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Country Policy and Information Note

Sudan: Opposition to the government, including sur place activity

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Preface

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

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

Country information

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

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

Feedback

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Independent Advisory Group on Country Information

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

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

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

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Policy guidance

Updated: 29 July 2017

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1.1.1 Fear of persecution or serious harm by the state because of the person's actual or perceived opposition to the government.

1.2 Points to note

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1.2.2 Such persons may participate in activities inside and/or outside of Sudan.

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2. Consideration of issues

2.1 Credibility

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

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

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

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2.2 Exclusion

2.2.1 Armed opposition groups operating in Darfur and the 'Two Areas' (Blue Nile and South Kordofan) have reportedly committed grave human rights violations and abuses (see Political system, Armed opposition groups, specifically Human rights violations committed by armed groups).

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

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

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2.3 Assessment of risk

a. Activities in Sudan

2.3.1 The government restricts freedom of expression and assembly, and tightly controls the political space. This limits the ability of groups opposing the government – including political parties, civil society, students, lawyers and journalists – to operate openly and effectively, and to criticise or hold an alternative view to the government. The government initiated a 'National Dialogue' with opposition groups at the end of 2015 to resolve ongoing conflicts and differences. This came to an end in October 2016. While this provided an opportunity for opposition to groups to discuss issues with the government it has not led to a significant easing on restrictions in the political environment (see Political system and Treatment of opposition groups).

2.3.2 Persons who oppose the government are reported to be subject to reprisals and various abuses, including harassment, forced disappearance, arbitrary arrest and detention (which may vary from a few days to months and years), and ill-treatment by agents of the state, principally the National Intelligence and Security Service (NISS). The government's reaction to a perceived threat varies and may depend, in part, on the prevailing political climate as well as the person's profile and activities. Periods of high tension, such as the build up to national elections, are likely to lead to an increase in harassment, arrest and detention of opposition activists (see Political system and Treatment of opposition groups).

2.3.3 In the country guidance case of AY [Political parties – SCP – risk] Sudan CG [2008] UKAIT 00050, heard on 18 and 19 February 2008, the Upper Tribunal (UT) found that opposition parties are allowed to function within relatively narrow parameters in Sudan. The Tribunal also found that:

'The Sudanese authorities do not seek or even attempt to take action which could amount to persecution against all political opponents but in the main they seek to control by the use of fear and intimidation. Depending on the particular circumstances of an individual, they may resort to stronger measures, particularly against those actively engaged in building up grass roots democracy, working in support of human rights and involved in open criticism of the regime's core ideology and philosophy.

'In general it will be difficult for ordinary members and supporters of the [Sudan Communist Party] SCP or any other political party to establish a claim for asylum. They will need to show that they have been engaged in specific activities likely to bring them to the attention of the adverse authorities such as active and effective local democratic activity or support for particular human rights activities. Whether any individual political activist is at risk will necessarily depend upon his individual circumstances set within the context of the situation as at the date of decision. This will include an assessment of the nature of the activities carried out and how they will be seen by the authorities.

'The legal status of an opposition party has no significant bearing in itself on whether an individual is likely to be at risk of persecution. Political activities also take place under the guise of cultural associations'. (Headnote)

2.3.4 The later European Court of Human Rights (ECtHR) case of A.A. v. Switzerland - 58802/12 - Chamber Judgment [2014] ECHR 3 (07 January 2014), having deliberated in private on 3 December 2013, found that anyone opposing or suspected as opposing the regime would be likely to face a breach of Article 3 of the European Convention of Human Rights on return to Sudan. The ECtHR considered the case of a Sudanese national who joined the Sudan Liberation Movement [SPLM] – Unity after having left Sudan and engaging in political activities while in Switzerland. It found that the appellant, AA, might as a result of his sur place political activities be suspected of being affiliated with an opposition movement by the Sudanese government (paragraph 43). It further held that:

