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Sudan: Nuba

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the Introduction section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies**:**

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

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

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

Contents

Assessment

Updated: 15 December 2020

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by the state because the person belongs to the Nuba ethnic group.

Back to Contents

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

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

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

Back to Contents

2.2 Exclusion

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and Restricted Leave.

Back to Contents

2.3 Convention reason(s)

2.3.1 Actual or imputed race.

2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.

2.3.3 For further guidance on Convention reasons see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.4 Risk

2.4.1 See country guidance case of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC) paragraphs 2, 3 and 116 for a summary of the Nuba generally and Nuba outside of the Two Areas

2.4.2 In the country guidance case of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC), the Upper Tribunal (UT) held that:

a) 'An individual of Nuba ethnicity is not at real risk of persecution or serious ill-treatment on return to Sudan (whether in the Nuba Mountains, Greater Khartoum or Khartoum International Airport) simply because of their ethnicity.

b) 'A returning failed asylum-seeker (including of Nuba ethnicity) is not at real risk of persecution or serious ill-treatment at the airport simply on account of being a failed asylum-seeker.

c) 'Prior to the political developments in 2019, individuals who were at risk on return (whether at the airport or in Greater Khartoum) were those who were perceived by the Sudanese authorities to be a sufficiently serious threat to the Sudanese Government to warrant targeting.

d) 'The assessment of that risk required an evaluation of what was likely to be known to the authorities and a holistic assessment of the individual's circumstances including any previous political activity in Sudan or abroad and any past history of detention in Sudan. Factors include whether the individual was a student, a political activist or a journalist; their ethnicity; their religion (in particular Christianity); and whether they came from a former conflict area (such as the Nuba Mountains).

e) 'Whilst the question of perception of political opposition underlying (c) above remains the same since the 2019 political developments, when assessing any risk to an individual now, the effects of the 2019 political developments are relevant and are likely to affect the Sudanese authorities' view of, and attitude towards, those who might be perceived as political opponents. Further, the 2019 political developments are likely to have greatly reduced the interest of the Sudanese government in supressing political opposition by violent or military action […]' (paragraph 252)

2.4.3 The evidence submitted in KAM covered the period up to December 2019. The UT observed that - considering events in the round including the overthrow of former President al Bashir, the establishment of a transitional government including civilians, a new Constitution, and the prospect of peace with ongoing talks between the government and rebels (see paragraphs 170 to 174) - up to that point 'The direction of travel remains firmly pointing in the way of democratic change and the powers of law and order and a move to stability and resolving difficulties politically rather than through force or violence' (paragraph 175).

2.4.4 The situation during 2020 has broadly maintained this 'direction of travel' towards democracy and the rule of law. For example: the peace agreement with the rebel groups, appointment of civilian state governments, amendments to the penal code which have improved human rights, the removal of Sudan from the US' State Sponsor of Terror list which should allow access to international finance and trade. While there continue to be human rights violations, particularly in South Kordofan, the country evidence since December 2019 does not indicate that the Nuba have been targeted because of their ethnicity by the state.

2.4.5 A person who is a Nuba is unlikely to be at risk of persecution simply because of their actual or imputed ethnicity. Each case must be considered on its facts taking into account the risk factors identified by the UT in KAM.

2.4.6 For further guidance on assessing risk, see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.

2.5.2 For further guidance on assessing the availability of state protection, see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.6 Internal relocation

2.6.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.

2.6.2 All returns to Sudan are to Khartoum. The UT in KAM noted, in the context of a person who had not demonstrated a fear persecution from the state but was not from Khartoum and for some reason was unable to return to South Kordofan or another location elsewhere in Sudan, that:

'Internal relocation to Greater Khartoum for a person of Nuba ethnicity must depend upon an assessment of all the individual's circumstances including their living conditions, their ability to access education, healthcare and employment. Despite the impoverished conditions and discrimination faced by Nuba when living in the so-called 'Black Belt' area of Greater Khartoum, relocating there will not generally be unduly harsh or unreasonable.' (Headnote – (f) and paragraph 252 (f)).

