period of fighting in 2003-2004, it has mutated, the parties have splintered, and the confrontations have multiplied. Violence is again increasing in recent months while access for humanitarian agencies has become more difficult, international peacekeeping is not yet effective and a political settlement remains far off. Incidents, including major aerial bombardments and ground attacks were launched by the government in West Darfur in February 2008. In turn, an assault on Khartoum by Justice and Equality Movement (JEM) rebels in mid-May 2008 left at least 200 dead and was a milestone in the Darfur conflict, as it constitutes the first military strike on the capital since 30 years.” [14c]

- 24.43 The report noted that the government continues to deny the enormity of the situation.

“Meanwhile the ruling National Congress Party (NCP) in Khartoum continues to deny the gravity of the situation and is pursuing destructive policies in Darfur, while at the same time resisting key provisions in the 2005 Comprehensive Peace Agreement (CPA) that ended the North-South war, thus triggering a crisis in that process, with heavy fighting between government and southern troops paralysing oil-rich Abyei in June 2008. [14c]

- 24.44 Freedom House reported in its 2008 World Country Report for Sudan that:

“Credible reports have described the mass scale of killing and rights violations in Darfur. While some groups have not characterized the killings as genocide, it is widely accepted that for the past five years, the Sudanese government has directed and assisted the systematic killing of tens or, more likely, hundreds of thousands of people in the region. In March 2007, a UN panel headed by Nobel laureate Jody Williams issued a report finding that the government ‘has manifestly failed to protect the population of Darfur from large-scale international crimes, and has itself orchestrated and participated in these crimes’. The report also said that ‘the principal pattern is one of a violent counterinsurgency campaign waged by the government of the Sudan in concert with janjaweed militia, and targeting mostly civilians’. It added, ‘Rebel forces are also guilty of serious abuses of human rights and violations of humanitarian law...but the overwhelming burden of guilt lies with the government and the militia (janjaweed)’.” [53b]

- 24.45 UN & Partners Work Plan for Sudan reported in its 2008 Mid-Year Review the following proposals for Darfur:

The 2008 Work Plan aimed to continue assisting the vulnerable in Darfur, while, where possible, supporting projects that look beyond humanitarian aid to more sustainable solutions. The priority remains unchanged, but the situation on the ground has dictated a continued focus on delivering

emergency aid. As the conflict moves into its sixth year and with no political solution in sight, Darfur remains a key challenge as the Work Plan breaches the second half of the year. Deteriorating security and bureaucratic impediments have made it harder to deliver aid; in April alone, the World Food Programme (WFP) reported that it was unable to reach 56,000 people in Western and Southern Darfur. An additional 200,000 people are estimated to have been displaced this year, and the total number of people displaced and vulnerable is around 4.3 million out of a total population estimated at six million. [6o]

Conflict and insecurity

24.46 IRIN News reported on 29 August 2006 that:

“The world’s largest humanitarian operation in the western Sudanese region of Darfur is on the verge of collapse due to escalating violence, a United Nations humanitarian official warned.... ‘Insecurity is at its highest level since 2004, access at its lowest levels since that date and we may well be on the brink of a return to all-out war,’ the Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Jan Egeland, told the UN Security Council.” [10ba] “...Since the signing of the 5 May Darfur Peace Agreement between the Sudanese government and one of the three main rebel groups, fighting has escalated between signatories and non-signatories to the peace deal. In recent weeks, as many as 50,000 people have been displaced across the region, while nine humanitarian aid workers were killed and 20 vehicles hijacked in July. As a result, access to the affected population is at its lowest level since the start of the conflict in 2003.” [10ba]

24.47 IRIN Country Profile, 2007 stated:

“According to Human Rights Watch, the signing of a Comprehensive Peace Agreement in 2005 between the government and rebels that ended 21 years of war has brought little improvement in human rights in the country. Attacks on civilians, killings, rape, torture, looting, arbitrary arrests and harassment of human-rights activists continue to be witnessed in Darfur and other parts of Sudan.” Stating that Sudan requires aid for the provision of protection and other humanitarian assistance for its citizens against widespread armed conflict in the Darfur region. There is inadequate funding to cope with the large refugee population from neighbouring countries, mainly Eritrea and Ethiopia, and thousands of Sudanese returnees. [4a] (p4)

24.48 UN News reported on 16 May 2007 that:

“Violence continues to hamper humanitarian aid in Sudan’s Darfur, although many humanitarian activities, including a successful polio vaccination campaign, are currently being carried out in Sudan’s Darfur region, violence continues to threaten the operations, according to the United Nations Mission in Sudan (UNMIS). Incidents of road banditry and fighting between the warring factions continue to disrupt long-term planning, spokesperson Radhia Achouri said at the weekly UNMIS press conference in Khartoum.” [6av]

24.49 The UN Secretary General’s (UN SG) Report of 27 July 2007 stated that:

“In recent months, the overall security situation in Darfur has been

characterized by continual violence and insecurity. The nature of that insecurity, however, differed in the three states of the region. Western Darfur suffered from cross border tensions between Chad and the Sudan, including direct hostilities in early April. Northern Darfur remained heavily affected by the conflict between the Government of the Sudan and the Darfur Peace Agreement non-signatory factions, particularly in the areas north of El Fasher and in Jebel Marra, while in Southern Darfur persistent tribal conflict also continued to result in violent attacks.” [6q] (p1)

24.50 The report added:

“In a disturbing development, elements of the two signatories to the Darfur Peace Agreement, namely the Government of the Sudan and the Minni Minawi faction of the Sudan Liberation Movement/Army (SLM/A), clashed on several occasions in March. The most significant security development of the reporting period, however, was the increasing violence against the African Union Mission in the Sudan (AMIS) and the United Nations Mission in the Sudan (UNMIS), as well as the broader United Nations and international non-governmental organization community in Darfur.” [6q] (p1)

24.51 BBC News reported on 11 September 2007 that Sudanese government planes have bombed the town of Haskinita in North Darfur, and that the aerial attacks had killed at least 25 civilians and three JEM fighters. [9h]

...“The bombardment had started on Monday afternoon and then ground forces entered the rebel controlled town. These reported clashes come just weeks before the start of peace talks between rebel leaders and officials from Khartoum. At least 200,000 people are believed to have died in four years of fighting in Darfur, while more than two million have fled their homes. Sudan's government denies charges it backs Arab militias accused of atrocities against the region's black African population.” [9h]

24.52 Amnesty International reported on 11 February 2008 that thousands of civilians have fled West Darfur's Sirba region and an unknown number were killed as the Sudan Armed Forces (SAF) accompanied by uniformed Janjaweed militias on horses moved to re-occupy an area, which was occupied by Sudan's Justice and Equality Movement (JEM) and carried out attacks. [16ae]

“The latest figures indicate that 12,000 people have crossed into Chad, thousands more have gone south to Jeneina and many, especially women and children, are believed to still be sheltering in the bush. Those remaining in the area are vulnerable to attack by militias and others. It is still not known how many civilians died in the attacks. However, around 100 were said to have been killed in the three main villages in the area, Sirba, Abu Suruj and Silea, which were attacked on Friday (8 February).” [16ae]

24.53 The US Aid's report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur, reporting of the JEM attack on 10 May 200 and the impact of the attack, the report stated:

“During May, bureaucratic impediments and insecurity continued to hamper relief efforts and access throughout Darfur. Following the May 10 attack on Khartoum, and the Sudanese government's subsequent closure of airports

and roads throughout Darfur, relief agencies reported further reduced access. [3d] Adding: "On May 13, OCHA reported that bandits had hijacked 125 humanitarian vehicles in Darfur, including 75 trucks contracted by the U.N. World Food Program (WFP), since early January. As of May 28, at least 50 trucks and 36 drivers remained missing. [3d]

24.54 Furthermore:

"Insecurity continues to impact the programs of implementing partners. On May 27, assailants killed an NGO staff member in Habila, West Darfur. To date in 2008, assailants have killed six and abducted nearly 100 humanitarian staff in Darfur. On June 1, unknown assailants attacked and burned the women's center run by CHF International in Kalma IDP camp, South Darfur. According to USAID staff, the assailants fired warning shots at the center's guards and IDPs who tried to extinguish the fire." [3d]

The Peace Process

24.55 "The U.S. and the international community welcomed the January 9, 2005 signing of the Comprehensive Peace Agreement (CPA) and the May 5, 2006 signing of the Darfur Peace Agreement (DPA), while a series of UN Security Council resolutions in late March 2005 and 2006 underscored concerns about Sudan's continuing conflicts. On September 11, 2006 the U.S. linked improved relations to Sudanese acceptance of a UN peacekeeping operation in Darfur. Since that time, the U.S. has been successful in bringing new economic sanctions against Sudan, as well as ushering in the passage of UN Security Council Resolution 1769 on July 31, 2007, which mandated the rapid deployment of a joint African Union/United Nations hybrid peacekeeping force to Darfur." [3j]

24.56 An African Union press release of 24 August 2005 announced that:

"The sixth session of the Inter-Sudanese Peace Talks on the conflict in Darfur will be convened in Abuja, Nigeria, on 15 September 2005. The negotiations on the substantive issues of Power Sharing, Wealth Sharing and Security Arrangements, will be preceded by workshops for the participants." [47a]

24.57 Following the signing of the DPA on 5 May 2005, the UN Secretary General Kofi Annan urged all parties in the conflict to: "respect an earlier ceasefire pact and appealed to rebel factions that had refused to sign the peace agreement to do so." (IRIN News 10 May 2006) [10bh] Furthermore, UN Secretary General Kofi Annan also pledged to speed up the planning for the deployment of a UN peacekeeping force to Darfur. [10bh]

24.58 The *Sudan Tribune* reported on 14 September 2006 that:

"Sudan formally called on the African Union Wednesday [13 September 2006] to pull its peacekeepers out of Darfur by the end of the month if it continues to support a U.N. takeover of the mission. A 7,000-strong AU force is now in the western region of Sudan but is understaffed, starved of cash and eager to hand over to the U.N. Its mandate expires at the end of the month. 'If the AU wants to transfer the mission to the U.N., then they have to pack up their troops and leave by the September 30,' Al-Samani Al-Wasila, Sudan's junior

foreign affairs minister, told journalists after meeting with AU officials in Addis Ababa.”

24.59 UN News reported on 30 June 2008 that the:

“Secretary-General Ban Ki-moon and the African Union Chairperson today appointed an experienced official from Burkina Faso as the new joint AU-UN Chief Mediator for Darfur as they seek new momentum in their efforts to resolve the five-year conflict. Djibril Yipènè Bassolé, who has been Foreign Minister of Burkina Faso since 2007, will conduct the mediation efforts in the new post on a full-time basis from El Fasher, the capital of North Darfur state and the headquarters of the hybrid UN-AU peacekeeping force to the region (UNAMID)”. [6c]

24.60 The report added that the current UN and AU Special Envoys for Darfur, Jan Eliasson and Salim Ahmed Salim, will remain available for advice and engagement as required. Mr. Bassolé, 51, has extensive experience in mediation process and in multilateral diplomacy, Ms. Montas said a UN spokesperson. [6c]

SOUTH SUDAN

24.61 HRW annual report, 2007 stated that

“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.” [19p]

24.62 The report stated further that:

“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.” [19p]

24.63 Furthermore:

“Despite 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. Furthermore, 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.” [19p]

- 24.64 UNICEF reported in its humanitarian action report 2007 that the long term effects of the conflict continue to negatively impact upon children and women in southern Sudan.

“Problematic overland transport routes and the rainy season make access to some populations difficult. Basic social services are limited and inequitably distributed, with the return of some 240,000 people further increasing pressure in already vulnerable communities.” [40f]

- 26.65 The *Sudan Tribune* reported on 17 September 2007 that the government of South Sudan and rebel Justice and Equality Movement (JEM) had agreed to coordinate efforts to end the four year crisis in western Sudan.

“Riek Machar Vice-president of southern Sudan government, Riek Machar, discussed with a JEM delegation headed by Mohamed Abkr, the deputy chairman of JEM General Congress and attended by Ahmed Hussein Adam, the responsible of relations with the SPLM, ways to conjugate efforts to find a durable peace in Darfur in London last Sunday. The South Sudan official underlined the importance of adoption a common position from the rebel groups before the talks he also insisted on the necessary coordination between the rebel movements during the negotiations.” Adding that “the SPLM is ready to assist and facilitate efforts to realize these goals”. [12ai]

- 24.66 The *Sudan Tribune* reported on 21 September 2007 that:

“We the Southern Sudanese are always panicking when things went wrong or done by Khartoum government/NCP [sic], the SPLM continued to terrorize the South with their tribal appointed officials. SPLM continued to campaign for NCP mission objectives and had ignored the interests of the Southern Sudanese who fought for 55 years. We are people with various skills, talents and professions, our communities are rich with, resources like oil, minerals, brave and committed patriots and combatants but what frustrate [sic] us is our division due to our minds of tribalism, selfish interests and propaganda made by CPA major partners NCP and SPLM. The Southerners must now leave their internal differences and come forward to focus for the separation [sic] awareness among our misguided communities.” [12y]

- 24.67 However, Médecins Sans Frontières (MSF) reported on the 8 January 2008 that the aftermath of the decades-long civil war between the north and south has left south Sudan in a desperate state.

“Three years after a decades-long civil war between the north and south of Sudan has ended, the population of southern Sudan is still struggling for survival, dying from preventable and curable diseases, and facing outbreaks on regular basis. Maternal mortality rates are amongst the highest in the world and poverty-related diseases such as measles, malaria, tuberculosis and kala azar remain major killers.” [41c]

- 24.68 The report adds:

“There [sic] hardly any roads in southern Sudan, almost everything is transported by aircraft. In the Upper Nile state of southern Sudan, MSF maintains a number of projects focusing on primary healthcare. Because of a desperate shortage of infrastructure, reaching much of the region, especially in the rainy season, is particularly onerous and few NGOs are present on the ground. In the Upper Sobat, MSF runs a hospital in the former garrison town of Nasir and four outreach clinics in the northern Upper Nile area, accessible only by boat or air.” [41c]

Conflict and insecurity

24.69 The USSD Human Rights report for 2007 stated that:

” There were credible reports that intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes”. [3a] (Section 5)

Lord’s Resistance Army (LRA)

24.70 The USSD Human Rights report for 2007 stated that:

“During the past 20 years, the LRA kidnapped more than 20,000 Ugandan children, took them back to the northern part of Uganda, and forced them to become sex slaves, porters, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in Southern Sudan. The government permitted the Ugandan army access to Southern Sudan to pursue the LRA. Although Ugandan military operations have significantly reduced LRA numbers, the LRA continued to operate in the south and to hold child abductees, despite its August 2006 signing of an agreement to cease hostilities; such LRA attacks restricted humanitarian activities.” [3a] (Section 5)

24.71 IRIN reported on 27 April 2007, that the recommencement of talks between the government and the Lord’s Resistance Army (LRA) may end one of Africa’s most brutal conflicts, but it is too early to write off the rebels, a global think-tank has warned. The process should also lead to the economic empowerment of affected populations to redress Uganda’s north-south divide and break the cycle of conflict, the International Crisis Group (ICG) said. The talks resumed in Juba, southern Sudan, after a meeting between the rebels, mediators and Ugandan officials near the border between Sudan and the Democratic Republic of Congo. The meeting also extended an earlier cessation of hostilities agreement to June, giving the rebels six weeks to assemble at Ri-Kwangba. The United Nations special envoy, Joachim Chissano urged the delegates, attended by top southern Sudanese officials, not to let this opportunity go, stating “This is valid for the government team too, Do not lose this opportunity.” [10en]

24.72 allafrica reported on 26 February 2008 that the Lord’s Resistance Army (LRA) rebels have killed 11 people, including seven SPLA soldiers, and abducted 27 others in a South Sudanese town near the border with the Central African Republic, according to local authorities.

“On February 19, just hours after the LRA delegation in Juba signed an additional agreement on accountability and reconciliation, a group of about

400 LRA attacked Source Yubu in Western Equatoria. 'They came from the Central African Republic and attacked the town at around 5:00am', Joseph Ngere, the deputy governor of Western Equatoria, told The New Vision on satellite phone yesterday. 'They killed the Ayam administrator, Angelo Pio, along with three other civilians and seven SPLA soldiers. They then looted the town and abducted 27 men, women and children. They have not come back'." [97a]

- 24.73 Likewise, News24 also reported on the above incident, noting that the attack would not endanger peace talks underway.

"The attack on February 19 saw a group of LRA fighters make an incursion on the Sudanese town of Source Yubu on the border with the Central African Republic, loot the town and abduct mostly women and children", the government-owned newspaper The New Vision reported. 'At this point, this single attack alone cannot derail the whole peace process. We strongly condemn the attack which is very untimely', said military spokesperson Paddy Ankunda, adding that the peace talks committee would investigate. The New Vision reported that about 400 LRA fighters engaged the Sudan People's Liberation Army (SPLA) in the hour-long fight resulting in the death of seven SPLA soldiers and one LRA fighter.