'With regard to the situation of political opponents of the Sudanese government, the Court nevertheless holds that the situation is very precarious. From the Country reports and the relevant case law… it is evident that suspected members of the SPLM-North, members of other opposition parties, civil society leaders and journalists are frequently harassed, arrested, beaten, tortured and prosecuted by the Sudanese authorities. Because of the ongoing war in different states, the SPLM-North has been banned by the Sudanese government and accordingly many people were detained because of their real or perceived links with that organisation. Furthermore, not only leaders of political organisations or other high-profile people are at risk of being detained, ill-treated and tortured in Sudan, but anyone who opposes or is only suspected of opposing the current regime… are at risk of treatment contrary to Article 3 of the Convention in Sudan.' (paragraphs 40 and 42)

2.3.5 The ECtHR in the case of AA considered existing European caselaw and a selection of country information up to June 2013. The Upper Tribunal in the UK country guidance case of IM and AI (Risks - membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016] UKUT 188 (IAC), promulgated on 14 April 2016, heard on 28 and 29 July 2015, and 4 November 2015, also considered risk faced by those involved in activities inside and outside of Sudan. The UT had access to information up to the middle of 2015 and contributions from expert witnesses.

2.3.6 The UT in IM and AI found, in analysis echoing that of the UT in the case of AY, that whether a person would be at risk of persecution or serious harm depended on if they were considered to pose a potential threat to the regime (see Headnote, paragraphs 1 and 3).

2.3.7 The UT also found that it was necessary to distinguish between those who were arrested and detained for a short period of time, designed to intimidate but did not amount to persecution, and those persons the regime considered a threat who may be subject to more severe treatment and, as a result, face persecution or serious harm. Ultimately, in order to determine who is at risk it is necessary to undertake a comprehensive assessment of the person's particular profile and activities (see Headnote, paragraphs 3 and 4).

2.3.8 The UT in IM and AI, noting that its determination needed to be read fully, held that:

‘In order for a person to be at risk on return to Sudan there must be evidence known to the Sudanese authorities which implicates the claimant in activity which they are likely to perceive as a potential threat to the regime to the extent that, on return to Khartoum there is a risk to the claimant that he will be targeted by the authorities. The task of the decision maker is to identify such a person and this requires as comprehensive an assessment as possible about the individual concerned.

‘The evidence draws a clear distinction between those who are arrested, detained for a short period, questioned, probably intimidated, possibly rough handled without having suffered (or being at risk of suffering) serious harm and those who face the much graver risk of serious harm. The distinction does not depend upon the individual being classified, for example, as a teacher or a journalist (relevant as these matters are) but is the result of a finely balanced fact-finding exercise encompassing all the information that can be gleaned about him… Distinctions must be drawn with those whose political activity is not particularly great or who do not have great influence. Whilst it does not take much for the NISS to open a file, the very fact that so many are identified as potential targets inevitably requires NISS to distinguish between those whom they view as a real threat and those whom they do not.

‘It will not be enough to make out a risk that the authorities' interest will be limited to the extremely common phenomenon of arrest and detention which though intimidating (and designed to be intimidating) does not cross the threshold into persecution.

‘The purpose of the targeting is likely to be obtaining information about the claimant's own activities or the activities of his friends and associates.

‘The evidence establishes the targeting is not random but the result of suspicion based upon information in the authorities' possession, although it may be limited.

‘Caution should be exercised when the claim is based on a single incident. Statistically, a single incident must reduce the likelihood of the Sudanese authorities becoming aware of it or treating the claimant as of significant interest.

‘Where the claim is based on events in Sudan in which the claimant has come to the attention of the authorities, the nature of the claimant's involvement, the likelihood of this being perceived as in opposition to the government, his treatment in detention, the length of detention and any relevant surrounding circumstances and the likelihood of the event or the detention being made the subject of a record are all likely to be material factors… The decision maker must seek to build up as comprehensive a picture as possible of the claimant taking into account all relevant material including that which may not have been established even to the lower standard of proof.