2.6.3 For further guidance on internal relocation see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.7 Certification

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

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

Back to Contents

Country information

Section 3 updated: 16 December 2020

3. Background information considered in the country guidance

3.1.1 The Upper Tribunal of the Asylum and Immigration Chamber in the country guidance of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC), whch was heard on 31 May, 1 June 2018 and 30 August 2018; and 24 and 25 October 2019; with final written submissions completed on 5 December 2019 and the final determination being promulgated on 1 September 2020, considered a large body of country information about the Nuba covering the period up to October 2019. This included documentary and oral evidence provided by 3 expert witnesses (Professor Eric Reeves, Dame Rosalind Marsden and Madelaine Crowther) as well as material collated and submitted by the Home Office.

3.1.2 For a summary of the main evidence considered in that case see Appendix 1 of the determination.

Back to Contents

Section 4 updated: 16 December 2020

4. Geography

4.1 Southern Kordofan

4.1.1 See a map of South Kordofan on page 1 of the Review of the periodic report of Sudan.

Back to Contents

Section 5 updated: 16 December 2020

5. Demography

5.1 Ethnic distinctions among the Nuba people

5.1.1 In the country guidance case of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC) heard on 31 May and 1 June 2018; 30 August 2018, 24 and 25 October 2019; final written submissions completed on 5 December 2019 and promulgated on 1 September 2020, the Upper Tribunal (UT) held:

'The Nuba peoples comprise various non-Arab ethnic groups who are indigenous to, and inhabit, the Nuba Mountains (in particular the foothills) in South Kordofan State in Sudan… The Nuba also live in the Blue Nile State of Sudan. Together these areas are known as the "Two Areas". They are a disparate group of tribes (perhaps around 50) lacking any political unity and speak a number of languages (estimated as over 100). They live in villages, organised in clans or extended family groups, with clan elders being in authority. The Nuba practise a number of different religions including Islam, Christianity and traditional African beliefs.

'Estimates of how many Nuba live in Sudan vary. In 2003, the Sudanese Government estimated there were 1.07 million Nuba in Sudan. Some estimates put the number higher. Many Nuba, as a result of conflict in their home area, now live in or around the capital, Khartoum which, as "Greater

Khartoum", is comprised of the three urban conurbations of Khartoum, Khartoum North and Omdurman (also known as the "Three Towns"). Although there is no verified figure, we heard evidence that put the number of Nuba in Greater Khartoum in the 100,000s. Together with Non-Arab Darfuris, some sources have estimated that the numbers may be higher reaching as many as 1 million, and some sources estimating as high as 5 million, living in Greater Khartoum. It is said that the joint Nuba/Non-Arab Darfuri population represents 60% or 70% of the total population of Greater Khartoum…Whatever the correct figure, there is undoubtedly a very sizable population of Nuba living in Greater Khartoum. Most live in shanty towns in an area called the 'Black Belt' on the outskirts of the conurbation.' (Paragraphs 2 and 3).

Back to Contents

Section 6 updated: 16 December 2020

6. Political context

6.1 Events in 2020

6.1.1 US Congressional Research Service (CRS) paper of 9 November 2020 noted:

'Twenty-seven years after the Clinton Administration designated the government of Sudan a state sponsor of international terrorism (SST), the White House on October 23 announced President Trump's intent to rescind the designation, describing it as a "momentous step forward" in the bilateral relationship and "a pivotal turning point for Sudan." This followed a statement from the President on Twitter, referencing an agreement by Sudan's transitional government to pay compensation to victims of terrorist attacks in which the previous government was implicated.

'The decision comes amidst a political transition following the April 2019 military ouster of Sudan's longruling leader, Omar al Bashir, who took power in a 1989 coup. Removal from the SST list has been a top priority for Sudan's new prime minister, Abdalla Hamdok, who has described Bashir's Islamist regime as "one of the most brutal and repressive regimes in human history" in a 2019 U.N. address. "The Sudanese people have never sponsored, nor were supportive of terrorism," he asserted, "those were the acts of the former regime which has been continuously resisted by the Sudanese people until its final ouster," referencing nationwide protests that spurred Bashir's overthrow. Hamdok's government has sought to end Sudan's international isolation and internal conflicts, pursing peace with insurgents and reforms to improve human rights and religious freedom. The transition is fragile; the government, formed out of a power-sharing arrangement between a disparate civilian coalition and security chiefs, faces mounting public frustration over an economic crisis inherited from the former regime. A new peace deal with insurgents may change the country's political dynamics, but whether it will empower civilians or security actors is subject to debate.'[1]