- 24.74 The report added that:

"Negotiators in the talks, which have been taking place in south Sudan's regional capital Juba since mid-2006, say that a peace agreement will be signed during the first week of March between the Ugandan government and the LRA." [101a]

- 24.75 Child soldiers global report 2008 reported that:

"The Lord's Resistance Army (LRA), a Ugandan armed opposition group, was present in southern Sudan and attacked and killed civilians. Peace talks between the LRA and the Ugandan government began in July 2006 in Juba and a cessation-of-hostilities agreement was signed in August 2006.⁵¹ The LRA forcibly recruited children from southern Sudan in the first half of 2007.⁵² While the total number of remaining LRA fighters remained unknown, up to 2,000 women and children were believed to remain in LRA camps." [42a]

- 24.76 The New vision reported on 16 April 2008 that the main mediator in the peace talks between the Lord's Resistance Army (LRA) rebels and the Government has accused the rebels of recently kidnapping 55 children in South Sudan. "... 'Why do they continue doing this and say they are committed to the peace process?' "

The Implementation of the Comprehensive Peace Agreement (CPA)

- 24.77 In July 2005, the ICG released its Report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which states that:

"The main obstacles [to successfully implementing the CPA] are the old regime's lack of will to embrace genuine power sharing and elections, and ultimately allow a southern self-determination referendum after the six-year

interim period and lack of capacity in the South to establish and empower basic structures of governance.” [14f] (Executive Summary and Recommendations)

24.78 The Report continued:

“Most members [National Congress Party (NCP)] recognise the free and fair elections required in 2009 would likely remove them from power. Many also fear the self-determination referendum will produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There are signs the NCP seeks to undercut implementation through its use of the militias (the South Sudan Defence Forces, SSDF), bribery, and through the tactics of divide and rule. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising that the referendum can be postponed indefinitely without its being blamed.” [14f] (Executive Summary and Recommendations)

24.79 The ICG Report went on to discuss the terms of the CPA; including potential pitfalls in the Agreement itself, the importance of political inclusivity, the role of the SSDF, the SPLM’s internal difficulties, and disagreements over oil boundaries and revenues. [14f]

See also [The North-South Comprehensive Peace Agreement \(CPA\)](#)

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FREEDOM OF MOVEMENT

- 25.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 42 of the INC records that: “(1) Every citizen shall have the right to the freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law; (2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law and shall have the right of return;” [94a] (p17)
- 25.02 The USSD Human Rights report for 2007 stated that:
- “Movement generally was unhindered for citizens outside conflict areas; however, at times foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and reregister at each new location within three days of arrival. The Government of Southern Sudan did not restrict the movement of foreigners in the south, although foreigners were required to register upon entry.” [3a] (Section 2d)
- 25.03 Furthermore
- “The government detained persons, particularly opposition political figures, at the airport and prevented them from travelling due to ‘security concerns.’ For example, on August 20 [2006], the government prevented the director of a local NGO working in Darfur from departing the country to attend a conference overseas and confiscated his passport.” [3a] (Section 2d)
- 25.04 IRIN News reported on 26 March 2007 that:
- “Aid workers in the troubled western Sudanese region of Darfur are frequently prevented from doing their jobs by being denied access to certain areas, United Nations Under-Secretary General John Holmes said. ‘The United Nations and its NGO [non-governmental organisation] partners are keeping these people alive and we are not allowed in. We should be allowed to move freely,’ Holmes said on Saturday [24 March], after being denied permission to visit Kassab camp for internally displaced persons in North Darfur state. ‘I fear this is typical of what aid workers trying to make a difference in Darfur deal with on a daily basis,’ he added.” [10ax]
- 25.05 Further adding:
- “Holmes, who is on a two week mission to Sudan, Chad and the Central African Republic (CAR), was travelling to Kassab when his convoy was stopped in Kutum town, and told he could not visit the camp home to 22,700 displaced people. The government controlled town is about 120km north of El Fasher, the capital of North Darfur.” [10ax]

PASSPORTS

- 25.06 The Immigration and Refugee Board of Canada published an update on Sudan's passport issuance and renewal procedures on 28 February 2007, stating that:

"Sudanese passports are valid for ten years, but need to be renewed every two years during this period (Sudan 14 Feb. 2007; *ibid.* n.d.a; *ibid.* n.d.b). To renew a Sudanese passport outside of Sudan, the holder must submit the following to a Sudanese Embassy: a completed application form signed by the applicant; one passport photograph; and the appropriate renewal fees. In a 14 February 2007 telephone interview, an official at the Embassy of the Republic of Sudan in Canada indicated that persons renewing their passports within Sudan must submit the required documentation and fees to the country's Ministry of Interior Affairs." [52c]

EXIT VISAS

- 25.07 The U.S Travel State Department issued the following travelling information concerning entry/exit requirements on its website on 12 March 2008:

"The Government of Sudan requires all travelers to present a passport and an entry visa. Most travelers must obtain the entry visa before arrival; only American citizens who also possess a Sudanese national identification document (such as a Sudanese passport or national identification card) may apply for an entry visa at Khartoum International Airport. The Government of Sudan routinely denies visas to travelers whose passports contain visas issued by the Government of Israel or other evidence of travel to Israel such as exit or entry stamps. Travelers must obtain an exit visa before departure from Sudan as well as pay any airport departure tax not included in the traveler's airline ticket." [3b]

- 25.08 Additionally:

"Travel permits issued by the semi-autonomous Government of Southern Sudan (GOSS) or by the South Sudan Relief and Rehabilitation Commission (SSRRC) are not adequate for entry to the country, although travelers may find these documents useful to present to local authorities when in the south." [3b]

- 25.09 The USSD report for 2007 noted that the government required citizens to obtain an exit visa to depart the country; however, the issuance of exit visas was pro forma and generally not used to restrict citizens travel." [3a] (Section 2d)

AIRPORT SECURITY

- 25.10 The embarkation process at Khartoum Airport, at that time, was explained to the Danish Fact Finding Mission of 2001. [23b] (p56-57) Colonel Ismail H Rasoul of the Khartoum Airport Police told the mission that, after the first baggage check, the traveller has to present his passport with an exit visa, which is then stamped and the traveller himself completes a departure form, which is then registered on computer. [23b] (p56) The airport security police at Khartoum airport have a list of wanted persons, which is checked at this point of the

embarkation process. [23b] (p56-57) The Report stated that: "His baggage is then checked by the customs authorities. Before a person gains access to the plane his passport is checked again." [23b] (p57)

- 25.11 Three sources consulted by the Danish mission in 2000 agreed that, apart from those on the Government's list of wanted persons, Sudanese citizens were easily able to resort to bribery to obtain passports and exit visas, and to pass by border control officers at that time. [23a] (p27-28) It also stated that: "The authorities are not very well able to check on all departing passengers," [23a] (p28) and that: "This is due to shortage of financial resources and a general casualness about checks on departure." [23a] (p28) The FCO letter of February 2005 stated that, whilst it was probable that bribery was used to obtain passports and visas, and to facilitate passage through immigration control, the FCO itself was unable to source or verify such assumptions. [4b] (p2)

WEST SUDAN (DARFUR) AND EAST SUDAN

- 25.12 UNHCR's comments to the Advisory Panel on Country Information of 8 March 2006 stress that the internally displaced persons (IDPs) in Darfur also suffer from a lack of freedom of movement due to the ongoing insecurity in the region, and lack of security in and around the IDP camps. [20a] (p5)
- 25.13 A January 2006 ICG Report, 'Sudan: Saving Peace in the East', states that: "Security is tight in the major cities [in east Sudan]. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea." [14b] (p13)
- 25.14 The USSD Human Rights report for 2007, noted that:
- "Although foreign NGO staff could obtain entry visas and work or travel permits for Darfur and the Three Areas, there were numerous reports of continuing delays and restrictions. The government generally implemented its policy of issuing humanitarian visas within 48 hours, but nationals of some countries encountered difficulties in obtaining visas to work with NGOs." [3a] (Section 2d)

RETURNING SUDANESE NATIONALS

- 25.15 Article 42 of the INC stated that: "(2) Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return." [94a] (p17) The USSD report of 2007 noted that: "The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year [2007]." [3a] (Section 2d)

FREEDOM OF MOVEMENT: SOUTH SUDAN

- 25.16 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 31 of the ICSS states that:

- “(1) Every citizen and any person lawfully in the Sudan shall have the right to freedom of movement and the liberty to choose his or her residence in Southern Sudan except for reasons of public health and safety as shall be regulated by law.
- (2) Every citizen shall have the right to leave and/or return to Southern Sudan.” [94b] (p11)

25.17 HRW’s March 2006 Report on ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ states that: “According to residents, since the SPLM’s official appearance in Juba in May 2005, the previous climate of repression of southern culture, religion and everyday life in Juba has loosened. A curfew was lifted and people could move more freely about the town.” [19a] (p9)

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INTERNALLY DISPLACED PEOPLE (IDPs)

- 26.01 The Norwegian Refugee Council's Global IDP Project published its latest detailed analysis of the IDP situation in Sudan, 'Profile of Internal Displacement: Sudan' (NRC Profile), on 12 October 2007:

"The civil war[s] in Sudan have generated the largest internally displaced population in the world during the past two decades. Most IDPs do not live in camps which makes it harder to monitor numbers. Despite the scale of the problem, no systematic mechanisms to monitor population movements have been set up in the country and most figures are estimates and projections. As of September 2007, there was no official consensus on the overall number of IDPs in Sudan. With these reservations in mind and based on UN statistics from the 2007 Work plan for Sudan, and the Darfur Humanitarian Profile No. 28 (situation on 1 July 2007), there are 2,152,163 IDPs in Darfur as of July 2007; an estimated 2,276,000 IDPs in Northern Sudan as of January 2007; an estimated 245,000 in Southern Kordofan and Blue Nile; and an unknown number of IDPs in Southern Sudan." [48a] (p67)

Region/Area	Number of IDPs
Khartoum	2 071 000
Northern	No figures available
Red Sea	70 000
Kassala	63 000
Gedaref	No figures available
Sennar	No figures available
Blue Nile	165 000
White Nile	72 000
Upper Nile (Malakal)	No figures available
South Kordofan	80 000
Unity	No figures available
Western Bahr el Ghazal	30 000
Eastern Equatoria (Juba/Lafon/Torit/Budi/Kapeota)	No figures available
Western Equatoria (Ezo/Tambura)	No figures available
Jonglei	No figures available
Greater Darfur (North, South and West)	2 152 163
TOTAL	4 7031 63

[48a] (p67)

- 26.02 The report stated that the Outlook for IDPs remains bleak, adding that there are more than 4.5 million estimated IDPs in Sudan (September 2007)

- 26.03 The report further added that:

"A survey conducted by IOM in 2005 found that at least 36% of Khartoum's IDPs do not intend to return to their home areas and are likely to remain in Khartoum (2007 Work plan, p. 295). Thus Khartoum is "now hosting an estimated 1 million permanent residents who were previously regarded as temporary'." [48a] (p67)

- 26.04 The IOM reported its 'Return and reintegration of qualified Sudanese (RQS) programme, 2007', a scheme designed to assist returning Sudanese to meet critical gaps in knowledge and skills following their return to the country, entitled the Return and Reintegration of Qualified Sudanese (RQS) programme. "With funding from the Government of Denmark, IOM's RQS programme assists Sudan to meet critical gaps in knowledge and skills by identifying educated, trained, and experienced Sudanese living outside of Sudan who are committed to returning to Sudan to contribute to the country's development and prosperity. RQS selects and helps to return qualified Sudanese with the skills and expertise that are most needed in Sudan. RQS participants return to fill a long term job vacancy or to undertake a short term consulting or teaching assignment. RQS also assists entrepreneurial Sudanese to return to self employment in Sudan." [79d]
- 26.05 The Norwegian Refugee Council (NRC) reported on 12 July 2007 regarding the number of Sudanese IDPs.
- "As the violence in Darfur continues, the scale of the crisis facing people displaced by conflict in the neighbouring regions of Chad is only now becoming clear. Recent estimates suggest that around 170,000 people have been forced to flee their homes, including more than 120,000 during the last seven months alone, and a report released today by the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC) describes how a combination of factors has left them vulnerable to attack from all sides, and increasingly deprived of access to food, water and healthcare." [48c]
- 26.06 The report added:
- "Though cross border attacks attributed to Sudanese Janjaweed militias continue, the government of Chad has been more concerned with quelling internal dissent, and has withdrawn army units from the affected eastern regions. 'The government has an obligation to ensure security and address the root causes of the inter-ethnic violence, to ensure that the displaced people can return to their areas of origin,' said the Norwegian Refugee Council's Secretary General Tomas Colin Archer." [48c]
- 26.07 Likewise IDMC also reported on 11 July that:
- "Over the last two years, an estimated 172,600 people have been internally displaced in the south eastern regions of Chad bordering Sudan's Darfur, including more than 120,000 within the last seven months. They have been displaced by a combination of armed conflict between the government and rebel groups, cross border raids by militias from neighbouring Sudan, and increasing inter-communal violence. The internal displacement crisis worsened from mid 2006 as, in response to increasing attacks from Chadian rebel movements, the government withdrew the Armée Nationale du Tchad (Chadian National Army, ANT) from south eastern areas to other more strategic points. This led to a security vacuum along the border with Darfur in which (mainly non-Arab) civilians and villages have been subjected to continuous cross border attacks attributed to armed militia groups known as Janjaweed. These factors have combined to encourage and trigger inter-ethnic violence and banditry that has forced people to flee, including Arab Chadians who started to be subject to attacks. The increasing militarisation of

communities and the ongoing military recruitment (including of children) in IDP sites adds to the overall deterioration in the security situation.” [48d]

26.08 The USSD Human Rights report for 2007 reported that:

“According to the UN, more than 200,000 persons have died, 2.2 million civilians have been internally displaced, and an estimated 231,000 refugees have fled to neighboring Chad since the conflict began in 2003. Despite the presence in Darfur of the African Union-led international monitoring force (African Union Mission in Sudan or AMIS), security remained a major problem throughout the year.” [3a] (p1)

26.09 The report added that:

“During the year no suitable alternate site was found for the 12,000 persons displaced during the August 2006 demolition of a squatter camp in Gezira State. Despite a lack of water, sanitation, and health facilities at the relocation site, the government rejected humanitarian assistance, according to UN sources. The government promised to provide land to relocated persons, but administrative problems and a requirement to provide a marriage certificate limited the prospects of land ownership for the most vulnerable, particularly for female-headed households. During the first six months of the year, police detained at least 11 residents on charges of illegally squatting on the relocation site.” [3a](Section 1f)

26.10 HRW reported in September 2007 that:

“In July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded that 160,000 people had been newly displaced since January 2007, putting the total number of displaced at 2.2 million and the total number of people receiving relief assistance at 4.2 million, nearly two-thirds of Darfur’s population. OCHA reported that many of Darfur’s IDP camps can no longer absorb new arrivals.” [19r]

26.11 The report added:

“Beyond direct attacks on civilians, the confused nature of the recent hostilities with inter tribal fighting and groups switching sides has contributed to the displacement of civilians. Yet in July and August 2007 government officials told international agency staffers based in Darfur that Darfur’s 2.2 million internally displaced persons were beginning to return home and the international community should cooperate. But what the government described as ‘voluntary returns’ were in fact only brief excursions out of the camps on market days or during the farming season. Few displaced persons left the camps for more than a few days and even fewer returned permanently to their villages. One person working with displaced people in Darfur described the government’s discussion of voluntary return as ‘smoke and mirrors’. Another noted that last year the government tried to convince the relief community that its assistance to the camps was not needed because people were ready to go home. ‘Women want to go home, but can’t’, she told Human Rights Watch. ‘They sit in the camps and sing songs about their villages and draw pictures of their crops and flowers’.” [19r]

- 26.12 The IOM reported on 20 April 2007 regarding the assistance the organisation is providing in the return of internally displaced people to south Sudan, stating:

“Although IOM operations to help voluntarily return thousands of internally displaced people (IDPs) to South Sudan are in full swing, early rains across most of the South are heralding the imminent arrival of the rainy season which will soon stop all road returns until late this year. More than 29,600 IDPs have been helped by IOM to return to South Kordofan and south Sudan since February with transport assistance, medical screening, overnight accommodation en route and escorts.” [79b] Furthermore, “Five major convoy routes are currently being used to get IDPs back to home communities from Khartoum, South Darfur and within South Sudan to South Kordofan, Unity, Northern Bahr el Ghazal, Western Bahr el Ghazal, Central and Western Equatoria and Warrap States. ... The returns, part of a joint organized return programme coordinated by the Government of National Unity and the Government of South Sudan, the United Nations and IOM, aim to assist 198,000 IDPs and 102,000 refugees this year.” [79b]

- 26.13 The IOM reported in its migration initiatives appeal 2007 that:

“The peace and stability established in the wake of the 2005 Comprehensive Peace Agreement continues to motivate thousands of spontaneous returns throughout much of Sudan. In 2007, IOM will continue to ensure the safe, voluntary and dignified return of IDPs. IOM has provided support to spontaneous return movements from north to south Sudan through a variety of activities such as transportation assistance, tracking and monitoring, construction and management of way-stations, information campaigns, etc. Among other accomplishments, IOM has tracked and monitored over 90,000 returnees and provided transportation assistance to over 17,000, including emergency transportation assistance to 5,500 stranded spontaneous returnees. Nonetheless, increased violence in Darfur continues to displace thousands of individuals and prevent the return of millions throughout the region, despite the signing of the Darfur Peace Agreement. In the last year, IOM's Verification and Monitoring Unit in Darfur verified 36,775 IDP relocations, 6,475 IDP returns and 1,973 refugee returns to ensure that movements were voluntary and conducted in safety and dignity.” [79c]

- 26.14 The International Rescue Committee (IRC) reported on 29 August 2007 that to date, the organisation has assisted some 17,500 people affected by devastating seasonal rains in North and East Sudan.

“Since the response began in early July, the IRC has distributed over 1,100 sacks used in the first line of flood defense [sic], 120 pieces of digging tools, 10 tents and 550 kits with plastic sheets, blankets and other essential items. The IRC has also donated large quantities of insecticide and medical equipment to the Sudanese Ministry of Health in its effort to fight any outbreaks of disease. The floods, which have affected the states of Kassala, Red Sea, Blue Nile, and Southern Kordofan, have left thousands of people homeless, have submerged villages and caused immense damage to infrastructure, including roads and bridges.” [33a]

- 26.15 IRIN, accessed on 14 May 2007 reported that:

“To the north of Khartoum, ‘El Salaam’ – or ‘Peace’ – camp houses approximately 120,000 residents, while Wad El Bashir camp hosts 75,000. There are nearly 900,000 IDPs living in four IDP-designated camps and 15 squatter areas around Khartoum. OCHA estimated that the total number of Khartoum IDPs could be 1.8 million, some of who were integrated into host communities.” [10ez]

- 26.16 UNICEF, reported in its 2007 Children’s Appeal report that:

“Around 2 million people are internally displaced, half of whom are children. In the last six months alone, 250,000 people have been newly displaced. As more communities become affected, access to them becomes more difficult due to insecurity, with the delivery of assistance to the most vulnerable being compromised.” [40d]

- 26.17 The UN Secretary General’s (UN SG) Report of 24 December 2007 noted that:

“The humanitarian situation in Darfur continues to be volatile. In October alone, more than 20,000 civilians were displaced by armed clashes between Government forces and non-signatories to the Darfur Peace Agreement and among Darfur movements themselves, bringing the total number of people displaced in 2007 to almost 270,000. September health statistics from one health clinic in Southern Darfur showed a very high rate of sexually transmitted infections following attacks and fighting in August, with 183 cases reported to have been treated, including 40 cases in children under five.” [6m](p6)

- 26.18 IDMC’s IDP news alert on 31 January 2008 noted:

“Amnesty International (AI) has warned of a generation of Darfuris growing up in extreme fear and insecurity, and subject to forced recruitment, in IDP camps awash with weapons. ‘Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate’, said Tawanda Hondora, Deputy Director of AI’s Africa Programme. Meanwhile, the UN Secretary-General’s [sic] report on children in armed conflict has described how “in Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families.” [48f]

- 26.19 UNICEF in its humanitarian action report 2008 recorded that: “Numbers of internally displaced persons (IDPs) continued to rise, with over 240,000 people newly displaced, or re-displaced. By the fourth quarter of 2007 there were an estimated 2.1 million IDPs in Darfur. IDP camps remained full to overflowing and aid agencies struggled to keep up with the needs. After four years of conflict, coping mechanisms have become seriously stretched and, for the first time since 2004, pockets of malnutrition above the emergency threshold have been reported.” [40h] (p148)

- 26.20 Mines Advisory Group reported in its 2008 annual review that the organisation continues to support peace and stability in Sudan, three years on from signing the CPA.