‘Once a composite assessment of the evidence has been made, it will be for the decision maker to determine whether there is a real risk that the claimant will come to the attention of the authorities on return in such a way as

amounts to more than the routine commonplace detention but meets the threshold of a real risk of serious harm.' (paragraphs 229-236)

2.3.9 Whether a person is at risk of such treatment will depend on

- the nature and profile of their activities and the organisation they represent
- their personal circumstances (including their ethnicity)
- whether they have come to the attention of the authorities previously
- and, if so, the nature of this interest

2.3.10 The onus is on the person to demonstrate that their profile and activities will mean that are likely to face a risk of persecution on return.

2.3.11 For more on treatment of returnees, including those considered a threat to the regime, see the country policy and information note on Sudan: Treatment of returnees, notably the subsection 'Persons of interest – allegations of difficulties on return'. See also the country policy and information note on Sudan: Non Arab Darfuris for more on the treatment of that group.

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

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b. Sur place activity

2.3.13 The Sudanese authorities are intolerant of opposition both inside and outside of Sudan; the regime monitors members of the diaspora in the UK and in other states (see Surveillance).

2.3.14 The UT in the case of IM and AI made specific findings about 'sur place' activity in paragraphs 209-15 of its determination. It concluded that even where a foreign mission, including that of Sudan, has the will and the means to monitor its nationals, for example by taking photographs and/or videoing people during demonstrations or through the use of informants within diaspora communities, this does not mean that a person would be at risk simply for taking part. What was required was an individual assessment of the person's profile.

2.3.15 The UT further held that '…it is clear that the Sudanese authorities conduct surveillance on its nationals' outside of Sudan and that:

'…whilst a single reported incident of an embassy official using a camera to video demonstrators in 2006 would hardly be persuasive, it is a reasonable inference that a regime that feels threatened from those abroad as well as those at home will wish to gather such information as is reasonably available as to the level of opposition expressed by those in an expatriate community and, where possible, the identity of the groups and the individuals within them.' (paragraph 211)

2.3.16 The UT noted the 'formidable difficulties in ascertaining the identity of a person in a photograph unless the person i[s] known to the person who identifies him' and '[a]bsent facial recognition techniques about which we have no evidence, there is no evidence that a person could be identified

from banks of photographs taken at demonstrations across the world when he is returned to Khartoum.' (paragraph 213)

2.3.17 However, the UT also found that 'there is direct evidence that some returnees have been confronted with photographs taken by covert operations in the United Kingdom conducted on behalf of the security services' and that 'It is not, therefore, a fanciful claim that individuals can be identified by embassy or other staff.' (paragraph 214)

2.3.18 The UT went on to find that:

'The obvious cost and effort render it probable (like any other intelligence-gathering organisation) that these resources are targeted at those that pose the most obvious risk. In a crowd of dozens of people, surveillance is unlikely to be carried through in an attempt to identify the rank-and-file participants and is more likely to be focussed on leaders, organisers, those often or regularly seen at such events and those present at events which are likely to attract the particular sensitivity of the Sudanese officials here, perhaps outside the embassy or perhaps at a significant anniversary or commemoration.' (para 214)

2.3.19 It further held that:

'… [there are] obvious difficulties arise in relation to establishing what information finds its way back to the authorities in Sudan about the activities of individuals whilst in the United Kingdom. It is a forlorn hope that an individual will establish - save in the rarest of cases - that an informer has identified him at a particular event on a particular day or that an embassy official has photographed a protest in circumstances that he is then able to identify the participants. We doubt whether the risk can be elevated to a finding that there is a real risk of his doing so. Nevertheless the evidence should not be discarded for that reason alone but falls into the jig-saw of evidence building up the composite picture of the individual. It is at the end of this entire process that the decision maker then reaches his single conclusion on the issue of a real risk.' (para 215).