[1] US CRS 'Sudan's Removal from the State Sponsors of Terrorism List' (page 1) 9 November 2020

6.1.2 The United Nations Security Council Report of the Secretary-General on the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan, published on 17 September 2020, reported:

'During the reporting period, the transitional Government continued to pursue ambitious political reforms, make progress in the peace process and tackle the rapidly deteriorating economic situation, while faced with rising pressure from the Sudanese population to meet its demands rapidly. The transitional Government largely implemented key transition benchmarks laid out in the August 2019 Constitutional Document, despite competing priorities and the added challenge of responding to the coronavirus disease (COVID-19) pandemic. Its achievements included amendments to the penal code, which will improve the protection of fundamental rights, the appointment of interim civilian governors in all 18 states and reaching a comprehensive peace agreement with some armed groups in Darfur and the Two Areas…

'On 29 August, a peace agreement was reached between the transitional Government, the SRF alliance and the Sudan Liberation Army (SLA)-Minni Minawi faction, concluding nearly a year of negotiations mediated by the Government of South Sudan. Signatories under the SRF umbrella included the Justice and Equality 20-12062 3/16 Movement (JEM), the Sudan Liberation Movement/Transitional Council and the Sudan People's Liberation Movement-North (SPLM-N) Malik Agar faction. The agreement includes a number of protocols and covers key issues related to security arrangements and the integration of combatants into the Sudanese army, land ownership, transitional justice, power-sharing and the return of displaced persons. The SLA-Abdul Wahid al-Nur faction did not participate in the Juba-based negotiations and has rejected the agreement.

'On 3 September, the transitional Government and SPLM-N Abdelaziz Al-Hilu faction signed a joint agreement on, inter alia, principles for maintaining the cessation of hostilities throughout the peace process until security arrangements were agreed. In the agreement, the parties also affirmed that the future constitution should be based on the principle of separation of religion and State, in the absence of which the right to self-determination in the Two Areas must be respected. Mr. Al-Hilu himself has made it clear he remains committed to the Juba process as set out in the agreement on negotiation issues of 18 October 2019.'[2]

6.1.3 The BBC reported in September 2020:

'Sudan's peace agreement signed last week finally promises to end the devastating wars in Darfur, South Kordofan and Blue Nile that have cost hundreds of thousands of lives, but as Alex de Waal and Edward Thomas explain, it comes with a huge price tag.

'The deal was negotiated between the transitional government and a coalition of rebel leaders in South Sudan's capital, Juba.

'Its strength is the goodwill on both sides.

[2] UNSC, 'Report of the Secretary-General…' (paras 2, 8, 9), 17 September 2020

‘Its weakness is that Sudan is trying a bold experiment in democracy in the middle of intersecting crises with practically no international help.

‘In August 2019, Sudanese military and civilian leaders agreed to cohabit in a transitional government, fulfilling a central demand of the protesters who had overthrown the 30-year dictatorship of President Omar al-Bashir.

‘A top priority was ending the wars that had long ravaged Sudan's peripheries.

‘The rebels were confident that those in the civilian cabinet, led by Prime Minister Abdalla Hamdok, were sincere.

‘They did not trust the generals, especially Lt-Gen Mohamed Hamdan Dagolo, known as "Hemeti", whose paramilitaries had waged terrifying counter-insurgency campaigns.

‘The agreement was reached after almost a year of peace talks […]

‘One leader who has not yet signed is Abdel Aziz al-Hilu of the Sudan People's Liberation Movement-North in South Kordofan's Nuba Mountains.

He is principled and stubborn and his demands - secularism and Nuba's right of self-determination - do not allow for much compromise.

But Prime Minister Hamdok respects Mr Hilu and they have vowed to keep on talking.’[3]

Back to Contents

Section 7 updated: 16 December 2020

7. State treatment of Nuba

7.1 Khartoum and surrounding areas

7.1.1 CPIT found no specific information of the state targeting the Nuba in Khartoum and surrounding areas and the Two Areas by the Transitional Government since October 2019 (last hearing date of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC)) in the sources consulted (see Bibliography).