"In 2007, the programme focused on supporting the return and rehabilitation of refugees, internally displaced persons (IDPs) and conflict-affected communities. MAG's response is integrated and involves Community Liaison (CL), Mine Risk Education (MRE), technical survey and minefield marking, manual demining, stockpile destruction and Explosive Ordnance Disposal (EOD). Results have shown a reduction in landmine and UXO accidents, providing safe passage for returnees, releasing safe land for resettlement and development and assisting a return to normal life for excombatants and civilians affected by the conflict. [68I]

26.21 The report added that this year, their focus will remain on key areas of return and areas identified by the Landmine Impact Survey (LIS) as of high impact; these will include Greater Equatoria (including Central, Western and Eastern), Western and Northern Bahr El Ghazal, and Upper Nile in southern Sudan, and Blue Nile in northern Sudan. [68I]

26.22 US Aid's report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur, reporting on displacements and overcrowding in the camps, the report noted:

"On May 19, OCHA reported that more than 158,000 individuals had been displaced in Darfur since January 2008. Following interethnic clashes and mass displacement in Sania Afandu in South Darfur from mid- to late- April, humanitarian agencies expressed concerns regarding overcrowding in the local IDP camps. On May 6, the Sudanese government and NGOs assessed El Sereif IDP camp to determine the possibility of re-opening the camp for 441 households from Sania Afandu who were sheltering at Al Salam camp in Nyala, South Darfur. Participants in the assessment mission included the GNU Humanitarian Aid Commission (HAC), the U.N. Children's Fund (UNICEF), OCHA, GNU Office of Water and Environmental Sanitation (WES), CARE, and the Islamic International Relief Organization, the El Sereif camp manager." [3d]

26.23 International Committee of the Red Cross (ICRC) reported on 19 May 2008 that the organisation is prolonging its support to approximately 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur until the end of the year its operation to help some 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur. [22b]

26.24 The report added:

"Since the end of last year, an additional 9,000 people have arrived at Gereida. Most had fled their homes because of fighting, lawlessness and insufficient access to drinking water, basic health care and other services. The ICRC is providing the camp's population with food, shelter materials, household items, clean water, sanitation, and health and nutritional care. In addition, ICRC delegates are helping the displaced to contact family members with whom they have lost touch, and are collecting allegations of violations of international humanitarian law in order to discuss them in a confidential dialogue with the parties concerned. To finance its operations at Gereida camp, the ICRC is asking donors for an additional 20 million Swiss francs, bringing its estimated 2008 budget for Sudan to 126 million francs (over 121 million US dollars)." [22b]

26.25 The report further added:

‘ “We initially planned to hand over relief work at Gereida to other aid agencies by July 2008’, said Daniel Duvillard, head of ICRC operations for the Horn of Africa. ‘Our aim is to increase our focus on helping vulnerable people in remote rural communities in Darfur. However, our discussions with various organizations interested in working in the camp have not yet produced a final agreement’.” [22b]

26.26 WHO in its 2008 report noted that;

“An estimated 50-000-60,000 people have been displaced in the last week as a result of outbreak of hostilities in the town of Abyei in central west Sudan according to UN OCHA and UNJLC,. A further 600-2000 people are thought to have been displaced North of Abyei Town though this remains unconfirmed. WHO, as part of a multi agency team assessment involving WFP, UNICEF and other partners, are currently undertaking a rapid emergency assessment of Agok, the main point of displacement for IDPs displaced to south of Abyei. WHO has also dispatched from and prepositioned essential drugs and supplies in Kadugli in preparation for further deployment to affected areas as well as coordinating the health response with all health partners, including UN agencies and NGOs.” [44b]

26.27 The report further noted that:

“As well as concern for the health of the population directly affected in the conflict including casualties, WHO is concerned about reported cases of diarrhea and dehydration as well as other immediate risks to health within the displaced population from poor sanitation and access to water, and overcrowding. There is further concern for the nutritional status in the area population which is reported by NGOs to have deteriorated recently and WHO will be working with UNICEF and health partners to address the issue.” [44b]

26.28 The Institute of Security Studies reported on 8 June 2008, extensive details of the road map for return of IDPs and implementation of Abyei protocol. The report provided the security arrangements, the timescale for the return of IDPs, the interim arrangements for the administration of the programme and arrangement for the final settlement. [104a]

26.29 Regarding returns, the protocol stated:

- “The civil population shall return to their former homesteads on completion of the above mentioned security arrangements, which are expected to finish before the end of June 2008.
- The GoNU shall take all arrangements for availing the resources for the return programme of the civil population and with the involvement of the relevant international agencies and organisations, which shall be implemented through the Abyei Area Adminisrtation.” [104a]

WEST SUDAN (DARFUR)

26.30 The USSD Human Rights report for 2007 recorded that:

“There were numerous reports of abuses committed against IDPs, including rapes, beatings, and attempts by the government to forcibly return persons to their homes, or to alternative IDP camps and other sites. There were credible reports that the government harassed IDPs in Darfur who spoke with foreign observers, especially high-profile foreigners, demanding to know the content of their discussions.” [3a] (section 1g)

- 26.31 UNAID in its monthly update for January - February 2007 reported that the organisation’s partners have been working to meet the needs of an influx of newly displaced families who were forced to leave their homes after a recent spate of attacks on their villages, north of El Geneina, West Darfur since early 2007.

“We had to flee because we were beaten, said one new arrival. We left everything behind, and had to walk for two days to reach here. We hope that here at least we will be safe. ... Over the last two months, an estimated 2,500 newly displaced people have arrived in Ardamata camp, and another 1,500 in Durti camp. Having left their homes with few belongings during the peak of the cold season, several spent their nights huddled inside rough shelters made of leaves and grass, without sheets or blankets to protect them from the elements. Some were hurt while fleeing their villages and their injuries had gone untreated. All needed clean water.” [3i]

- 26.32 Médecins Sans Frontières reported on 29 January 2007 that since late December 2006, new attacks in West Darfur, have destroyed several villages and have led to the displacement of thousands of people. Displaced persons have found refuge in Ardamata and Dorti camps, situated on the outskirts of El Geneina, the capital of west Darfur, while other people remain blocked further north in Tanjeke. [41b]

“While some 750 families-more than 5,000 persons-have so far been able to reach the Ardamata and Dorti camps, numerous others have been left behind and remain at the mercy of armed groups still active in the region. In the village of Tanjeke, located 30 km north of El Geneina, at least one thousand families are gathered in small, individual shelters made of grass and leaves that lack adequate roofs. The displaced persons also lack water and soon will be in need of food. People are mostly coming from the camps of Artega and Kouta and are on the run for the second time in less than three years.” 41b]

- 26.33 The report added:

“Meanwhile, in El Geneina, displaced persons continue to arrive in small groups, mostly at night due to the risk of attacks on the roads. There are many reports of acts of violence perpetrated against villagers. In Ardamata camp, MSF has set up a mobile medical unit to screen new arrivals, and more than 500 people have been treated.” [41b]

- 26.34 Furthermore:

“ ‘The welfare of displaced people continues to be ignored while armed groups and the government bicker and impede the complete deployment of UNAMID forces [UN forces in Darfur]. There can be no durable peace without ensuring that the security and human rights of these people are respected and upheld’.” [16ah]

26.35 IRC placed on its website on 14 February 2007, a photo-essay of Sudanese children who have fled the Darfur conflict with their families. With footnotes stating: "they arrive daily at displaced persons camps; they come from different villages; some have been attacked." [33d]

26.36 ICRC reported on 22 March 2007, its plans to step up aid to displaced people in Darfur. The report stated that the ICRC is approaching international donors to cover an increase of 32 million Swiss francs in its budget for Darfur.

"The move comes in response to the urgent needs of the residents of Gereida camp. The extension will boost to 105 million francs the overall ICRC budget for Sudan in 2007, which was already the ICRC's largest in the world." [22g]

26.37 The report stated further:

"All over Darfur, poor security conditions are seriously limiting the delivery of sorely needed humanitarian aid. A serious security incident in Gereida in December forced the majority of non-governmental organizations working there to leave the area. 'Over 120 thousand people are stranded in the camp, in urgent need of food, water, health care, sanitation and waste disposal,' says Jacques de Maio, head of ICRC operations in the Horn of Africa. "[22g]

26.38 Furthermore:

"The ICRC has taken action to ensure that camp residents have adequate food, hygiene and safe water. Feeding centres for under- and malnourished children will be run in partnership with the British Red Cross and Australian Red Cross. Furthermore, the ICRC has been present in Sudan for the past 29 years, and today has over 160 expatriates and over 1,900 locally recruited staff working in various regions of the country." [22g]

26.39 UN News reported the following on 15 March 2007:

"With camps for displaced persons in Sudan's war-torn Darfur region bursting at the seams, sometimes with 50,000 to 100,000 people apiece, it is more vital than ever to reach a settlement to a conflict that has already killed over 200,000 people and uprooted 2.5 million more, according to the United Nations Children's Fund (UNICEF)." [9bd]

26.40 The report stated further that:

"It's absolutely critical that this happens now because we simply cannot absorb any more displaced. UNICEF country representative Ted Chaiban said on his return from a visit to the region. 'The solution is for the peace process to get back on track. It's been very difficult for humanitarian workers in Darfur. I think we should be very proud that we've held the line, that we've kept malnutrition levels down and mortality levels down, that we've been able to vaccinate so many children and that we've been able to get children in to school in the camps'." [9bd]

26.41 The report added that the civil war uprooted some 4.5 million people overall, most of them within the country, but some 500,000 are estimated to have taken refuge in neighbouring countries. [9bd]

26.42 IRIN News accessed 15 May 2007 reported that:

“Hundreds of thousands of people have been forcibly displaced from their homes as a result of actions by the Janjawid, government forces and rebel groups. The UN estimates that there are now two million internally displaced people in Darfur who have fled from their burnt villages and taken refuge within Darfur, mostly in towns and camps, often in very poor conditions, while more than 200,000 have crossed the border into Chad.” [10fc]

26.43 IRIN News reported on 18 September 2007 that:

“Violence in Sudan's remote western region of Darfur has forced nearly a quarter of a million people to flee their homes this year, increasing the pressure on the humanitarian effort, the United Nations said in a report. The International Committee of the Red Cross (ICRC) also expressed concern over worsening security conditions in Darfur. ‘Over 240,000 people have been newly displaced or re-displaced during 2007’, according to the report prepared by the UN Office for the Coordination of Humanitarian Affairs (OCHA), in collaboration with partner UN agencies and NGOs. Thousands of people were fleeing their homes each week, the report added. It came as the Sudanese government and Darfur rebels prepare for peace talks next month aimed at ending more than four years of conflict that has claimed an estimated 200,000 lives and displaced some two million people from their homes.” [10bc]

26.44 The report added:

“The UN said the insecurity was complicating efforts to respond to the needs of the new internally displaced persons (IDPs) and the delivery of assistance to millions of people depending on aid. ‘During August, the humanitarian situation in Darfur has deteriorated,’ said the report, the Sudan Humanitarian Overview ... attacks against humanitarian staff continued throughout the month. ‘Seven humanitarian vehicles were hijacked or stolen, and four humanitarian convoys were attacked,’ the UN said. ‘Five humanitarians were kidnapped or abducted, and three were physically assaulted,’ it added. ‘Many areas of Darfur still remain a hostile environment for relief efforts,’ the report said.” [10bc]

26.45 Internally Displacement Monitoring Centre (IDMC), reported on 12 October 2007 that the outlook for IDPs remained bleak.

“In western Sudan’s Darfur region, ongoing conflict has caused 2.2 million people to be internally displaced since 2003, including almost 250,000 since the beginning of 2007. The conflict has also forced more than 300,000 people into neighbouring countries, in particular Chad. Several hundreds of thousands of civilians have died in what has been described as ‘the world’s worst humanitarian crisis’. Following concerted international pressure the central government has accepted the deployment of a 26,000-strong United Nations/African Union military force mandated to protect the civilian population.” [48a]

26.46 Adding that:

“The overall IDP figures in Sudan, particularly outside Darfur, are unreliable and there are few mechanisms to identify the specific forced migration patterns and protection needs of IDPs who are returning without the support of state institutions or international organisations. However the total is widely believed to be at least 4.5 million, making Sudan’s IDP crisis the largest in the world.” [48a]

26.47 A report by Amnesty International on 22 January 2008 stated that the security situation for IDPs is on a knife-edge as the UN forces end their third week of operations; warning that a generation of Darfuris is growing up in extreme fear and insecurity in camps flooded with weapons, “a potentially explosive combination.” [16ah]

26.48 The report added that:

“A generation of anger outlines the current state of insecurity in camps for internally displaced people (IDPs) in Darfur and the potential consequences and possible remedies. ‘Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate, as hopes of a political resolution to the Darfur conflict recede and hostilities between the government and armed groups continues to escalate’. said Tawanda Hondora, Deputy Director of Amnesty International’s Africa Programme.” [16ah]

26.49 The International Crisis Group (ICG) in its report, July 2008 recorded the current situation in the IDP camps.:

“The IDP camps are increasingly violent, with residents manipulated by all sides while Khartoum also tries to force them to return to unsafe areas. Inter-Arab dissension has added new volatility to the situation on the ground. Some tribes are trying to solidify land claims as the UN/AU hybrid peacekeeping operation in Darfur (UNAMID) establishes itself. This has led to fighting with other Arab tribes, which have realized the NCP is not a reliable guarantor of their long-term interests and have started to take protection into their own hands. There is now a high risk of an Arab insurgency, as well as potential for alliances with the predominantly non-Arab rebel groups. A spill over of the conflict into Kordofan has also started.” [14c]

SOUTH SUDAN

26.50 On 4 April 2007, ICRC reported that its president, Jakob Kellenberger, had called for improved security in Darfur and explained why the organization has had to resume a wider range of assistance activities on behalf of those living in the camp for displaced people in Gereida. [22f] The president recounted:

“During my recent visit to Gereida camp in South Darfur, where over 120,000 displaced people are living in flimsy makeshift shelters, I was struck by the resilience of the women who are caring for their families in such difficult conditions. Their ability to gather all the elements needed to survive – enough food, clean water, basic hygiene and health care – in a vast, untidy settlement of sticks and sheeting was impressive. They build a life out of the emergency goods and services provided to them by humanitarian agencies. ‘... violations are still being committed on all sides. It is high time that they stop. (...) the rules of International Humanitarian Law must be respected by all’.” [22f]

26.51 The report added that

“Gereida’s ragged shelters are an illustration of the tragedy that has struck the population of Darfur.” [22f] Further noting that “... there are similar smaller camps scattered across all three Darfuri States, crammed with people with the risk of them increasing in numbers should the ongoing widespread violence continue or get worse. The report noted that the primary responsibility for protecting the population lies with a country’s government. But in times of armed conflict International Humanitarian Law obligates all parties to respect its rules. Each party must in particular distinguish between the civilian population and combatants, and no party may ever directly or indiscriminately attack civilians.” [22f]

26.52 IRIN, accessed on 14 May 2007 reported about the long journey home for a number of women who were returning to Sudan as life in IDP camps.