Back to Contents

Section 8 updated: 16 December 2020

8. Security and humanitarian situation in South Kordofan

8.1.1 The country guidance case of KAM (Nuba – return) Sudan CG [2020] UKUT 00269 (IAC) summarised events between 2011 and 2016, and 2016 to 2019 (see paragraphs 9 and 100 to 113).

8.1.2 The Armed Conflict and Location and Event Data Project (ACLED), ‘a disaggregated data collection, analysis, and crisis mapping project’[4], shows various data in the South Kordofan region between 5 December 2019 and 5

[3] BBC, ‘How Sudan’s rebel deal offers lifeline for peace’, 9 September 2020
[4] ACLED, ‘About ACLED’, undated

December 2020. The dashboard shows 116 reported fatalities and 50 total events in the South Kordofan region, those being 12 battles, 1 riot and 37 violent events against civilians[5].

8.1.3 The Joint written statement submitted by the African Centre for Democracy and Human Rights Studies; Centre du Commerce International pour le Développement; and Rencontre Africaine pour la defense des droits de l'homme (non-governmental organizations in special consultative status to the United Nations General Assembly) and reported in October 2020 stated: 'In Kadougli (South Kordofan State), frequent clashes between rival armed groups between May and July 2020 have displaced about 7 thousand local people while hundreds of others, including RSF soldiers, were either killed or injured. These violent incidents involved militia groups with occasional participation of Sudan People's Liberation Movement/Army insurgents and the regular security forces…'[6]

8.1.4 HUDO Centre, a Sudanese human rights and development organisation[7], reported in October 2020 that on 24 September 2020, a farmer and leader of a government militia in the Nuba Mountains, was shot dead in Kadogli, the capital of South Kordofan state. The police filed his death as anonymous[8]. The report noted 'time after time, murder incidents have been reported with little response from the authorities'.[9]

8.1.5 The United Nations Security Council Report of the Secretary-General on the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan, published on 17 September 2020, reported:

'During the reporting period [from 3 June to 8 September 2020], the security situation was marked by increased intercommunal tensions including in the east, west and south of the country…In Western Kordofan, clashes between members of the Misseriya and Nuba communities occurred in June in Lagawa, reportedly leading to several deaths. Following the violence, representatives of both communities signed a cessation of hostilities agreement… In Eastern Sudan, intercommunal clashes between members of the Bani Amir and Nuba communities as well as between the Bani Amir and Hadanduwah resulted in more than 30 people being killed and over 100 injured. On 13 July, Bani Amir and Nuba communities signed an agreement in the presence of Sovereign Council, FFC and state government representatives.

'Following the finalization of the transitional Government's civilian protection strategy, the Prime Minister announced the formation of a joint army and police force to be deployed in areas of increased volatility. The decision was backed by the Security and Defence Council. Meanwhile, security forces have been deployed and the transitional Government has intervened in response to protection-related incidents throughout the country… In Kassala,

[5] ACLED, 'Dashboard, Sudan, South Kordofan, 24 October 2019 – 24 October 2020', undated
[6] UN General Assembly, 'Joint written statement submitted by African…' (page 2, 3), 1 October 2020
[7] HUDO Centre, 'About', undated
[8] HUDO Centre, 'Killing of a farmer followed by an outcry in Kadogli, Sudan', 5 October 2020
[9] HUDO Centre, 'Killing of a farmer followed by an outcry in Kadogli, Sudan', 5 October 2020

a reconciliation agreement between the Bani Amir and Nuba communities was renewed to forestall intercommunal conflict…'[10]

8.1.6 The same report further noted:

'The global COVID-19 pandemic has compounded deep-rooted poverty, the ongoing economic crisis and climate shocks and has generated rising humanitarian needs in the Sudan. Hunger has increased across the country and over 9.6 million people are severely food-insecure, an increase of 65 per cent compared with the same period in 2019…

'Pockets of violence in Southern Kordofan, Kassala… states in July and August led to displacements, loss of life and damages to houses, markets and other key infrastructure, increasing humanitarian needs…'[11]

8.1.7 In an August 2020 interview with the BBC, interviewer Zainab Bedawi asked the Sudanese Prime Minister Abdallah Hamdok, 'What is your government doing to try to ensure that violence doesn't return in a major way to conflict ridden areas of Sudan like Darfur'.[12] Abdallah Hamdok answered:

'…we regret any loss of life in this period, but the reason that we have this resurgence in this ethnic conflict in Darfur and a few other places in the country like in… Kassala and Kadougli, these are by in large the legacy of the former regime which has incited ethnic groups against each other. These groups have been living together in harmony for centuries. The former regime citing them for survival, and the Darfur genocide is a case in point. Since we [Sudanese Transitional Council] came, we started addressing this issue and certainly we are making very serious progress. We have linked to the IDPs, internally displaced persons, and we started a peace process in Juba with the forces of the armed struggle. We think this violence can be addressed within the broader context of the peace process that is this time built on addressing the root causes of the conflict, looking at issues of economic and social developments, marginalisation, addressing issues of legal compensation, claims…addressing transitional justice, and we are working on all this.'[13]

8.1.8 The July 2020 United Nations General Assembly Report of the Independent Expert on the situation of human rights in the Sudan observed:

'The Independent Expert received information that a tribal armed conflict erupted in the city of Kadugli in South Kordofan on 11 May between the Nuba (Angolo) and the DarNaela Arab tribe that allegedly resulted in the killing of more than 60 people, including 15 soldiers from the Rapid Support Forces, and 19 injured. Sources suggest that the death of 15 soldiers were allegedly the result of clashes between the Sudan Armed Forces and the Rapid Support Forces who intervened, each aligning itself with one of the tribal groups across ethnicity lines. Another tribal clash reportedly took place in El Fagara, Lagawa, in South Kordofan on 6 June between the Nuba and

[10] UNSC, 'Report of the Secretary-General…' (paras 10, 11), 17 September 2020
[11] UNSC, 'Report of the Secretary-General…' (paras 21, 24), 17 September 2020
[12] BBC, 'Hardtalk Abdallah Hamdok: Exclusive interview with Sudan's prime minister', 19 August 2020
[13] BBC, 'Hardtalk Abdallah Hamdok: Exclusive interview with Sudan's prime minister', 19 August 2020

Misseriya tribes; several people were allegedly killed or injured. No response was taken by security forces, sources alleged.

'Civilians continue to face the burden of conflicts in the Blue Nile. Many people were displaced and lost their land, which was their main source of income. Even today, humanitarian organizations struggle to get access and provide aid to most people in the regions. Reportedly, some internally displaced persons have returned to their homes voluntarily, despite the lack of basic services including water, electricity, adequate housing, health facilities and education. Reportedly, some returnees found that their lands had been sold by the ousted Government to large-scale farmers who have power and wealth, leaving the small-scale farmers empty-handed. Such violations of economic and social rights form a real threat to the protection of civilians and to any future peace agreement in the region.'[14]

8.1.9 The same report further observed that '…From 8 to 10 May, two other community clashes reportedly took place in Kassala City between Nuba and Beni Amer tribes. Allegedly, more than 13 civilians were killed and about 100 were injured.'[15]

8.1.10 Radio Dabanga reported in May 2020:

'A group of militiamen reportedly killed at least five people in Kadugli, capital of South Kordofan, early on Thursday morning.

'Witnesses told Radio Dabanga from Kadugli that men wearing uniforms of the Rapid Support Forces raided the El Amara district in the eastern part of the town at about 3 am on Thursday.

'They beat the residents and chased them from their homes. A number of houses were torched. At least five people were killed, and an unknown number of others were wounded.

'Many people fled to the mountain tops in the area, and took refuge in caves. "They are now living in extremely complicated humanitarian conditions without water or food," the witnesses said. "All their belongings burned to ashes, as they had to leave them behind while fleeing."

'The sources reported "a severe tension" in the town, "while flames and smoke continued to be seen at the El Amara district. All people are confined to their homes. No one dares to leave their home, and go to the market to buy their needs."