“At dawn every morning, a number of women leave Mayo-Madela internally displaced persons (IDPs) camp in search of odd jobs within the Sudanese capital, Khartoum. The majority of the women are Dinka IDPs from the Nuba Mountains in South Kordofan state, some living in the camp for the past 20 years.” [10ez]

26.53 The report further stated:

“ ‘The situation has become much harder, especially for the most vulnerable groups, resulting in an increased willingness of many to return [to their homes]’, Ann Kristin Brunborg, programme coordinator of the sustainable returns team at the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Khartoum, told IRIN on 13 December. ‘They just can’t stand it anymore’.” [10ez]

26.54 The report continued:

“Karak Mayik Nyok, executive director of a local NGO, the Friendship Agency for Community Training (FACT), said the wish to return to the Nuba Mountains area had increased with the end of the rainy season and a decrease in fighting in the south. Many IDPs were affected by recent demolitions of their homes. Quite a number have already decided to return to their southern roots. Every other week, a bus carrying returnees’ roars down from Khartoum headed for the Nuba Mountains.” [10ez]

26.55 The report further stated:

“According to OCHA, an estimated 360,000 IDPs had returned to the southern areas during 2004, the majority coming from the Khartoum area. They have returned to places such as Kosti, Bentiu, Juba and Malakal. Mayo is one of the major IDP camps around Khartoum – the others are El Salaam and Wad El Bashir, near Omdurman in the north. In the camp, one-story, mud-brick structures stretch in every direction, as far as the eye can see. The camps house hundreds of thousands of people, primarily displaced from war-torn southern Sudan, but also from Darfur and refugees from Chad, Ethiopia, Eritrea and Uganda, Maghoub Mostafa, protection officer for the UN refugee agency, UNHCR, told IRIN on 16 November in Khartoum.” [10ez]

26.56 Also that

“Between 100,000 and 200,000 people are estimated to live in Mayo camp, including 14,000 households with an average of six persons per family, according to figures provided by the Mayo Public Committee, which registers IDPs in the camp.” [10ez]

26.57 UN News reported on 27 April 2007 the following statement by the UNHCR

“In southern Sudan, UNHCR is assisting the return home of millions of refugees and internally displaced persons (IDPs) following the signing of a comprehensive peace agreement in early 2005 ending the long-running civil war between north and south.” [6aq]

26.58 While UNHCR reported on 13 February 2007 that:

“The organised return of internally displaced people (IDPs) in south-eastern Sudan’s Blue Nile State back to their home villages in the southern part of the state is gathering momentum. Eight convoys have brought 747 people home since January 23. The latest was yesterday [12 February 2007]. Two more convoys are scheduled for this week.” [6ar]

26.58 The report further stated that:

“UNHCR is coordinating the return, reintegration and protection of IDPs in Blue Nile. Blue Nile State is also an area of return for Sudanese refugees in neighbouring Ethiopia. Within Blue Nile State, an estimated 165,000 people have been internally displaced during two decades of unrest. UNHCR plans to coordinate the return of some 15,000 IDPs this year, following an agreement signed last year by the Government of South Sudan, the Government of National Unity and the UN. The IDP returns are carried out jointly with IOM, which provides transportation, with WFP, with the government and with other partners.” [6ar]

26.60 The report added that

“Blue Nile State is also a return destination for Sudanese refugees from camps in Ethiopia. More than 4,700 have returned so far. There are still some 67,000 Sudanese refugees in five Ethiopian camps. In all, there are 4 million internally displaced southern Sudanese, including 1.8 million in the Khartoum area.” [6ar]

26.61 In southern Sudan, around 140,000 internally displaced people (IDPs) returned to their homes in the first six months of 2007, adding to more than one million IDPs estimated to have returned since the 2005 Comprehensive Peace Agreement (CPA) between the central government and the southern-based Sudan People’s Liberation Movement/Army. The CPA marked the end of the 20-year civil war estimated to have caused the death of up to two million people and the internal displacement of up to four million. Despite improved security, a number of unfulfilled provisions, such as the withdrawal of central government troops from a contested oil-rich border area, may still lead to renewed war and displacement.

RETURNING IDPs

26.62 The NRC Profile of October 2005 reported that:

“In Sudan, the challenges for the post conflict return and reintegration of refugees and internally displaced persons are enormous and the task at hand is beyond any single agency’s capability. The lack of capacity in the country is evident at all levels and in all sectors. In a politically fragile environment, typical of post conflict situations, returnees and their communities must not be left in deprived conditions for extended periods of time without means and opportunities for the future, in particular with regard to protection, basic services and livelihoods. Many may opt to return to their countries of asylum or become internally displaced persons again. This phenomenon of backflows is often witnessed in repatriation operations when return and reintegration are not sustainable due to the lack of adequate financial commitment.” [48] (p127)

26.63 Sudan Net reported on 29 July 2007 that the Sudanese General Commissioner of Humanitarian Aid Hasabo Mohamed Abdel-Rahman, announced that 45 percent of displaced people in the western Sudanese region of Darfur had returned to their villages. At a press conference, Mr Abdel-Rahman stated that:

“The number of returnees in North Darfur had reached 81,762 households, in West Darfur, 78,846 and in South Darfur, 76,841. Describing the humanitarian situation in Darfur as stable, the Sudanese official noted that his government undertook the rebuilding of 200 villages in Darfur.” [57b]

26.64 The report added that:

“Hasabo indicated that a number of factors contributed to the voluntary repatriation of displaced people, including tribal reconciliation and the efforts exerted by national and international organizations and facilities by the government. Armed conflicts erupted in Darfur in February 2003, leading to the displacement of some 1 million people. A peace agreement signed by the Sudanese government and a main rebel faction in May 2006 stipulates that the displaced people should be helped to return to their homelands.” [57b]

26.65 ReliefWeb reported on 28 August 2007 that the UNHCR has assisted over 66,000 refugees to return home to Southern Sudan and the three Areas, through organized and assisted voluntary repatriation movements since 2005.[68k]

“Since 1 January [2007], 36,490 refugees have received assistance to return to the Sudan from the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Egypt, Eritrea, Ethiopia, Kenya, Libya, and Uganda. The UNHCR expects that by the end of 2007, a total of 102,000 persons will have returned from the countries of asylum during the year. Furthermore: Since the beginning of 2007, 248,414 persons have been newly displaced or re-displaced in Darfur. Over 78% of these movements appears attributable to activities by armed groups, while the remainder is attributable to inter-tribal fighting.” The report added that the total of IDPs in Darfur is now over 2.2 million. [68k]

- 26.66 The IRC reported on 11 September 2007 that after two years, the IRC has completed a highly successful program that has helped thousands of South Sudanese living in refugee camps prepare for their return home.

“The ‘return and reintegration program’ provided refugees returning from camps in Kenya, Ethiopia and Uganda with civic and vocational training and helped rebuild infrastructure in South Sudan. Following a landmark peace agreement in 2005 that ended the 21 year war in South Sudan, over 150,000 people have returned to devastated villages from exile in neighbouring countries. Nearly 300,000 people are still living in camps in Kenya, Ethiopia and Uganda. ‘One of the most important parts of the program has been to help those still living in the camps to make an informed choice about returning and to prepare them for their journey home’, explained Erica DePiero, the IRC’s regional returns advisor. Over the past two years, more than 3,500 people received vocational training, 10,000 people received civic education training and 1,200 adults attended basic math and literacy classes, DePiero said.” [33f]

- 26.67 IDMC reported the following on 12 October 2007 regarding returning IDPs in southern Sudan.

“In southern Sudan, around 140,000 internally displaced people (IDPs) returned to their homes in the first six months of 2007, adding to more than one million IDPs estimated to have returned since the 2005 Comprehensive Peace Agreement (CPA) between the central government and the southern-based Sudan People’s Liberation Movement/Army. The CPA marked the end of the 20-year civil war estimated to have caused the death of up to two million people and the internal displacement of up to four million. Despite improved security, a number of unfulfilled provisions, such as the withdrawal of central government troops from a contested oil-rich border area, may still lead to renewed war and displacement.” [48a]

- 26.68 UN News reported on 2 July 2008 that the UN health agency has started preparations for the expected return of tens of thousands of displaced people to their homes in the town of Abyei.

“The World Health Organization (WHO) said in a media statement that it is focusing on restoring basic health services for the returnees and controlling the health risks for both the returnees and the people still displaced after deadly fighting erupted in May. ... Almost 60,000 people fled Abyei, which lies at the centre of an oil-rich area that is still disputed despite the 2005 official end to the long-running north-south civil war in Sudan, as a result of the clashes between Government forces and the Sudan People’s Liberation Movement (SPLM).” [6b]

FOREIGN REFUGEES

- 26.69 USSD Human Rights report for 2007 noted that:

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against “refoulement,” the forced return of persons to a country where there is reason to believe they feared persecution.” [3a] (Section 2d)

26.70 The report added:

“However, some asylees [sic] were returned to their home countries before a formal determination of their status could be made. On May 11, the NISS forced the deportation of four Ethiopians who were seeking asylum in the country. The four refugees were members of the Coalition for Unity and Democracy, an Ethiopian opposition group, and faced prosecution for treason and the death penalty in Ethiopia. Although the immigration office attempted to delay the deportation proceedings, the NISS proceeded with the move before the refugees could be interviewed by UNHCR or the Sudan Commission on Refugees.” [3a] (Section 2d)

26.71 The report continued

“The government also granted refugee status or asylum, but there was no standard determination procedure, and government officials reportedly were unresponsive to applications for refugee status and provided temporary protection to individuals who might not qualify as refugees under the 1951 convention/1967 protocol but no statistics were available for the year.” And also that: “The government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers.” [3a] (Section 2d)

26.72 And added further that:

“Child refugees did not receive free primary school education nor were they treated as citizens as required by the UN convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.” [3a] (Section 2d)

26.73 According to the United States Committee for Refugees and Immigrants’ (USCRI) World Report 2008, “Sudan hosted around 310,500 refugees from its neighbors, primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 240,400 Eritrean refugees, some 134,500 lived in 12 camps in eastern Sudan. They came mainly during the Ethiopian-Eritrean war, and remained even though nearly 70,000 of them lost their official refugee status after the Office of the UN High Commissioner for Refugees (UNHCR) invoked cessation on their prima facie claims to refugee status at the end of 2002. Nearly a hundred Eritreans arrived weekly, most escaping conscription into the Eritrean army.” [50a]

26.74 The report added that:

“Sudan gave prima facie recognition to around 45,000, primarily Arab nomadic Chadians who entered its borders after fleeing ethnic clashes in their homeland starting in the 1980s. Ethiopians in Sudan numbered 19,300, of whom some 11,400 lived in the capital and eastern Sudan, while 7,900 ethnic Anouk lived in Jonglei State in the south. Between 2,500 and 4,000 ethnic Goula refugees from CAR sought refuge in Sudan in January, following army

reprisals against Goula and other rebel groups. Sudan registered nearly 900 but the rest remained unregistered.” [50a]

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NON-GOVERNMENTAL ORGANISATIONS (NGOs)

27.01 USSD Human Rights report for 2007 noted that:

“Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual violence. The government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included Sudan Organization Against Torture and Sudan Development Organization. In an effort to silence them, the government often charged human rights groups with spreading false information. For instance, the government harassed NGOs in Darfur, intimidated their local staff, and arrested and detained workers treating victims of sexual violence. Government security forces often detained humanitarian staff members under the Criminal Act, usually on charges of spreading false information.” [3a] (Section 4)

27.02 A Human Rights First 2008 report recorded on its website by way of a table, regarding the continuing attacks on NGOs, highlighting the constant difficulties they are faced with and the enormity of the problem by demonstrating the volume of incidents and the range of difficulties faced by NGOs.

“Since the beginning of 2006, there has been a significant deterioration in the conditions faced by the many Non-Governmental Organizations (NGOs) working to bring relief to the civilian population devastated by the Darfur conflict and to expose violations of human rights.” [91a]

WEST SUDAN (DARFUR)

27.03 USSD Human Rights report for 2007 noted that:

“Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common. For example, between July 14 and July 17, armed men conducted five separate attacks on vehicles transporting UN World Food Program commodities in South Darfur. According to UN reports, attacks against aid workers increased by 150 percent from June 2006 to June 2007. Such attacks have forced humanitarian aid workers to relocate on numerous occasions.” [3a] (Section 4)

27.04 The report added that:

“The government’s HAC, which regulates humanitarian efforts in the country, continued to create difficulties for NGOs operating in Darfur, requiring all NGOs to register with HAC in order to operate in the country. “On March 21 [2005], the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur. HAC applied rules for NGOs inconsistently, often changing them without prior notification. An August 2005 presidential decree required international NGOs to reregister and did not provide applicants to appeal a denial.” [sic] [3a] (Section 4)

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CITIZENSHIP AND NATIONALITY

- 28.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 7 of the INC records that:
- “(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
 - (2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;
 - (3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
 - (4) A Sudanese national may acquire a nationality of another country as shall be regulated by law.” [94a] (p5)
- 28.02 A Foreign and Commonwealth Office (FCO) letter dated 24 October 2001 containing information provided by El Karib & Medani, the FCO’s advocates and the US Office of Personnel Management’s (US OPM) March 2001 document entitled Citizenship Laws of the World agreed that Sudanese nationality or citizenship is passed down paternally by descent if the child’s father is Sudanese at the time of his or her birth. [4f] (p1) [56a] (p186) Both the FCO’s letter and the OPM qualified this by stating that this applied regardless of whether the father was a Sudanese citizen by descent or naturalisation and regardless of the child’s country of birth. [4f] (p1) [56a] (p186)
- 28.03 The FCO’s letter of 2001 provided a detailed list of the conditions under which a person is considered Sudanese by descent. [4f] (p1) The US OPM March 2001 document concurred with the above and states the following in respect of the eligibility of those born in Sudan:
- “Person born on or before January 1, 1957:
Child born in the territory of Sudan whose parents had established residency in Sudan [is entitled to Sudanese citizenship].
- Person born after January 1, 1957:
Birth in the territory of Sudan does not automatically confer citizenship. The exception is a child born to unknown parents.” [56a] (p186)
- 28.04 The FCO’s letter of October 2001 continued:
- “The Minister of Interior may grant a certificate of naturalization as a Sudanese to an alien who is defined in the law as: a person who is not Sudanese, upon satisfaction to the requirement that he: is of a full age and capacity, he has been domiciled in the Sudan for a period of five years or more, he is of good character, and has not previously been convicted of a criminal offence involving moral turpitude.” [4f] (p1)
- 28.05 The October 2001 FCO letter and the OPM’s document of March 2001 also concurred over the status of non-Sudanese women who marry Sudanese nationals. [4f] (p1-2) [56a] (p186)

“As to the case of immigrants they will be subject to the same rules applied to aliens, but refugees are not allowed to apply for a certificate of naturalization for this will conflict with the laws and the International Agreements regulating the existence of refugees in Sudan.” (FCO, 24 October 2001) [4f] (p2)

28.06 The FCO also provided a detailed list of the circumstances under which an immigrant might have his or her naturalisation revoked. [4f] (p2)

28.07 The OPM document of March 2001 records that: “Voluntary renunciation of Sudanese citizenship is permitted by law.” [56a] (p186) It also stated that Sudanese citizens could involuntarily lose their citizenship if one or more of the following applied.

- Person obtains new citizenship.
- Naturalised citizenship obtained through fraud or falsity.
- Naturalised citizen lives abroad for more than five years, without registering. [56a] (p186)

28.08 A letter from the FCO, dated 28 February 2005, confirmed that there had been no change to the law(s) governing nationality or citizenship since 2001. [4b] (p1)

CITIZENSHIP AND NATIONALITY: SOUTH SUDAN

28.09 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 48 of the ICSS states that:

- “(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
- (2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.
- (3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
- (4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan.” [94b] (p17)

28.10 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. [18a] The article also remarks that “After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace.” [18a]

The Act itself states that:

“(1) A person born before the commencement of this Act shall be a New Sudan national by Decent [sic] if:-

- a) (i) he was or his parents, his grand and great grand parents were born in the New Sudan; and
- (ii) he belongs to one of the tribes of the New Sudan.

- (iii) he at the coming into force of this Act is domiciled in the New Sudan and has been so domiciled since April 1994 and his ancestors in the direct male line lived before that date or have all been domiciled; or
- b) he has acquired and maintained the status of a New Sudan national by an uninterrupted domicile.
- (2) A person born after the commencement of this Act, shall be a New Sudan national by decent [sic] if his father was a New Sudan national by naturalization at the time of his birth.
- (3) A person who is or was first found as a deserted infant of unknown parents shall, until the contrary is proved, be deemed to be a New Sudan national by descent.” **[18b] (Nationality Act: Chapter 2, Section 5)**

28.11 With regard to Naturalisation, the Act states:

“The Commissioner [for Interior] may, grant a Certificate of Naturalization as a national of the New Sudan to an alien who makes an application in the prescribed form and satisfies the following conditions:-

- a) he is of full capacity.
- b) he has been domiciled in the New Sudan for a period of ten years immediately proceeding the date of the application.
- c) he has an adequate knowledge of the New Sudan National Languages or if he has no such adequate knowledge, has resided continuously in the New Sudan for more than twenty years.
- d) he is of good conduct and character.
- e) he intends if naturalized, to continue to reside permanently in the New Sudan, and
- f) if he is a national of any foreign country under the law of that country, he has validly and effectively in accordance with the law of such a country renounced and divested himself of the Nationality of that country.” **[18b] (Nationality Act: Chapter 3, Section 9)**

“The Commissioner may grant a Certificate of Naturalization as a national of the New Sudan to an Alien woman who makes an application in the prescribed form and satisfies that:-

- a) she is a wife of a male New Sudan national.
- b) she has resided with her husband in the New Sudan for a continuous period of not less than five years.
- c) she has validly and effectively in accordance with the law of the country of which she was a national, renounced and divested herself of the nationality of that country.” (New Sudan Nationality Act, 2003) **[18b] (Nationality Act: Chapter 3, Section 11)**

28.12 The Act also outlined the circumstances whereby New Sudan citizens might lose their nationality, and prosecutable offences under the Act. **[18b] (Nationality Act: Chapters 4 & 5)**

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EMPLOYMENT RIGHTS

29.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 15 July 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC records that:

- “(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at national, Southern Sudan or state level unless it has:-
 - (a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,
 - (b) a programme that does not contradict the provisions of this Constitution,
 - (c) democratically elected leadership and institutions, (d) disclosed and transparent sources of funding.” [94a] (p16)

29.02 USSD Human Rights report for 2007 noted that:

“Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly in the government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF), which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions continued to recognize the “legitimate” Sudan Workers Trade Union Federation--the national trade union center that functioned prior to the ban--which operated in exile.” [3a] (Section 6a)

29.03 Additionally:

“The law denies trade unions autonomy to exercise their right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money”. [3a] (Section 6b)

29.04 The report further added that:

“However, non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the north and government-controlled southern areas. For example, the employment application of the Ministry of Energy and Mining emphasizes nationality, creed, and tribe; Muslims associated with the NCP were given preference in government employment.” [3a] (Section 2c)

TRADE UNIONS

29.05 USSD Human Rights report for 2007 stated that:

“Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly in the government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF), which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions continued to recognize the “legitimate” Sudan Workers Trade Union Federation--the national trade union center that functioned prior to the ban--which operated in exile.” [3a] (Section 6a) Adding “The law does not prohibit antiunion discrimination by employers.” [3a] (Section 6a)

29.06 The report further stated:

“While labor organizing committees have the right to organize and bargain collectively, in practice the government dominated the process of setting wages and working conditions through its control of the steering committees. A tripartite committee comprising representatives of the government, the government-controlled SWTUF, and business set wages. The absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials raised some grievances with employers, although few raised them with the government. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.” [3a] (Section 6a)

29.07 Additionally:

“Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated. There is one export processing zone located in Port Sudan, and it is exempt from regular labor laws.” [3a] (Section 6a)