'They added that members of the Rapid Support Forces, Sudan's main government militia, and other militiamen deployed at the roads regularly assault passer-by…'[16]

8.1.11 Another report by Radio Dabanga in May 2020 noted that 'more than 2,000 people who fled their homes in El Berdan village near Kadugli, capital of South Kordofan last week, are living in dire conditions. They were attacked

[14] UN General Assembly, 'Report of the Independent Expert…' (paras 62, 63), July 2020
[15] UN General Assembly, 'Report of the Independent Expert…' (paras 65), July 2020
[16] Radio Dabanga, 'Sudan: five killed in attack on Kaguli neighbourhood', 15 May 2020

by members of Sudan's Rapid Support Forces (RSF) on Wednesday last week. Nine villagers were killed.'[17]

8.1.12 HUDO centre also reported the incident in May 2020:

'On 13thMay 2020, armed group of Rapid Support Force (RSP) soldiers came on four land-cruiser vehicles with some motorbikes and invaded Albardab village. On arrival, they started to ask about the ethnicity of the residents they came across and it turned out that they were targeting the Nuba. Whoever said that they were from Nuba ethnicity had to be assaulted / beaten or killed and their houses had to be looted and burnt down. As a result, nine (9) people were killed, more than two hundred (200) huts/houses were burntdown and more than two thousand people were displaced. The displaced people settled in two schools near the military base of Sudan Armed Forces (SAF) in Kadogli town while others went to al-Kewaik and Dameek village in search of protection. No services or aid has been provided to them regardless of the fact that government officials visited and witnessed the torched houses. Instead, the government officials requested the IDPs to return home without offering any protection or rehabilitation. Yet the attackers are still threatening to attack again.'[18]

Back to Contents

Section 9 updated: 16 December 2020

9. Promotion of human rights by the state

9.1.1 The United Nations Security Council Report of the Secretary-General on the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan, published on 17 September 2020, reported:

'…Following the upsurge in protests, the transitional Government took positive steps towards meeting the demands of the Sudanese population and improving the protection of fundamental rights, including by amending some controversial and discriminatory laws and taking several steps to strengthen democracy and the rule of law and to promote human rights.

'In upholding its commitment to improving the justice system and reforming national laws in compliance with international standards, the Joint Council – the current transitional legislative body in the Sudan – in July adopted several amendments to the penal code of 1991. The adoption constituted significant progress towards achieving the goals of the transition until a new penal code could be adopted as indicated in the Constitutional Declaration. The latest amendments improved the legal protection for the most vulnerable categories of people, including by contributing to the eradication of harmful cultural practices against women and girls by prohibiting female genital mutilation, abolishing the death penalty for children below 18 years of age, combating discrimination and promoting respect for the freedom of religion and belief by decriminalising apostasy…

'On 23 August, the national committee on the dismantling of the former regime, the countering of corruption and the recovery of looted funds issued

[17] Radio Dabanga, 'Newly displaced in Sudan's Nuba Mountains living rough', 21 May 2020
[18] HUDO Centre, 'Urgent appeal', 21 May 2020

a decision to reshuffle the board of commissioners of the National Human Rights Commission of the Sudan and requested that the Government appoint new commissioners. Commissioners appointed by former President Al-Bashir were dismissed. The Constitutional Declaration provides for the formation of a new independent national human rights commission in conformity with the Paris Principles as one of 12 independent thematic commissions.'[19]

9.1.2 The July 2020 United Nations General Assembly Report of the Independent Expert on the situation of human rights in the Sudan observed:

'Following formation of the transitional Government on 8 September 2019, considerable efforts have been made to address human rights concerns, including through the constitutional document signed on 17 August 2019 and a transition agenda based on normative and institutional reform. The Independent Expert acknowledges that the constitutional document opens the way for an inclusive pathway to constitutional governance, rooted in robust human rights and rule-of-law principles. The constitutional document also offers a blueprint of the core values and the reform programme to be implemented during the transition period. These values and reform elements include the character and nature of the sovereign State; the delineation of functions of State organs; and the duration, mandate and focus of the transitional agenda.