29.08 The ICFTU’s ‘Annual Survey of Violations of Trade Union Rights (2007)’ stated that:

“There are no trade union rights, as the government controls all union activity and all unions are banned except the government-controlled SWTUF. Collective bargaining is nearly non-existent as salaries are set by a government-appointed and controlled body. Workers live in fear of the severe penalties of violating government labour decrees, for which they could receive the death penalty.” [51a]

29.09 The 2007 Survey also stated that:

“The 1992 Trade Union Act established a trade union monopoly controlled by the government and only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally. All other unions are banned. Labour disputes are adjudicated by the labour courts, but the Minister of Labour then refers them to compulsory arbitration. The ILO has requested the government to amend the law to ensure that it is not compulsory. Strike action requires government approval, which is never given and workers can be dismissed for taking illegal strike action.” [51a]

29.10 Further stating that:

“Collective bargaining is nearly non-existent as a government-appointed and controlled tripartite committee of representatives of the government, employers and the SWTUF sets salaries. The current Labour Code, which came into effect in December 2000, continues to deny trade union freedoms and reinforces government control over trade unions.” [51a]

WAGES AND CONDITIONS

29.11 The USSD Human Rights for 2007 noted that:

The minimum wage was \$62 (124 Sudanese pounds) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local labor ministry field office, which then was required to investigate and take appropriate action. There were reports that some workers, including postal and health workers, were not paid their regular wages.” [3a] (Section 6e)

29.12 The report added:

“Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid. The only payment many teachers received were informal school fees paid by the parents of the children. Legal foreign workers had the same labor rights as domestic workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.” [3a] (Section 6e)

29.13 The report further added that

“The law, which was generally respected, limits the workweek to 48 hours (six eight-hour days), with a day of rest on Friday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime. Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.” [3a] (Section 6e)

SLAVERY AND FORCED LABOUR

29.14 Article 30 of the INC recorded that: “(1) Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude. (2) No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law.” [94a] (p13)

29.15 The USSD Human Rights report of 2007 noted that:

“The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued. Although the government continued to deny that slavery and forced labor existed, CEAWC acknowledged that abductions had occurred. Both the government and rebel factions continued to conscript men and boys into the fighting forces. Abduction, forced labor, and sexual slavery of women and children continued.” [3a] (Section 6c)

WEST SUDAN (DARFUR)

29.16 The USSD report for 2007 noted that:

“... non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the north and government-controlled southern areas.” [3a] (Section 2c)

SOUTH SUDAN

29.17 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 29 of the Interim Constitution of Southern Sudan (ICSS) states that:

- “(1) The right to peaceful assembly is recognized and guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.” [94b] (p10)

29.18 The International Labour Organization’s (ILO) last updated on 16 January 2007 recorded the following on its website:

“With the prospect of peace in the horizon, the Government of Sudan (GoS) and the Sudanese Peoples Liberation Movement (SPLM) are gearing up to recovery and reconstruction, in which infrastructure and capacity building are expected to feature prominently. During the years of conflicts, local communities carried out emergency infrastructure rehabilitation activities, with support from among others the World Food Programme through a ‘Food for Work’ approach. The prospects for peace have improved the feasibility of more developmental approach to infrastructure rehabilitation and

rehabilitation, which, by using local labour including internally displaced persons (IDPs), will also contribute to peace building. A key priority is the capacity building up of government institutions. ASIST, at the request of the United States Agency for International Development (USAID) and the Sudan Southern Sector, Secretariat for Physical Infrastructure, has carried out an assessment of labour-based training programme for county-based road supervisors .” [73a]

29.19 The report added that:

“In 1997, ILO provided technical assistance to the United Nations Capital Development Fund (UNCDF) United Nations Development Programme (UNDP) funded labour-based road project South Darfur State. The project, valued at US\$ 5.5 million over three years sought to construct 86 km of roads and develop a viable local labour-based road contracting capacity within the private sector, allied with a parallel development of the State Ministry of Engineering Affairs (SMEA) technical staff.” [73a]

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NEIGHBOURING COUNTRIES

- 30.01 The United States Committee for Refugees and Immigrants' (USCRI) World Report 2008 recorded that: "Sudan hosted around 310,500 refugees from its neighbors, primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 240,400 Eritrean refugees, some 134,500 lived in 12 camps in eastern Sudan." [50a]

CENTRAL AFRICAN REPUBLIC (CAR)

- 30.02 The Council on foreign Relations (CFL) reported the following on 2 January 2007 concerning then impact the conflict in Sudan has on its neighbouring countries:

"The conflict in Sudan's Darfur region increasingly threatens two neighboring countries—Chad and the Central African Republic. The Sudanese government and rebel groups signed a peace agreement in May, but violence in Darfur has escalated since then. Sudanese President Omar al-Bashir has barred deployment of a UN peacekeeping force in Darfur (authorized by UN Security Council Resolution 1706). Meanwhile, the conflict is in a "free fall," that includes eastern Chad and northern Central African Republic, UN Humanitarian Chief Jan Egeland recently told the Associated Press. "We have kept people alive, but we haven't protected them," he said. With the security situation so unstable in both Darfur and eastern Chad, aid groups are starting to withdraw from the region, leaving humanitarian assistance at its lowest since 2003 and 2004." [106a]

CHAD

- 30.03 Medecins San Frontieres (MSF) reported on 23 February 2008 that Sudanese refugees in Chad in the Birak Region are under threat.

"Stuck in a highly volatile security context, Sudanese refugees who have recently arrived just over the border in Birak, Chad, are in an extremely worrying situation. With ongoing combat a few kilometres away from their settlement, the lives of the refugees and those who remain in targeted areas in Darfur, are still at risk. Insecurity also hampers relief efforts in the area. If refugees do not receive basic assistance in the coming weeks, their health situation could worsen rapidly." [41a]

- 30.04 The report continued:

"Following recent bombings and attacks on the area of Seleia, in West Darfur, several thousand people sought refuge in the Birak area of neighboring Chad. MSF teams immediately set out to evaluate the needs of the refugees in Birak. Between 7,000 and 8,000 people have been identified, scattered over several sites in the area. Some have been able to bring belongings, such as animals, or food, and they have received some assistance from the local population. Yet, their situation remains precarious." [41a]

- 30.05 HRW reported on 21 February 2007 that:

“With attacks continuing against civilians in eastern Chad, the UN Security Council should approve the deployment of an international protection mission as soon as possible.

30.06 HRW stated in a briefing paper released on the same day:

“Next week the UN Department of Peacekeeping Operations (DPKO) is expected to brief the Security Council on options for a UN mission in Chad, after which the council will consider the proposed deployment. A UN mission could help stop attacks on civilians in Chad, but only if it’s given the means to act decisively. The Security Council needs to give any Chad mission real resources and political support, as well as a mandate to use force to protect civilians.” [19q]

30.07 UNHCR reported on 19 March 2007 that around 550 Chadian refugees had asked to be moved away from border areas in Sudan’s West Darfur area because of security concerns and a first group of more than 220 were moved at the weekend to the Um Shalaya refugee camp. [6ap]

30.08 The report stated:

“A convoy of 14 trucks, assembled by the International Organisation for Migration and carrying 221 refugees and several donkeys, left Arara village on the Chad-Sudan border Saturday and arrived the next day at the UNHCR-run Um Shalaya refugee camp, which is located about 75 kilometres inside Darfur.” [6ap]

30.09 The report stated further that,

“Out of an estimated 20,000 Chadian refugees in West Darfur, some 16,000 have to date opted to stay close to the border in order to have better access to their farms and to be well placed to return quickly if the security threat ends. But the security situation at the border has deteriorated in recent months and some 550 Chadian refugees, including the new arrivals in Um Shalaya, asked about a month ago to be moved to safer areas further inside West Darfur.” [6ap]

30.10 The report added

“With more arrivals from the Chadian border expected over the coming weeks, Um Shalaya refugee camp is likely to grow. In anticipation for more people, UNHCR stated that they have drilled new wells in the camp and started to construct a school in the nearby village to provide education for both the refugees and their host community. Since the Darfur conflict spread across the border into south-eastern Chad in late 2005, about 120,000 Chadians have been internally displaced and 20,000 have sought refuge in Sudan. UNHCR is assisting the Chadian refugees in Um Shalaya and the smaller Mukjar camp in West Darfur, as well as monitoring and providing protection assistance to Chadian refugees along the border. The conflict that flared in the Darfur region in February 2003 has killed some 200,000 people and left at least two million internally displaced. A further 230,000 Sudanese refugees are living in 12 UNHCR-run camps in eastern Chad.” [6ap]

- 30.11 USAID in its March 2007 update reported that the organisation has formed community-run clubs and activity centres that provide a support network for people affected by the conflict.

“As violence in Darfur escalates and spills into Eastern Chad, more Chadians and Sudanese are being driven out of their homes seeking the relative safety of camps in West Darfur. Living in an unfamiliar environment, the refugees and displaced people lack traditional community resources, and the threat of disease spread by poor hygiene practices is increased in the camps’ close living space. With support from USAID, Tearfund is working to reduce these risks by forming community-run clubs and activity centres that promote healthy habits and provide a social support network for people affected by the conflict.” [3m]

- 30.12 ReliefWeb reported on 8 January 2008 that the Darfur conflict which has forced more than 200,000 Sudanese to flee into neighbouring countries such as Chad, has put a lot of strain on the small communities in eastern Chad thus making access to health care one of the greatest challenges noted the report. [68m]

- 30.13 The USSD Human Rights report for 2007 stated,

The UNHCR reported that 526,998 Sudanese refugees resided in neighboring countries, because of the conflicts in the south and Darfur. Some 231,000 of these were in Chad, and another 162,000 were in Uganda; the remainder were in Ethiopia, the Democratic Republic of the Congo, the Central African Republic, Egypt, Eritrea, and Kenya. Improved security in the south increased the return of displaced populations into areas of origin that were severely affected by the war and lacked basic services. More than 56,000 refugees and tens of thousands of internally displaced persons from the north/south conflict returned to their areas of origin, particularly to the Nuba Mountains region and Central Equatoria. [3a](2d)

- 30.14 UN News reported on 3 May 2007 that three camps, namely Bredjing, Farchana and Treguine, in eastern Chad, have become homes to about 65,000 people. “These people, are part of the vast population of Sudanese displaced by the conflict that has raged in Darfur since 2003.” [6ah]

- 30.15 Physicians for Human Rights (PHR) accessed on 14 May 2007 reported of a Darfur Survival Campaign organised by the PHR that “... mobilizes health professionals, students, and members of the public to press for urgently needed security in Darfur, Sudan, including augmented African Union troops and a UN peacekeeping force of 20,000, as authorized by UN Security Council Resolution 1706. In addition, the Campaign insists on compensation and restitution for survivors.” The report also stated that: “Hundreds of thousands of people have died in the ongoing genocide in Darfur, Sudan. The Sudanese government and militias called the *Janjaweed* have forced over two million more out of their homes, in the process destroying all means of survival and the infrastructure necessary for their return. The violence continues, and security and protection are urgently needed in the refugee camps.” [34c]

DEMOCRATIC REPUBLIC OF CONGO (DRC)

- 30.16 On 2 May 2007 BBC Monitoring reported that a third convoy of 160 Sudanese refugees had left Ruhuma, Haut Uwele in Orientale Province for Ezo, in South Sudan, near the border with the DRC. According to the head of the UNHCR delegation in Aru, the refugees joined 340 other refugees who left the DRC in April. The UNHCR has repatriated about 4,000 South Sudanese refugees since February 2006.
- 30.17 UNHCR reported on 5 June 2007 that the organisation has officially closed its programme for the prearranged repatriation of Sudanese refugees from the Democratic Republic of the Congo (DRC) after the successful return of more than 8,000 Sudanese refugees from a string of refugee camps in the north-west of the country. [6d]

"The DRC becomes the second country - after the Central African Republic -- to complete organized repatriation to South Sudan. Voluntary repatriation from CAR was officially closed on 11 April 2007. The last group of Sudanese returnees airlifted to Yambio on Saturday was met by traditional dancers and a local church youth band. Senior government officials who joined the welcome ceremony for the returnees, some of whom have been in exile for the past 17 years, welcomed the effort returnees will make in rebuilding their country. They also warned them of the risks of HIV and AIDS." [6d]

EGYPT

- 30.18 International Crisis Group's (ICG) January 2006 Report, 'Sudan: Saving Peace in the East', notes that: "Egypt hosted several rounds of talks between the Sudanese government and the NDA, leading to the signature of the Cairo agreement on 18 June 2005. Its interests include maintaining influence over the traditional sectarian parties (Umma and DUP [Democratic Unionist Party]), and reducing the strength of radical Islamism in its neighbour." [14b] (p24) The Report continues: "Its [Egypt's] primary concern is to contain disputes among the Sudanese actors, lest they disrupt a status quo that is broadly favourable to Egypt. This is compatible with low-level instability in the peripheral parts of northern Sudan." [14b] (p24)
- 30.19 Amnesty International (AI) reported on the January 2006 detention of 650 Sudanese nationals by the Egyptian authorities:
- "The 650 are part of a group of over 2,500 Sudanese nationals who had been involved in a peaceful protest in the Egyptian capital, Cairo, since 29 September 2005. Their demands included improvements to their work and educational opportunities, protection from forcible return to Sudan, and resettlement in third countries. The police broke up the protest violently on 30 December, in an action that left at least 27 protesters dead and dozens of protestors and police injured." [16aj]
- 30.20 On 2 February 2006, AI followed up its initial report stating that:
- "The authorities released 440 of the detainees on the UNHCR's recommendation, between 7 and 20 January. Of the 183 demonstrators still in detention, the UNHCR has recommended that 14 be released immediately as they had applied for asylum. The remaining detainees were found not to be in

need of international protection. They are still in custody, but the Egyptian authorities have announced that they will not deport them and that they will grant them visas.” [16ak]

- 30.21 The New Society, Harvard College Student Middle East Journal reported of killings of Sudanese refugees in Egypt.

“On the night of the first of August 2007, Egyptian soldiers at the Egypt-Israel border killed four Sudanese refugees attempting to flee to refuge in Israel. Israel Defense Forces (IDF) soldiers witnessed the event, which was also captured on surveillance tapes. According to an IDF soldier’s account on Israel’s Channel 10 News, Israeli soldiers discovered the Sudanese refugees just as Egyptian troops arrived. The Egyptians immediately fired upon the refugees, killing two and wounding another. The fourth refugee ran toward the Israeli border, but an Egyptian soldier caught hold of him.” [41d]

ERITREA & ETHIOPIA

- 30.22 The January 2006 Report produced by the ICG on the troubled eastern region of Sudan warned of the risk of renewed hostilities between Eritrea and Ethiopia, and notes that: “Asmara [Eritrea] wants to ensure at least Sudanese neutrality and could be willing to trade away its support for the Eastern Front. If fighting does break out again between the two large neighbours, eastern Sudan, whose humanitarian situation is in some ways worse than Darfur’s, would face a disastrous flood of refugees.” [14b] (Executive Summary, p1)

- 30.23 The Report later noted that: “The exchange of official visits [in October and December 2005] between Khartoum and Asmara culminated with an agreement on 7 December [2005] to normalise bilateral relations and resume air and road links.” [14bj] (p14)

- 30.24 IRIN reported on 4 April 2007 that:

“Israeli NGOs are campaigning to have 120 Sudanese refugees who fled violence firstly in Sudan and then Egypt released from the Israeli prisons they are being held in. The refugees are among 320 Sudanese, mostly young men, who trekked for up to a week through the desert to cross Israel’s porous 200km border. ... Once inside Israel, many were imprisoned. But NGOs such as the Israeli Hotline for Migrant Workers have had success in getting about 200 of them released into kibbutzim and moshavim – Israeli collective farms – where they can work. Some women and children are housed in a shelter near the northern port city of Haifa.” [10fa]

- 30.25 The report continued:

“Why have we been in prison for so long? ‘We are refugees, we believed that Israel was a democracy and would not jail us for escaping genocide. As time goes by we grow more and more desperate’, said one Sudanese prisoner.” The report added: “The Israeli interior ministry spokeswoman Sabine Haddad said the government was ‘doing its best to find a solution’. ‘But the Sudanese have not been given automatic refugee status because Israel’s Government Secretariat Office has considered Sudan to be an enemy state since 1948’.” [10fa]

30.26 Adding:

"Israel was violating section 44 of the Geneva Convention Protocol, an addition that it had itself initiated in 1951 following the discovery that Jewish refugees from Germany had been imprisoned in the USA during World War Two because it was claimed they were citizens of an enemy state. We consider it an outrageous scandal. Israel is doing exactly the same today with those escaping genocide", said Sigal Rosen, the Hotline's spokeswoman. "Sudanese began arriving over the Israeli-Egyptian border after a bloody end to a demonstration in Cairo's Mustafa Mahmud Park in 2005, when Egyptian police killed 27 demonstrators and left many more injured.'" [10fa]

30.27 Furthermore:

"Severe cuts and bruises on the refugees' feet are evidence of this long journey, according to aid workers, prison staff and volunteers. The refugees arrive in southern Israel with nothing but the clothes on their backs, many suffering dehydration. If you want to cross the border with your family you need to pay several hundred dollars to the Bedouins. We know there are many who did not make it across and their bodies are lying in the desert, added another refugee from south Sudan who wished to remain anonymous'." [10fa]

KENYA

30.28 "The weariness of the war and international pressure finally brought the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) to the negotiating table in 2002, where peace talks were held in Kenya, culminating in the signing of the CPA on 9 January 2005. A joint FCO-DFID Sudan Unit has been in operation since early 2002, reporting directly to both the Foreign Secretary and the Secretary of State for International Development. The Sudan Unit and the British Embassy in Khartoum played a leading role supporting both the parties and the mediators at the peace talks in Kenya." (FCO, Country Profile, 7 November 2007) [4a] (p6, p7)

LIBYA

30.29 ICG's January 2006 Report, 'Sudan: Saving Peace in the East', stated that:

"In the absence of any immediate threat to its own security, such as could be postulated in the Darfur case, and, seemingly, in the absence of vital economic interests, Libya's main motivation in the East is most likely preventing further involvement by the wider international community in Sudan. It is doubtful whether it has the expertise, or more importantly the political will, to address the conflict within a framework compatible with the CPA." [14b] (p23)

30.30 The Report also pointed to the loss of Beja Congress trust in the Libyan authorities following a secretly negotiated settlement between the NCP and the Free Lions in Tripoli. [14b] (p19, 24) The agreement restored as many as 600 Land Cruisers that the Sudanese authorities had confiscated from the Rashaida in the early 1990s. [14b] (p19)

30.31 "The Free Lions denied the agreement undermined the Eastern Front or jeopardised January 2006 talks in Tripoli and claimed it merely resolved an

isolated bilateral issue by providing 'restitution' to aggrieved Rashaida. Furthermore, they said, 'issues of power and wealth were not discussed'. This explanation, however, has done little to mute criticism of a deal that has placed tremendous strain on the Eastern Front and exposed its frailty." [14b] (p19)

UGANDA

30.32 USSD Human Rights report for 2007 noted that:

"The government permitted the Ugandan army access to Southern Sudan to pursue the LRA. Although Ugandan military operations have significantly reduced LRA numbers, the LRA continued to operate in the south and to hold child abductees, despite its August 2006 signing of an agreement to cease hostilities; such LRA attacks restricted humanitarian activities." [3a] (Section 5)

30.33 A statement by UNHCR reported by IRIN News on 10 May 2007 stated that voluntary repatriation of Southern Sudanese refugees from Uganda is set to increase with the introduction of a third corridor of return to Eastern Equatoria state in August 2007. "Officials from Uganda, South Sudan and the UNHCR met in Kampala and agreed that the pace of return should be expedited, notwithstanding the logistical challenges." The report stated that the agency expected more people to volunteer to return home to southern Sudan, and noted that seventy percent of the refugees in Uganda are from Eastern Equatoria and that they are expecting a lot of people to want to go back home. [10ev]

30.34 Report on Trafficking in Persons, published in June 2008, stated that:

"The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of Sudanese and Ugandan children in the southern part of the country for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. In March 2007, six Sudanese girls were abducted by the LRA near Maridi, Western Equatoria." [3e] (p11)

Lord's Resistance Army (LRA)

30.35 ReliefWeb gave a brief history and an overview of The Lord's Resistance Army in Sudan on its website on 21 September 2007, stating ... "This study examines the military history of the LRA in Sudan, the current prospects for ending the conflict, and the main challenges facing the peace talks." [68j]

Sudanese refugees

30.36 UN News reported on 7 May 2007 that a 17-truck convoy carrying over 600 refugees, including a newborn baby, completed a three-day journey to southern Sudan, marking the end of the United Nations refugee agency's repatriation programme from Ethiopian camps before the rainy season begins. The trip was organized jointly by the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). [6at]

- 30.37 Reuters reported on 12 February 2008 that the UN has appealed for \$63 million to help repatriate 80,000 south Sudanese refugees years after they fled to neighbouring countries to escape Africa's longest civil war.

“The U.N.'s refugee agency the UNHCR said it needed the cash for a programme that has already returned more than 2 million people since Sudan's north-south conflict ended in 2005. The appeal came as campaign group Refugees International called on south Sudan's government to switch millions of dollars of funding towards helping the returnees, many of whom were coming back from exile to find a total lack of basic services”. [70d]

- 30.38 The report added that people were determined to return home, despite the problems with the local economy and the region's weak education and health services. ‘ “People are going back with or without our help. They're tired of being refugees’, said UNHCR Spokeswoman Fatoumata Kaba’.” [70d]

- 30.39 The report further added that:

“The agency said it was hoping this year to return 45,000 Sudanese refugees from Uganda, 17,000 from Kenya, 16,000 from Ethiopia and 2,000 from Egypt - still less than a third of the 260,000 Sudanese refugees remaining outside Sudan's borders.” [70d]

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Annex A: Chronology of major events

1989 June: Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. Thirty members of the former government were detained. [1a] (p1090)

For further information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, [Annex I](#) source. [1a]

1991 August: Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. [1a] (p1091)

1992 February: A 300-member transitional National Assembly was created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. [1a] (p1091)

1993 October: The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. [1a] (p1091)

1994 February: Sudan was re-divided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. [1a] (p1091)

1995 June: The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. [1a] (p1092)

1996 March: First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. [1a] (p1092)

1997 April: The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. [1a] (p1093)

1998 May: Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. [1a] (p1093)

1999 January: The Political Association Act came into effect. The voting age was changed from 18 to 17. [1a] (p1093)
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. [1a] (p1093)
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. [1a] (p1093)

- 2000** **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. [1a] (p1093)
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. [1a] (p1094) The Government extended the state of emergency from three to twelve months. [1a] (p1093)
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. [1a] (p1094)
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed a new political party called the Popular National Congress. [1a] (p1091)
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. [1a] (p1094)
- 2001** **On 3 January,** President al-Bashir extended the state of emergency for a further year. [1a] (p1094)
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 (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. [1a] (p1094)
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. [1a] (p1097)
- 2002** **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. [1a] (p1094)
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved the peace deal but no agreement was reached regarding a ceasefire. [1a] (p1095)
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. [1a] (p1095)
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. [1a] (p1095)
December: Sudan's Parliament approved the extension of the state of emergency for another year. [1a] (p1094-5)
- 2003** **February:** In the Darfur States, members of the Fur, Zaghawa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. [1a] (p1096)
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. [9a] (p4)
- 2004** **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing hundreds of thousands of refugees to flee to neighbouring Chad. [9a] (p4)

March: A UN official said pro-government Arab '*Janjaweed*' militias were carrying out systematic killings of African villagers in Darfur. [9a] (p4) Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. [9a] (p4)

April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which did not hold, as clashes continued. [1a] (p1096)

2005 **On 9 January,** the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. [10ac]

On 23 February, it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). [12f]

29 March: The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. [10ac]

June: the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. [9a] Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. [9a]

On 6 June Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on 13 June, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. [10ac]

On 9 July, the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. [9a] (p4)

1 August: the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese.

[9a] (p4) [10ac] [38a] Garang was succeeded by Salva Kiir. [9a] (p4) [10ac]

On 31 August Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. [10ac]

20 September: Government of National Unity announced. [10ac] [25f]

22 October: Government of Southern Sudan formed. [10ac] [25f]

November: Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. [10ac]

On 29 November the seventh round of the Darfur peace talks opened in Abuja, Nigeria. [4a]

On 5 December the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. [10ac]

2006 **January:** The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. [13a]

On 5 May the Khartoum government and the SLM/A signed a peace accord. Two smaller rebel groups reject the deal. [9a]

August: Sudan rejects UN Resolution calling for a UN Peacekeeping force in Darfur [9a]

2007 **On 14 July** a former rebel leader Malik Agar was reported as the new governor of Southern Blue Nile state. This will be the first time the SPLM has been in power in Southern Blue Nile state since the peace deal in 2005.

On 31 July UNAMID (United Nations-African Union Mission in Darfur) was established for 12 months, and UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with UNAMID.

August-September - The worst floods for decades leave more than 250,000 people homeless.

September - UN talks on the composition of a Darfur peacekeeping force end without agreement.

October - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal.

November - A British teacher is sentenced to 15 days in jail for insulting religion after allowing students to name a teddy bear Mohammed. Demonstrators call for her to be shot. She is freed after a presidential pardon.

December - SPLM resumes participation in national unity government.

2008 **January** - UN takes over Darfur peace force.

February - Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur.

See also Section 3.01: [History](#) and Section 7.01: [Human rights](#) for information on events affecting the human rights of individuals and groups, and the restriction of fundamental freedoms.

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Annex B: Political organisations

This list should not be viewed as exhaustive.

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. [1a] (p1113)

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

According to the Danish Fact Finding Report of 2001, "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." [23b] (p18) The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, according to sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. [57] (p3) However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. [57] (p3) According to sudan.net, "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." [57] (p3)

Beja Congress (BC)

The *Sudan Tribune* published a letter in June 2006 from Abu Amna of the Beja Congress, it was addressed to the United Nations Secretary-General Mr. Koffi Annan. Abu Amna described the Beja Congress as a: "Political organization established in 1958 to propagate the plight of the Peoples of Eastern Sudan. Its main aim has always been to struggle for the achievement of democracy, equality and fair distribution of wealth and power as a way of ending marginalization and underdevelopment in the Region." [12k]

The *Sudan Tribune* reproduced an August 2004 Reuters report in which "The Beja Congress (BC), which claims to control large parts of the east, say they're still observing a self-imposed ceasefire and would attack only if provoked." [25d] The report stated that the BC's ceasefire had been in effect since November 2003, as the rebels awaited the final result of the north-south peace talks. [25d]

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader – Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. [1a] (p1113)

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. [58] (p565) [1a] (p1089) *Political Parties of the World* stated that: "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." [58] (p565)

According to the Report of the 2001 Danish Fact Finding Mission, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. [23b] (p17)

Democratic Unionist Party (DUP/DUP-Hindi) – (registered)

Leader – Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA.

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. [58] (p565)

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman – Philip Abbas Ghabbush. [1a] (p1113)

Officially registered in April 1999 [58] (p565)

Independent Democrats

Based in Khartoum. Leader – As-Samawitt Husayn Osman Mansur. [1a] (p1113)

Islamic-Christian Solidarity

Based in Khartoum. Founder – Hatim Abdullah az-Zaki Husayn. [1a] (p1113), [58] (p565)

Islamic Revival Movement

Based in Khartoum. Founder – Siddiq al-Haj as-Siddiq. [1a] (p1113), [58] (p565)

Islamic Socialist Party

Based in Khartoum. Leader – Salah al-Musbah. [1a] (p1113)

Islamic Ummah Party (IUP) – (registered)

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. The IUP is allied with the Government. [1a] (p1113), [58] (p565)

Justice and Equality Movement (JEM)

The Justice and Equality Movement (Jem), currently reported to be fighting government troops near the capital Khartoum, was founded by Darfuri Muslims loyal to Islamist leader Hassan al-Turabi, whose National Islamic Front (NIF) instigated President Omar al-Bashir's 1989 coup against Sadeq al-Mahdi. Jem is led by a lawyer, Khalil Ibrahim Muhammad, who wrote "The Black Book: Imbalance of Power and Wealth in the Sudan" about the disproportionate numbers of Arabs in powerful positions. [9c]

Darfurian-based political movement/rebel group that emerged in 2001. [6e] (p39) Leader – Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. [6e] (p39) It split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. [6e] (p39)

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of

power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government....The message is designed to appeal to all marginalized Sudanese – whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan.” [6e] (p39)

The Report continued: “In the field, it is difficult to make a distinction between JEM and SLM/A, as most often reports on actions by rebels do not distinguish between the two. It has been reported that members of the JEM have yellow turbans. It also appears that while SLM/A is the larger military actor of the two, the JEM is more political and has a limited military capacity, in particular following the reported split of the group and the ensuing emergence of the NMRD.” [6e] (p39)

The ICI also stated that: “The Commission obtained very little information about the size and geographic location OF [sic] JEM forces in Darfur. Most of its members appear to belong to the Zaghawa tribe, and most JEM activity is reported in the northern parts of West Darfur.” [6e] (p39)

See also Section 3.07: [Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [National Movement for Reconstruction/Reform and Development](#) and Annex D: [Black ethnic groups – Darfur](#)

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. [1a] (p1113)

Korbaj (which in Arabic means ‘whip’)

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. [6e] (p40)

Moderate Trend Party

Based in Khartoum. Leader – Mahmud Jiha. [1a] (p1113)

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. [1a] (p1113), [58] (p565)

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that: “NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N’Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement.” [10dm] The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. [10dm]

According to the ICI, “On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-

tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state.” [6e] (p40)

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [Justice and Equality Movement](#) and Annex D: [Black ethnic groups – Darfur](#)

Nile Valley Conference

Based in Khartoum. Founder – Lt-Gen (ret) Umar Zaruq. [1a] (p1113), [58] (p565)

Popular Masses’ Alliance

Based in Khartoum. Founder – Faysal Muhmad Husayn. [1a] (p1113), [58] (p565)

Popular National Congress Party (PNC/PC)

(also referred to as the People’s National Congress or Popular Congress)

Founded – June 2000. Founder and leader – Hassan al-Turabi [1a] (p1113), [58] (p565)

According to Europa’s Regional Surveys of the World: Africa South of the Sahara 2005, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. [1a] (p1094) Al-Turabi was detained on 21 February 2001 and finally released in October 2003. [58] (p565) The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004.

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. [9a]

See also Section 14: [Freedom of assembly and association/Members and supporters of the Popular/People’s National Congress \(PNC/PC\)](#); Annex B: [Justice and Equality Movement](#)

Al Shahamah (which in Arabic means ‘The Nobility Movement’)

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [6e] (p40) The Report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. [6e] (p40) The ICI continued: “The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People’s Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions.” [6e] (p40)

Socialist Popular Party

Based in Khartoum. Founder – Sayyid Khalifah Idris Habbani. [1] (p1113), [58] (p565)

Sudanese Central Movement

Based in Khartoum. Founder – Dr Muhammad Abu al-Qasim Haj Hamad. [1] (p1113), [58] (p565)

Sudanese Communist Party

Although some sources suggest that the Party was formed in 1944 the Communist Party of Sudan web pages indicate that the Party was formed in 1946. [57], [59] Leaders – Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

According to the *Sudan Tribune*, “The Sudanese Communist Party (SCP) founded in 1946, was a major force in Sudanese politics and one of the two most influential, along with the South African Communist Party, until 1971. In 1946 the party was known as the Sudanese Movement for National Liberation (SMNL). It supported the struggle for national independence, gained by the Sudan in 1956, after which the SMNL changed its name into al-Hizb al-Shuyu`i al-Sudani (Sudanese Communist Party).” [12r]

The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. [23b] (p17) The report stated that: “Adlan’s faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces.” [23b] (p17) The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. [57a] (p3) [23b] (p17)

The 2001 Danish Fact Finding Report stated that: “Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime.” [23b] (p17)

Sudanese Green Party

Based in Khartoum. Founder – Professor Zakaraia Bashir Imam. [1a] (p1113), [58] (p565)

Sudanese Initiative Party

Based in Khartoum. Leader – J’afar Karar. [1a] (p1113)

Sudanese Liberation Movement/Army (SLM/A)

Global Security reported on its website that: “The Sudanese Liberation Army is backed by Eritrea. Until 2003, the group was known as the Darfur Liberation Front. Rebels in Darfur emerged in February 2003 under the name of Darfur Liberation Front. The Darfur Liberation Army announced no connection with the southern rebels, but it called in the middle of March 2003 for ‘an understanding’ with the opposition forces which fight the Islamist government in Khartoum. In March 2003 the Darfur Liberation Front announced it had downed a helicopter that was carrying an official in the province. On 14 March 2003 Darfur Liberation Front announced that the movement will be called the Sudan Liberation Movement and the Sudan Liberation Army (SLM/SLA). The Darfur Liberation Front was a secessionist organisation calling for the secession of the area of Darfur from Sudan. The SLA, led by Mini Arkoi Minawi, says it wants to ‘create a united, democratic Sudan’.” [99a]

In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) [13a]

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); and Annex D: [Black ethnic groups – Darfur](#)

Sudan People’s Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed – 1983. [58] Leader – Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. [9a] Now the ruling party in south Sudan and a member of the National Government of Unity. [10i]

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. [58] (p565) Rather than ending the mutiny, Garang encouraged other garrisons to rebel. [58] (p565)

According to the 2000 Danish Fact Finding Report, any Sudanese national can join the SPLM/A regardless of ethnic origin or religion. [23a] (p18) The Report stated that: "Most of its membership is drawn from three provinces in southern Sudan: Eastern Equatoria, Western Equatoria and Bahr El Ghazal, but the movement also has members from the Nuba Mountains, the Blue Nile province and to some extent from Darfur." [23a] (p18)

South Sudan Independence Movement/Army (SSIM/SSIA)

"Nuer-dominated militia, led by Riek Machar, who split from the SPLM/A in 1991, to form the SPLM/A-Nasir/United. In 1994 Riek became leader of the SSIM/A and Lam Akol took the name of SPLM/A-United for his faction in west-central Upper Nile. In 1995 Riek and Garang signed a ceasefire and agreed to reintegrate their forces, but in April 1996 Machar signed a deal with the government. In 1997, the SSIM/A merged with the other rebel factions which signed the April 1997 Khartoum peace accord to become the SSDF." (IRIN News) [10dv]

Sudanese National Party (SNP)

Based in Khartoum. Leader – Hasan al-Mahi – participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). [52b]

Umma (Ummah) Party (UP/'mainstream 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.

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.

According to information found on sudan.net, "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989." [57] (p1) The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. [57] (p1) Institute for Security Studies (ISS) reported of the prospects for a sustainable peace in Sudan on 1 May 2003. [43a]

The Danish Fact Finding Mission of 2001 stated that there was reportedly internal conflict due to the party's conciliation agreement of 1999 and continued co-operation with the Government. [23b] The party was a member of the NDA until, according to Europa 2005, it withdrew its membership in March 2000. [1a] (p1113)

See also Section 14.01 [Political affiliation: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party \(UP\)](#)

Umma (Ummah) Party (registered)

Breakaway faction of UP-Mainstream, no longer in existence. Leader – Nur Jadayn

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)

A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the former's political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

National Democratic Alliance (NDA)

Asmara-based organisation. Chair – Osman al-Mirghani. Vice Chairman. [60a] (p2), [58] (p565) The opposition movements that are members of the NDA include:

Beja Congress (BC)*

Baa'th Party (pro-Iraq)* [23b]

Baa'th Party (pro-Syria) [23b]

Democratic Unionist Party (DUP – Mirghani faction and its groupings)* [23b]

Legitimate Command (LC)* – formed from dissident military officers from Sudan

Sudan Alliance Forces (SAF)* – founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman.

Sudan African National Union (SANU)* [23b]

Sudanese Communist Party (SCP – Nogud faction)* [23b]

Sudan Federal Democratic Alliance (SFDA)* – founded 1994, Chair – Ahmad Dreige – advocates a decentralised, federal structure for Sudan

The Sudanese National Party (SNP)* [23b]

The Sudan People's Democratic Front (SPDF) [23b]

The Sudan People's Liberation Movement (SPLM)* – Leader – Salva Kiir – now also President of south Sudan and First Vice President of the National Government.