'The Independent Expert also acknowledges that the constitutional document provides for the facilitation of the OHCHR mission to work in the Sudan. The Government and OHCHR signed a host country agreement on 25 September 2019, paving the way for the opening of a fully mandated OHCHR country office in the Sudan, with field presences in … Blue Nile, [and] Southern Kordofan... An OHCHR start-up team has been gradually deployed to Khartoum, starting on 26 December 2019. The OHCHR country office in the Sudan works in close coordination with the Human Rights Section of the African Union-United Nations Hybrid Operation in Darfur (UNAMID)…

'As part of efforts to strengthen protection mechanisms after the completion of the mandate of UNAMID, the Government submitted a strategy for the protection of civilians to the Security Council on 21 May 2020. The strategy is framed around nine main components, including the rule of law and human rights. In its resolution 2525 (2020), the Security Council requested the Secretary-General and the African Union Commission to provide it with a special report that included an assessment of the capacity of the Government to protect civilians in line with its national strategy.'[20]

9.1.1 The HUDO Centre noted in its report covering the human rights situation in the first half of 2020 that:

'The visibility of the transitional government is generally limited to Khartoum but the other parts of Sudan are still governed by the same state governors of the former regime. For instance the "state of emergency" declared by the former president (AlBashir) is still on in the states/regions under conflict and

[19] UNSC, 'Report of the Secretary-General…' (paras 17, 18, 19), 17 September 2020
[20] UN General Assembly, 'Report of the Independent Expert…' (paras 9, 10, 18), July 2020

the violations are still going on mainly committed by RSF and other governmental militias like PDF.

'The violations in conflict areas continued mainly because of the presence of the fully armed/equipped RSF and PDF and the absence of the central government. The former regime agents/members who used to ignore abuse and violations are still active within the public administration. RSF and PDF killed and injured many people/civilians by shooting them directly and sometimes they looted or confiscated property from civilians. But, in Khartoum the violations reduced significantly.'[21]

Back to Contents

Section 10 updated: 16 December 2020

10. Christians

10.1.1 The BBC reported in July 2020 that the Sudanese government made amendments to the alcohol ban and apostacy law. The new law now allows non-Muslims the right to consume, import and sell alcohol[22]. The Justice Minister, Nasredeen Abdulbari, explained that 'the government was trying to safeguard the rights of the country's non-Muslims, who make up an estimated 3% of the population' and stated, '"We are keen to demolish any kind of discrimination that was enacted by the old regime and to move toward equality of citizenship and a democratic transformation,"'.[23]The report further noted, 'Until now, anyone convicted of renouncing Islam, or apostasy, could face the death penalty… Under Mr Bashir, the morality police would often carry out public flogging for various misdemeanours but Mr Abdulbari said this punishment had now been abolished. The latest changes come after a restrictive public order law that controlled how women acted and dressed in public was repealed in November.'[24]

10.1.2 Abdallah Hamdok stated in an interview with the BBC on 19 August 2020: '…we went even further to repeal all the laws [of the Omar al-Bashir regime] that restricts things like religious freedom, human rights... We think we are moving in the right direction but the road is a long road and we are determined to get there.'[25]

Back to Contents

Section 11 updated: 16 December 2020

11. Freedom of movement

11.1.1 The United Nations Security Council Report of the Secretary-General on the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan, published on 17 September 2020, reported:

[21] HUDO Centre, 'Report on the Human Rights Situation …', 27 July 2020
[22] BBC, 'Sudan scraps apostacy law and alcohol ban for non-Muslims', 12 July 2020
[23] BBC, 'Sudan scraps apostacy law and alcohol ban for non-Muslims', 12 July 2020
[24] BBC, 'Sudan scraps apostacy law and alcohol ban for non-Muslims', 12 July 2020
[25] BBC, 'Hardtalk Abdallah Hamdok: Exclusive interview with Sudan's prime minister', 19 August 2020

‘In upholding its commitment to improving the justice system and reforming national laws in compliance with international standards, the Joint Council – the current transitional legislative body in the Sudan – in July adopted several amendments to the penal code of 1991… Policies that eased freedom of movement for Sudanese citizens were also enacted by revoking the need for exit permits and eliminating the requirement for women travelling with children to obtain the permission of a guardian.’[26]