Free Lions Association* – an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. [23b]

Sudan Liberation Movement – The Sudanese Liberation Army is a member of the National Democratic Alliance (NDA), the umbrella opposition organisation grouping. [99a]

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified independent national figures and unidentified representatives of the liberated areas. [60a] (p1)

Political Parties of the World, published in 2005, stated that: "The NDA was formed in the immediate aftermath of the June 1989 military coup as a coalition which linked, somewhat awkwardly, a desperate group of opponents of the Bashir regime including the Sudan People's Liberation Movement/Army and a number of Muslim-based parties, many of which not only supported the imposition Islamic shari'a law on the south, but had also opposed Southern autonomy or secession prior to the coup." [58] (p565) The Alliance's own website stated that the NDA set up its headquarters outside Sudan in Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. [60a] (p1)

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the

government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. [10dm]

See also Annex B: [Beja Congress](#)

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Annex C: Prominent people: past and present

The information below has been taken from the Official Government of Sudan website, source [5b], which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

THE GOVERNMENT

Chief of State

Lt Gen Umar Hassan Ahmad Al-Bashier

First Vice-President

Salva Kiir Mayardit

Second Vice President

Ali Uthman Muhammad Taha

The information below has been taken from the Gurtong Peace Project website, source [18k], which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SOUTH SUDAN

President

H.E Lt. General Salva Kiir Mayardit

Vice-President

H.E Lt. Gen. Dr. Riek Machar Teny

For information on prominent people in opposition parties and rebel groups, see Annex B: Political organisations

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Annex D: Main ethnic groups

This list should not be viewed as exhaustive.

The United States State Department report on Human Rights practices 2006, published on 6 March 2007, stated that: "The population was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." [3a] (p17)

See also Annex E: [Languages of Sudan](#)

ARAB ETHNIC GROUPS (MOSTLY NORTH 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, Taaischa

According to Encyclopaedia Britannica (EB), "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." [62b] (p2) EB also recorded that: "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." [62b] (p2)

EB 2004 recorded that:

"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 assigned to a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah." [62b] (p2-3)

According to EB 2004, the Jalayin consisted of the sedentary agriculturalists along the middle Nile, whilst the Juhaynah encompassed the nomadic tribes of western and north-eastern Sudan, although some of them have also settled. [62b] (p3) The website of a photographer, F Jack Jackson, displayed one photograph of a Baggara tribeswoman taken in Sudan prior to the outbreak of the north-south civil war. [66a]

NON-ARAB ETHNIC GROUPS COLLECTIVELY KNOWN AS THE BEJA (NORTH-EAST SUDAN)

Amarar, Beni Amer, Bischarin, Hadendoa [40]

According to EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) most Beja, pastoral nomads who inhabit the Red Sea Hills and have probably done so since ancient times, speak Arabic as a second language, and Arab influence has led the Beja to adopt Islam. [62b] (p3) [37a] (p4) LoC 1991 stated that the Beja adopted genealogies which link them to Arab ancestors, Arabised their names and included Arabic terms in their language. [37a] (p4) However, EB 2004 and LoC 1991 agreed that the Beja are mostly descended from an indigenous people and have

retained their Bedawiye language. [62b] (p3) [37a] (p4) [LoC's 1991 study stated that: "In the 1990s, most Beja belonged to one of four groups – the Bisharin, the Amara, the Hadendawa and the Bani Amar." [37a] (p4)

BLACK ETHNIC GROUPS – DARFUR (NORTH-WEST SUDAN)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa [40]

Encyclopaedia Britannica online stated that: "Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west." [62b] (p3) According to the Library of Congress 1991 study, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. [37a] (p5) LoC's 1991 Study noted that: "Those [Fur] who acquired a substantial herd of cattle could maintain it only by living like the neighbouring Baqqara Arabs, and those who persisted in this pattern eventually came to be thought of as Baqqara." [37a] (p5)

According to EB 2004, the LoC 1991 study and Ethnologue 2004, on the plateau north of the Fur is the tribe the Arabs call the Zaghawa, who speak Zaghawa and large numbers of whom live in Chad. [62a] [63] (p21) [37a] (p5) The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. [37a] (p5) According to Ethnologue 2004, the Zaghawa in Sudan numbered approximately 102,000 in 1982. [63] (p21) The LoC 1991 study stated that although "Herders of cattle, camels, sheep and goats, the Zaghawa also gained a substantial part of their livelihood by gathering wild grains and other products." [37a] (p5) The study also stated that whilst they were "Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation." [37a] (p5)

Human Rights Watch (HRW) reproduced a 'Map of Darfur', dated 2004, on its website, which showed the approximate locations of the main tribes in Darfur. [19n]

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBIANS (PARTS OF NORTH SUDAN)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi [40]

Encyclopaedia Britannica 2004 stated that: "Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north." [62b] (p3) According to EB 2004 and the LoC 1991 study, the most prominent of these groups, the Nubians, lived along the Nile in the far north and in southern Egypt. [62b] (p3) [37a] (p4) However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. [37a] (p4) EB 2004 and LoC's 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. [62b] (p3) [37a] (p4) LoC 1991 also stated that: "Other, much smaller groups speaking a related language and claiming a link with the Nile Nubians have been given local names, such as the Birqid and the Meidab in Darfur State." [37a] (p4)

See also Section 17:01 [Ethnic groups/Nubians](#)

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBA (CENTRAL SUDAN)

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

Encyclopaedia Britannica (EB) online stated that: "One of the most important non-Muslim peoples in The Sudan is the Nuba, who live in the Nuba Mountains north of the Nilotes." [62b] (p4)

The Library of Congress' 1991 study also stated that: "The Kurdufanian languages these people [the Nuba] spoke were not generally mutually intelligible except for those of some adjacent communities." [37a] (p9) LoC's study considered that, given the Arabisation of the people around them, only a relatively small number of Nuba have adopted Arabic as their home language and even fewer have converted to Islam. [37a] (p9)

According to LoC's 1991 study, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. [37a] (p9) The study recorded that some are patrilineally organised in that they base or trace their descent on the male line; others follow matrilineal patterns as they trace their descent on the female line; and a very few, in south-eastern Nuba, have both patri- and matrilineal groupings in the same community. [37a] (p9) LoC 1991 also recorded that Nile Nubians, although seeking to retain a link with their traditional homeland, have resettled in towns such as Khartoum, Kassala and Port Sudan to work as domestic servants and semi-skilled labourers but also as teachers or civil servants. [37a] (p4)

According to the Leni Riefenstahl website, the German director-photographer lived with at least two different Nuba tribes between 1962 and 1977. [65a] The website reproduced a selection of photographs, primarily of the Masakin Qisar Nuba and the Kau Nuba. [65a] [65b] These images provide some background information to the cultural practices of these two tribes, and show various scarification patterns. [65a] [65b] The website of another photographer, F Jack Jackson, displayed photographs of Nuba tribes' people taken in Sudan prior to the outbreak of the north-south civil war. [66a]

BLACK ETHNIC GROUPS (CENTRAL AND SOUTH SUDAN)

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

Encyclopaedia Britannica online stated that: "Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost one-fifth of The Sudan's total population." [62b] (p4) According to Ethnologue 2004 and Languages of the World, 1995, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). [63] (p6-7, 16, 17) [49] (p358) The LoC 1991 study recorded that the Dinka made up roughly 40 per cent of southern Sudan's population and approximately 10 per cent of Sudan's population as a whole; the Nuer were between a quarter to a third the size of the Dinka and the Shilluk about a quarter of the size of the Nuer. [37a] (p6) The LoC's 1991 study reported that: "The Dinka are considered to have as many as twenty-five tribal groups. The Nuer have nine or ten separately named groups." [37a] (p6)

According to Encyclopaedia Britannica, "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 the river. The Nuer live farther south, east of the Mountain Nile." [62b] (p4) LoC's 1991 study stated that: "The Dinka were widely distributed over the northern part of the southern region, particularly Aali an Nil and Bahr al Ghazal." [37a] (p6) The LoC study also recorded that the Nuer populace was widely distributed, while the Shilluk,

who call themselves Collo, were permanently settled in a limited and unbroken area just north of the point where the Bahr al Jabal becomes the White Nile. [37a] (p6-7)

The Gurtong Peace Project website provides the profiles of South Sudanese Communities [181]

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Annex E: Languages of Sudan

This list should not be viewed as exhaustive.

For languages estimated to be spoken in Sudan by fewer than 20,000 persons, refer to Ethnologue, source. [63]

According to Encyclopaedia Britannica (EB), "There are more than 100 languages spoken as mother tongues in the Sudan." [62b] (p6) Ethnologue 2004 listed 142 languages for Sudan and stated: "Of those, 134 are living languages and 8 are extinct." [63] (p1) The US Library of Congress' (LoC 1991) country study dated June 1991 claimed that: "The number of languages spoken in Sudan is assumed to be about 400 languages, including languages spoken by an insignificant number of people." [37a] (p2) LoC's study also stated that: "English is widely spoken as a second language in the North and to a lesser extent in the South." [37a] (p5)

See also Annex D: [Main ethnic groups](#)

ACHERON

[ACZ] Northern Sudan, Kordofan Province, southern Nuba Hills.

Alternate names: GARME.

Dialects: EASTERN ACHERON, WESTERN ACHERON.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Tocho. [63]

ACHOLI

[ACO] 27,000 in Sudan (1978 SIL). Southern Sudan, Opari District, Acholi Hills.

Alternate names: ACOLI, ATSCHOLI, SHULI, GANG, LWO, AKOLI, ACOOLI, LOG ACOLI, DOK ACOLI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Southern, Luo-Acholi, Alur-Acholi, Lango-Acholi. [63]

ANUAK

[ANU] 52,000 in Sudan (1991 UBS). Population total both countries 98,000.

Alternate names: ANYWAK, ANYWA, YAMBO, JAMBO, NURO, ANYUAK, DHO ANYWAA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Anuak. [63]

AMA

[NYI] 70,000 (1982 SIL). Northern Sudan, Kordofan Province, north-west of Dilling on range of hills of which Jebel Nyimang is a part, and on the Mandal range.

Alternate names: NYIMANG, INYIMANG, NYIMA, NYIMAN.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Nyimang. [63]

ARABIC, STANDARD

[ABV] Middle East, North Africa.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic.

ARABIC, SUDANESE CREOLE

[PGA] 20,000 first language and 44,000 second language speakers in Juba alone (1987 estimate). Southern Sudan, in the towns and many villages all over Equatoria

Region, and up into Bahr al Ghazal and Upper Nile regions. Refugees have gone to other countries.

Alternate names: JUBA ARABIC, SOUTHERN SUDAN ARABIC, PIDGIN ARABIC.

Classification: Creole, Arabic based. [63]

ARABIC, SUDANESE SPOKEN

[APD] 15,000,000 or more in Sudan, 51 per cent of population (1991). Population total all countries 16,000,000 to 19,000,000.

Alternate names: KHARTOUM ARABIC. Dialects: KHARTOUM, WESTERN SUDANESE, NORTH KORDOFAN ARABIC, JA'ALI, SHUKRI.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic. [63]

BAKA

[BDH] 25,000 in Sudan (1993 UBS). Population total both countries 26,300.

Alternate names: TARA BAAKA.

Classification: Nilo-Saharan, Central Sudanic, West, Bongo-Bagirmi, Bongo-Baka, Baka. [63]

BARI

[BFA] 226,000 in Sudan (1978 SIL), including 26,400 in Kuku, 18,000 in Nyangbara, 3,400 in Nyepu, 25,000 in Pojulu. Population total both countries 286,000 or more.

Alternate names: BERI.

Dialects: KUKU, NYANGBARA (NYANGWARA, NYAMBARA), NYEPU (NYEFU, NYEPO, NYPHO, NGYEPY), PÖJULU (PAJULU, FADJULU, FAJELU, MADI), LIGO (LIGGO).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

BEDAWI

[BEI] 951,000 in Sudan (1982 SIL) including 30,000 Hadendoa, 15,000 Bisharin (1992). Population total all countries 1,148,000.

Alternate names: BEJA, BEDAWIYE, BEDAUYE, TO-BEDAWIE, BEDJA.

Dialects: HADENDOA (HADENDOWA, HADENDIWA), HADAREB (HADAAREB), BISHARIN (BISARIAB), BENI-AMIR.

Classification: Afro-Asiatic, Cushitic, North. [63]

BERTA

[WTI] 22,000. Northern Sudan. Alternate names: BARTA, BURTA, 'BENI SHANGUL', WETAWIT.

Dialects: SHURU, BAKE, UNDU, MAYU, FADASHI.

Classification: Nilo-Saharan, Berta. [63]

DAGIK

[DEC] (38,000 with Ngile; 1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, on some outlying hills in Mesakin Hills, Reika village.

Alternate names: MASAKIN, MASAKIN DAGIG, DAGIG, REIKHA, DENGEBU.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

DAJU, DAR FUR

[DAJ] 70,000 to 90,000 all Daju in Dar Fur (1983 Bender). Northern Sudan, Dar Fur Province, in the Daju Hills 25 miles north-east of Nyala. Also in Geneina District in Dar Masalit. The West Kordofan dialect is in the Daju Hills near Lagowa, with main settlements at Dar el Kabira, Nyukri, and Tamanyik and other hills.

Alternate names: NYALA-LAGOWA, FININGA, DAGU, DAJU FERNE, BEKE. *Dialects:* NYALA, LAGOWA.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DAJU, DAR SILA

[DAU] Northern Sudan. Nearly all those Daju of Dar Sila who are in Sudan have migrated into Dar Fur and settled there in recent times.

Alternate names: SILA, SULA, MONGO-SILA, BOKOR, BOKORUGE, BOKORIKE.

Dialects: MONGO, SILA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DIDINGA

[DID] 58,000 (1978 SIL). Southern Sudan, Didinga Hills and north of Nagishot.

Alternate names: 'DI'DINGA, XAROX, TOI, LANGO.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, South-west, Didinga-Murle, Didinga-Longarim. [63]

DINKA, NORTH-EASTERN

[DIP] 320,000 (1986 UBS) including 7,200 Abialang, 9,000 Dongjol, 2,500 Luac, 16,000 Ngok-Sobat, 20,000 Jok, 13,500 Ageer, 2,000 Rut, 400 Thoi. Southern Sudan, north-east of the Sudd, along both sides of the White Nile, and along the Sobat River.

Alternate names: PADANG, WHITE NILE DINKA.

Dialects: ABILIANG (DINKA IBRAHIM, AKOON, BAWOM, BOWOM), DONGJOL, LUAC (LUAIC), NGOK-SOBAT (NGORK, JOK), AGEER (AGER, AGEIR, ABUYA, BEER, NIEL, NYEL, PALOC, PALOIC), RUT, THOI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, NORTH-WESTERN

[DIW] 80,000 Ruweng (1986). Southern Sudan, north of the Bahr el Ghazal River, and southern Kordofan around Abyei.

Dialects: ALOR, NGOK-KORDOFAN, PAN ARU, RUWENG.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-CENTRAL

[DIB] 250,000 including 2,000 Aker, 2,000 Thany, 22,000 Ciec, 25,000 Gok (Tucker and Bryan). (Total Dinka 2,000,000 or more.) Southern Sudan, west of the Nile, south of the Sudd. Aker is south-east of the Agar; Aliap is south of the Bor in a few fishing villages mainly on the east bank of the Nile. Ciec is in Lakes District on the west bank of the Nile. Gok is between the Agar and the Rek in Jur River and Lakes districts.

Alternate names: AGAR, CENTRAL DINKA. *Dialects:* ALIAP (ALIAB, THANY, AKER), CIEC (CIEM, CIC, CHIECH, KWAC, AJAK, ADOR), GOK (GAUK, COK), AGAR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-EASTERN

[DIN] 250,000 including 21,000 Atoc, 9,000 Ghol, 4,000 Nyarueng, 35,000 Twi, 21,000 Bor Gok (Tucker and Bryan). 500,000 including South Central (Agar) and South-eastern (Bor) (1982 UBS). Southern Sudan, east of the Nile, around Bor and northwards.

Alternate names: BOR, EASTERN DINKA.

Dialects: BOR (BOR GOK), ATHOC (ATHOIC, ATOC, BORATHOI, BOR ATHOIC), GHOL, NYARWENG (NYARUENG, NARREWENG), TUIC (TWI).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-WESTERN

[DIK] 450,000 (1982 UBS) including 55,000 Abiem, 15,000 Luac, 40,000 Malual, 17,000 Paliet, 35,000 Palioupiny, 50,000 Tuic. Southern Sudan, north and north-west of Wau.

Alternate names: REK, WESTERN DINKA.

Dialects: REK (RAIK), ABIEM (AJONG DIT, AJONG THI, AKANY KOK, AKERN JOK, APUOTH, APWOTH, ANEI), AGUOK (AGWOK), APUK, AWAN, LAU, LUAC, MALUAL (MALWAL, ATOKTOU, DULIIT, KOROK, MAKEM, PETH), PALIET (BALIET, AJAK, BUONCWAI, BON SHWAI, BWONCWAI, KONGDER, KONDAIR, THANY BUR, TAINBOUR), PALIOUPINY (PALIOPING, AKJUET, AKWANG, AYAT, CIMEL, GOMJUER), TUIC (TWIC, TWICH, TWIJ, ADHIANG, AMIOL, NYANG, THON).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

FULFULDE, ADAMAWA

[FUB] 90,000 in Sudan (1982 SIL). Northern Sudan, Blue Nile and Kordofan regions.

Alternate names: FELLATA.

Dialects: GOMBE.

Classification: Niger-Congo, Atlantic-Congo, Atlantic, Northern, Senegambian, Fula-Wolof, Fulani, Eastern. [63]

FUR

[FUR] 500,000 in Sudan (1983 Bender). Population total both countries 502,000.

Alternate names: FOR, FORA, FORDUNGA, FURAWI, FURAKANG, FORTA, FOROK, KONJARA, KUNGARA, YERGE, ONAGE, KORRA, KADIRGI, KURKA, DALA, LALI.

Classification: Nilo-Saharan, Fur. [63]

GAAM

[TBI] 40,000 to 80,000 (1997 M L Bender). Northern Sudan. The main centre is in and around Jebel Tabi, on Tabi Massif and outlying hills. A small community in Khartoum. Not in Ethiopia.