Back to Contents

[26] UNSC, ‘Report of the Secretary-General…’ (paraghraph 18), 17 September 2020

Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Background information considered in the country guidance
- Geography
    - Southern Kordofan
- Demography
    - Ethnic disrinctions among the Nuba people
- Political context
    - Events in 2020
- State treatment of Nuba
    - Khartoum and surrounding areas
- Security and humanitarian situation in South Kordofan
- Promotion of human rights by the state
- Christians
- Freedom of movement

Back to Contents

Bibliography

Sources cited

Armed Conflict and Location and Event Data Project

'About ACLED', undated. Last accessed 19 November 2020

'Dashboard, Sudan, South Kordofan, 24 October 2019 – 24 October 2020', undated. Last accessed 19 November 2020

Australian Government Department of Foreign Affairs and Trade, Country Information Report – Sudan, 27 April 2016. Last accessed 19 November 2020

BBC

'Hardtalk Abdallah Hamdok: Exclusive interview with Sudan's prime minister', 19 August 2020. Last accessed 19 November 2020

'How Sudan's rebel deal offers lifeline for peace', 9 September 2020

'Sudan scraps apostacy law and alcohol ban for non-Muslims', 12 July 2020. Last accessed 19 November 2020

HUDO Centre

'About', undated. Last accessed 20 November 2020

'Killing of a farmer followed by an outcry in Kadogli, Sudan', 5 October 2020. Last accessed 20 November 2020

'Report on the Human Rights Situation in South Kordufan and Blue Nile States of Sudan January- June 2020', 27 July 2020

'Urgent appeal', 21 May 2020. Last accessed 20 November 2020

Radio Dabanga, 'Sudan: five killed in attack on Kaguli neighbourhood', 15 May 2020

United Nations General Assemly, 'Report of the Independent Expert on the situation of human rights in the Sudan', July 2020. Last accessed 19 November 2020

United Nations General Assembly, 'The Joint written statement submitted by African Centre for Democracy and Human Rights Studies, Centre du Commerce International pour le Développement., Rencontre Africaine pour la defense des droits de l'homme, non-governmental organizations in special consultative status', 1 October 2020. Last accessed 19 November 2020

United Nations Office for the Coordination of Humanitarian Affairs, 'Sudan HRP 2020 response continues across Sudan, with about 2 million people assisted with food', 30 April 2020. Last accessed 19 November 2020

United Nations Security Council, 'Report of the Secretary-General on the situation in the Sudan and the activities of the United Nations Integrated Transition Assisstance Mission in the Sudan', 17 September 2020. Last accessed 19 November 2020

United States Congressional Research Service, 'Sudan's Removal from the State Sponsors of Terrorism List', 9 November 2020. Last accessed 19 November 2020

United States Department of State, '2019 Country Reports on Human Rights Practices: Sudan', 11 March 2020. Last accessed 19 November 2020

Back to Contents

Sources consulted but not cited

African centre for justice and peace studies, 'Sudan human rights monitor', undated

Britannica, 'Sudan' (Ethnic groups), undated

Center for Strategic and International Studies, 'Sudan at a crossroad: A humanitarian opening?', 5 August 2020

Chr. Michelsen Institute, 'Sudan Working Paper 2016', 2016

HUDO Centre, 'Resources', undated

Radio Dabanga

'Three farmers killed in Sudan's Nuba Mountains', 11 June 2020

'News headlines', undated

'Soldier shoots woman dead in Sudab's Nuba Mountains', 5 September 2020. Last accessed 20 November 2020

Reuters, 'Sudan and main rebel groups formalise peace deal', 5 October 2020

Rift Valley Institute

Briefing paper, 'Mobilization and Resistence in Sudan's Uprising', January 2020

Sudan and South Sudan Handbook, 2011

Sudan Tribune, 'News', undated

The New Arab, 'Will Sudan's historic deal with rebels finally bring peace?', 18 September 2020

United Nations Office for the Coordination of Humanitarian Affairs, 'Sudan situation report', last updated 13 November 2020

United States Agency International Development, 'Food assistance fact sheet', 26 May 2020

Back to Contents

Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **16 December 2020**

Changes from last version of this note

New CPIN to reflect reported case of KAM and an update of country of information and assessment.

Back to Contents