Alternate names: INGASSANA, INGESSANA, TABI, METABI, MUNTABI, MAMEDJA, MAMIDZA, KAMANIDI.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Eastern Jebel, Gaam. [63]

GUMUZ

[GUK] 40,000 in Sudan. Northern Sudan, around Famaka, Roseires from Ethiopia border possibly as far as Fazoglo.

Alternate names: MENDEYA, DEBATS, DEGUBA, DEHENDA, GUMIS, GOMBO, SHANKILLINYA, SHANQILLA.

Dialects: DISOHA (DESUA), DAKUNZA (DEGOJA, DUKUNZA, GUNZA, GANZA, DUKUNA, DUGUNZA), SAI, SESE (SAYSAY), DEKOKA, DEWIYA, KUKWAYA, GOMBO, JEMHWA, MODEA.

Classification: Nilo-Saharan, Komuz, Gumuz. [63]

HAUSA

[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan.

Classification: Afro-Asiatic, Chadic, West, A, A.1. [63]

JUMJUM

[JUM] 25,000 to 50,000 (1987 SIL). Northern Upper Nile Province, along Khor Jumjum on Jebels Tunga, Terta, and Wadega.

Alternate names: BERIN, OLGA, WADEGA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

KANURI, CENTRAL

[KPH] 195,000 in Sudan (1993 Johnstone). Northern.

Alternate names: YERWA KANURI, KANOURI, BORNU, BORNOUANS, KANOURY, KOLE, SIRATA, 'BERIBERI'.

Dialects: DAGARA, KAGA (KAGAMA), SUGURTI, LARE, KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MAIDUGURI.

Classification: Nilo-Saharan, Saharan, Western, Kanuri. [63]

KAKWA

[KEO] 40,000 in Sudan (1978 SIL). Southern Sudan, Yei District, extending into DRC in the west at Aba and in the south around Mahagi.

Alternate names: BARI KAKWA, KAKUA, KWAKWAK, KAKWAK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

KATCHA-KADUGLI-MIRI

[KAT] 74,935 including 48,864 Kadugli and Katcha, 26,071 Miri (1984 R C Stevenson). Northern Sudan, Kordofan Province, in the southern hills of the Nuba Hills area. Katcha is in villages a short distance south of Kadugli and south-east of the Miri Hills. Kadugli is also in villages surrounding Kadugli. Miri is in Miri villages south of Kadugli.

Dialects: KATCHA (TOLUBI, DHOLUBI, TUNA, KACA), KADUGLI (DAKALLA, TALLA, DHALLA, TOMA MA DALLA, KUDUGLI, MORTA), MIRI, DAMBA.

Classification: Niger-Congo, Kordofanian, Kadugli, Central. [63]

KENUZI-DONGOLA

[KNC] 180,000 in Sudan (1996). Population total both countries 280,000.

Alternate names: DONGOLA-KENUZ, NILE NUBIAN, DONGOLAWI.

Dialects: DONGOLA, KENUZI (KENUZ, KUNUZI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Central, Dongolawi. [63]

KOALIB

[KIB] 44,258 (1984 R C Stevenson). Northern Sudan, southern Kordofan Province, Nuba Mountains, around Delami, including Umm Berumbita and Turum (Nguqwurang), south and south-west of Abri around Koalib range (Ngunduna), at and around Nyukwur, also at Umm Heitan and Hadra (Nginyukwur), in villages scattered over the plain around Abri (Ngirere).

Alternate names: KAWALIB, KOWALIB, NGIRERE, NIRERE, RERE, LGALIGE, ABRI.

Dialects: NGUQWURANG, NGUNDUNA, NGINYUKWUR, NGIRERE, NGEMERE.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Rere. [63]

KRONGO

[KGO] 21,688 (1984 R C Stevenson). Northern Sudan, Krongo Hills, south of Masakin range and west of Talodi, Kordofan Province.

Alternate names: KORONGO, KURUNGU, KADUMODI, TABANYA, DIMODONGO.

Dialects: FAMA-TEIS-KUA.

Classification: Niger-Congo, Kordofanian, Kadugli, Eastern. [63]

LANGO

[LNO] 20,000 possibly (1987 SIL). Southern Sudan, eastern Equatoria Province, Torit District.

Alternate names: LANGGO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LARO

[LRO] 40,000 (1998 local estimate). Northern Sudan, Nuba Hills on the hills of Laro (Alleira) and a few small hills nearby.

Alternate names: LARU, AALEIRA, YILLARO, NGWULLARO.

Dialects: TUNDULI, LARO.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Ebang-Logol, Ebang-Laru. [63]

LOPPIT

[LPX] 50,000 (1995 Scott Randal). Southern Sudan, eastern Equatoria Province, Lopit Hills, northeast of Torit.

Alternate names: LOPIT, LOPID, LOFIT, LAFITE, LAFIT, LAFIIT.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LUWO

[LWO] 80,000 (1983 census). Southern Sudan, north of Wau toward Aweil, southeast of Wau as far as Tonj.

Alternate names: LWO, JUR LUO, JUR LWO, JO LWO, DHE LWO, DHE LUWO, GIUR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Jur. [63]

MABAAN

[MFZ] 25,000 to 50,000 (1987 SIL). On the border of Blue Nile and Upper Nile provinces, between Yabus and Tombak rivers in the north and Khor Daga in the south. Not in Ethiopia.

Alternate names: MAABAN, MEBAN, SOUTHERN BURUN, GURA, TUNGAN, BARGA, TONKO, ULU.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

MANDARI

[MQU] 35,812 (1952). Southern Sudan, near Bari; one division around Tali, the other on both sides of the Nile between Tombe and Mongalla.

Alternate names: MONDARI, MUNDARI, SHIR, CHIR, KIR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

MASSALEIT

[MSA] 145,000 in Sudan. Population total both countries 250,000 (1983 Doornbos and Bender).

Alternate names: MASALIT, MASSALIT, KAANA MASALA, JWISINCE.

Dialects: SURBAKHAL.

Classification: Nilo-Saharan, Maban, Mabang, Masalit. [63]

MIDOB

[MEI] 50,000 (1993 R Werner). Northern Sudan, Dar Fur Province, Jebel Midob, and settled communities in Omdurman and Gezira Aba. The centre is Malha.

Alternate names: MEIDOB, MIDOBI, TIDDA, TID, TID-N-AAL.

Dialects: SHELKOTA (SHALKOTA), KAAGEDDI, URTI (UURTI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Western. [63]

MORO

[MOR] 30,000 (1982 SIL) including 4,100 Abu Leila and Lebu, 460 Umm Dore, 9,000 Umm Gabralla (1977 Voegelin and Voegelin). Northern Sudan, eastern Nuba Mountains, Kordofan Province.

Alternate names: DHIMORONG.

Dialects: UMM DOREIN (LOGORBAN), UMM GABRALLA (TOBERELDA), NDERRE, LAIYEN, NUBWA, ULBA, WERRIA.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

MORU

[MGD] 70,000 (1982 SIL), including 1,200 Agi, 2,500 Andri, 5,000 Kadiro, 9,000 Miza, 400 Wa'di. Southern Sudan, Mundri District, Equatoria Province.

Alternate names: KALA MORU.

Dialects: AGI, ANDRI, 'BALI'BA, KADIRO, LAKAMA'DI, MIZA, MORUWA'DI.

Classification: Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. [63]

MÜNDÜ

[MUH] 23,000 in Sudan. Population total both countries 25,800.

Alternate names: MUNDO, MOUNTOU, MONDU, MONDO.

Dialects: SHATT.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Ngbaka-Mba, Ngbaka, Eastern, Mundu. [63]

MURLE

[MUR] 60,000 in Sudan (1982 SIL). Population total both countries 60,200.

Alternate names: MURELEI, MERULE, MOURLE, MURULE, BEIR, AJIBBA, AGIBA, ADKIBBA.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, Southwest, Didinga-Murle, Murle. [63]

NDOGO

[NDZ] 20,000 (1993). Southern Sudan, Western District along Wau-Deim Zubeir Road between Mboro and Kpango rivers. A few are north of Tembura among the Zande. Not in CAR.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Sere, Sere-Bviri, Ndogo-Sere. [63]

NGILE

[MAS] 38,000 including Dagik (1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, in Mesakin Hills on some outlying hills.

Alternate names: MASAKIN, MESAKIN, DALOKA, TALOKA, DARRA.

Dialects: AHEIMA (EL AKHEIMAR), DALOKA (TALOKA), MASAKIN GUSAR (MESAKIN QUSAR, MASAKIN BURAM), MASAKIN TUWAL (TIWAL, TOWAL).

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

NOBIIN

[FIA] 295,000 in Sudan (1996). Population total both countries 545,000.

Alternate names: MAHAS-FIADIDJA, MAHAS-FIYADIKKYA, FIADIDJA-MAHAS.

Dialects: MAHAS (MAHASI, MAHASS), FIYADIKKA (FEDICCA, FADICHA, FADICCA, FADIJA, FIADIDJA).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Northern. [63]

NUER

[NUS] 740,000 in Sudan (1982 SIL) including 2,935 Western Jikany, 12,500 Lou, 1,100 Nyuong, 2,500 Thiang, 5,900 Bul, 2,400 Jagai, 6,700 Laak, 4,900 Leik, 1,600 Door, 17,600 Eastern Jikany (1977 Voegelin and Voegelin). Population total both countries 805,000.

Alternate names: NAATH, NAADH. *Dialects:* DOR (DOOR), EASTERN JIKANY (JIKAIN, JEKAIN), ABIGAR, WESTERN JIKANY, CIEN, THOGNAATH (THOK NATH), LOU (LAU), NYUONG, THIANG (BUL, GAWAAR, JAGAI, LAAK, LEIK).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Nuer. [63]

OTUHO

[LOT] 135,000 including Dongotono (1998), 2,500 Koriot, 1,000 Lomya (1977 Voegelin and Voegelin). Southern Sudan, Torit District, eastern Equatoria Province, east and southeast of the Luluba and the Lokoya.

Alternate names: LOTUKO, LOTUHO, LOTUXO, LOTUKA, LATTUKA, LATUKO, LATUKA, LATOOKA, OTUXO, OLOTORIT.

Dialects: KORIOK, LOGIRI (LOGIR), LOMYA (LOMIA), LORWAMA, LOWUDO (LOUDO, LAUDA), LOGOTOK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

PÄRI

[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province.

Alternate names: LOKORO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. [63]

SHILLUK

[SHK] 175,000 (1982 SIL). Southern Sudan, Upper Nile Province, between Nile and Kordofan Province boundary, from latitude 11 in the north to about 80 miles west of Tonga; also on the east bank of the Nile around the junction of the Nile and Sobat rivers, and for about 20 miles up the Sobat River.

Alternate names: COLO, DHOCOLO, CHULLA, SHULLA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Shilluk. [63]

TEGALI

[RAS] 35,738 (1984 R C Stevenson). Northern Sudan, Kordofan Province, Nuba Mountains, Tegali Range, Rashad hills and town of Rashad.

Alternate names: TAGALE, TEGELE, TOGOLE, TEKELE.

Dialects: RASHAD (KOM, NGAKOM, KOME), TEGALI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Rashad. [63]

TIRA

[TIR] 40,000 (1982 SIL). Northern Sudan, Nuba Hills in villages extending from near Otoro to the neighbourhood of Talodi.

Alternate names: TIRO, THIRO, LITHIRO.

Dialects: KINDERMA (KANDERMA), TIRA EL AKHDAR (TIRA DAGIG), TIRA LUMUM (LUMAN), TIRA MANDI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

TOPOSA

[TOQ] 100,000 (1984 M Schroeder). Southern Sudan, along both sides of Singaita and Lokalyen rivers. The southern boundary is 4.30' N, northern 5' N, western 33.22' E, eastern 34' E. Ritual centre at Loyooro River. They migrate as far as Moruangipi (34.30' E, 5.10' N), and occasionally farther east into the disputed Ilemi Triangle at the Ethiopian border for seasonal grazing. They have no permanent settlements there. The Jiye live at 5.20' N 33.45' E.

Alternate names: TAPOSA, TOPOTHA, AKARA, KARE, KUMI.

Dialects: EASTERN TOPOSA, WESTERN TOPOSA, JIYE.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Teso-Turkana, Turkana. [63]

ZAGHEWA

[ZAG] 102,000 in Sudan (1982 SIL). Population total all countries 186,800.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZAHAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUK.

Classification: Nilo-Saharan, Saharan, Eastern. [63]

ZANDE

[ZAN] 350,000 in Sudan (1982 SIL). Southern Sudan, DRC primarily, and CAR in an elongated semicircle with Uele River as its base. Some projections south.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUKI.

Dialects: DIO, MAKARAKA (ODIO).

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Zande, Zande-Nzakara. [63]

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Annex F: Religions of Sudan

This list should not be viewed as exhaustive.

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, stated that: Sudan has an estimated population of 41 million and an area of 967,500 square miles. "Exact population and demographic data were unavailable due to the long civil war, and there were no recent census figures. An estimated two-thirds to three-fourths of the population lived in the fifteen states of the North and were generally from Arabic-speaking Semitic groups. The remaining one-fourth to one-third of the population lived in the South and were mostly Nilotic peoples, some of whom have adopted English as a common language. More than four million internally displaced persons (IDPs) fled from the South to the North during the long civil war. Although several hundred thousand returned to the South after the CPA, many more still lived in and around northern cities." [3f] (Section I. Religious Demography)

ISLAM

The state religion. Sudanese Islam has a strong Sufi element, and is estimated to have more than 15 million adherents. [1a] (p1114) "Some Muslim leaders estimated the country's Muslim population to be more than thirty-two million, or above 80 percent of the total population; almost all Muslims in the country were Sunni, with a small Shi'a community, although there were significant distinctions between followers of different Islamic traditions. The most significant divisions within the Sunni community occurred along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, were associated with the opposition Umma and Democratic Unionist Parties, respectively." [3f] (Section I. Religious Demography)

CHRISTIANITY

Sudan Council of Churches – Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda. [1a] (p1114) EB 2004 estimated that "Christians account for between 4 and 10 percent of the population." [1a] (p1088)

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, noted that: "Precise religious data were not available; self-reported membership totals in particular religious groups could not be confirmed, and outdated census figures may not be accurate. In general Islam predominated in the North, while traditional indigenous beliefs (animism) and Christianity were prevalent in the South." [3f] (Section I. Religious Demography)

Roman Catholic church

Archbishop of Khartoum: Cardinal Gabriel Zubeir Wako. [1a] (p1114)

Archbishop of Juba: Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Latin Rite: Sudan comprised two archdioceses and seven dioceses and, as of 31 December 2002, an estimated 4,179,932 or 9.7 per cent of the population were adherents. [1a] (p1114)

Sudan Catholic Bishops' Conference

Founded in 1971 by Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Maronite Rite: Maronite Church in Sudan

Reverend Father Youseph Neama. [1a] (p1114)

Melkite Rite: Patriarchal Vicariate of Egypt and Sudan

General Patriarchal Vicar in Egypt and Sudan: Jules Zerey (Titular Archbishop of Damiette); Protosyncellus: Most Reverend Paul Antaki (Titular Archbishop of Nubia); Vicar in Sudan: Father George Banna. [1a] (p1114)

Syrian Rite: Syrian Church in Sudan

Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). [1a] (p1114)

ORTHODOX CHURCHES**Coptic Orthodox Church: Metropolitan of Khartoum, Southern Sudan and Uganda**

Right Reverend Anba Danial. [1a] (p1114)

Bishop of Atbara, Omdurman and Northern Sudan

Right Reverend Anba Sarabamon. [1a] (p1114)

Greek Orthodox Church

Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. [1a] (p1114)

According to Europa 2005, "The Ethiopian Orthodox Church is also active." [1a] (p1114)

The Anglican Communion

Archbishop in Sudan: Most Reverend Joseph Biringi. [1a] (p1114)

The (Episcopal) Church of the Province of the Sudan

Established in 1976, has 24 dioceses and approximately one million adherents. [1a] (p1114)

OTHER CHRISTIAN CHURCHES**Evangelical Church**

Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. [1a] (p1114)

Presbyterian Church

Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. [1a] (p1114)

SIM Sudan

Founded 1937; Director: L Dick. [1a] (p1114)

According to Europa 2005, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." [1a] (p1114)

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Annex G: States of Sudan

The information below has been taken from the Official Government of Sudan website, source [4c]. Spellings and names of states and state capitals may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SUDAN (GoS)-ADMINISTERED AREAS

Northern	Capital: Dongola	
River Nile	Capital: Damar	
Khartoum	Capital: Khartoum	
North Kordofan	Capital: Elobeid	
Western Kordofan	Capital: Foola	
Southern Kordofan	Capital: Kadugli	
White Nile	Capital: Rabak	
Aljazira	Capital: Medani	
Gadarif	Capital: Gadarif	
Sinnar	Capital: Sinja	
Northern Darfur	Capital: Fashir	Part rebel-controlled (west)
Western Darfur	Capital: Jineina	Part rebel-controlled (west)
Southern Darfur	Capital: Nyala	Part rebel-controlled (west)
Red Sea	Capital: Port Sudan	Part rebel-controlled (east)
Kasala	Capital: Kasala	Part rebel-controlled (east)

GOVERNMENT OF SOUTH SUDAN (GoSS)-ADMINISTERED AREAS

Western Equatoria	Capital: Yambio
Eastern Equatoria	Capital: Torit
Bhar El Jebel	Capital: Juba
Upper Nile State	Capital: Malakal
Jonglei state	Capital: Bor
Unity	Capital: Bentiu
Western Bhar El Ghazal	Capital: Wau
Lakes state	Capital: Rumbek
Warrap state	Capital: Gogrial
Eastern Bhar El Ghazal	Capital: Tonj
Northern Bhar El Ghazal	Capital: Aweil

AREAS JOINTLY ADMINISTERED BY THE SPLM AND GoS

Blue Nile State	Capital: Damazeen
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Nuba Mountains
(located in Southern and Western Kordofan)

Abyei Province
(located in Western Kordofan)

See also Section 1.01: [Geography](#)

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Annex H: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
SOAT	Sudan Organisation Against Torture
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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