2.3.20 While the UT in IM and AI did not identify risk factors, emphasising the need to look at all of the facts of a case in the round, decision makers may find the following relevant as the **types** of factors that may be material to assessing whether a person may face a risk based on their sur place activities. These include whether a person:

- has been of previous interest to the authorities in Sudan and abroad (including being on a travel watch list)
- has promoted anti-regime opinions through online media, such as Twitter, Facebook and Youtube as well as Sudanese community forums
- has or had contact with Sudanese opposition groups inside and outside of Sudan, including attending public meetings or events, being a member or supporting opposition groups, or has an online profile connected with opposition groups that can be traced to the individual or email addresses linked to opposition groups
- the nature of the opposition group with which a person has an

association, and the extent to which that group is targeted by the Sudanese government, in Sudan, at the current time

- the person's family connections or personal links to known political opponents.

2.3.21 In paragraph 235 of IM and AI the UT found that:

'Where the claim is based on events outside Sudan, the evidence of the claimant having come to the attention of Sudanese intelligence is bound to be more difficult to establish. However it is clear that the Sudanese authorities place reliance upon information-gathering about the activities of members of the diaspora which includes covert surveillance. The nature and extent of the claimant's activities, when and where, will inform the decision maker when he comes to decide whether it is likely those activities will attract the attention of the authorities, bearing in mind the likelihood that the authorities will have to distinguish amongst a potentially large group of individuals between those who merit being targeted and those that do not.'

2.3.22 The available evidence indicates that the situation for persons opposing the regime both inside and outside of Sudan continues to be that found by the UT in the country guidance case of IM and AI. Those who oppose the government and are considered a threat to it may be at risk of serious harm or persecution.

2.3.23 Whether a person is at risk of such treatment will depend on a case-specific assessment, based on the same factors as those outlined at 2.3.9–2.3.12.

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2.4 Protection

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

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

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2.5 Internal relocation

2.5.1 As the person's fear is of persecution/serious harm at the hands of the state internal relocation will not be reasonable.

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

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2.6 Certification

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

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

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3. Policy summary

3.1.1 Political parties, civil society, student bodies and the media continue to operate in Sudan. However the government makes it difficult for these groups to function and tightly controls the space within which persons can openly express opposition to or criticism of the state.

3.1.2 Sudanese intelligence services monitor politically active members of the diaspora in the UK and in other countries, and are likely to focus their attention on those they perceive pose most threat to the regime.

3.1.3 Persons who oppose the government, including members of the political opposition, student activists, civil society and journalists, may be subject to harassment, arbitrary arrest and detention, forced disappearance, and ill-treatment, which amounts to persecution or serious harm.

3.1.4 However a person may not be at risk simply because they belong to a particular group known to oppose the government, such as being a teacher or journalist, or because they are a 'high' or 'low' level political activist. Nor will they necessarily be at risk of persecution or serious harm because they are of **some** interest to the Sudanese authorities, even if this may result in them being arrested, detained for a short period of time, questioned, intimidated and possibly roughly handled before being released.

3.1.5 The risk a person faces will depend on their profile and activities, and whether they are likely to be perceived as a threat to, and attract the attention of, the authorities in such a way that amounts to more than a routine, commonplace risk of detention and questioning but meets the threshold of a real risk of persecution or serious harm.

3.1.6 Persons who are members of armed opposition groups are likely to be at risk of persecution by the government. However, armed groups have been involved in serious human rights violations in areas where they operate. Decision makers must consider whether the exclusion clauses apply.

3.1.7 There is no protection available and internal relocation is not reasonable.

3.1.8 Claims are unlikely to be certifiable as clearly unfounded.

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Country information

Updated: 28 July 2017

4. Political system

4.1 Overview

4.1.1 The Australian Government's Department of Foreign Affairs and Trade (DFAT) report on Sudan of April 2016 'based on DFAT's on-the-ground knowledge and discussions with a range of sources in Sudan and other parts of Africa, including the UN, civil society organisations and representatives from the international community'[1] observed:

'The Government is dominated by the National Congress Party (NCP) which is an Islamist party and an offshoot of the pan-Arab Muslim Brotherhood. The NCP seized power in 1989 following a successful coup against Sadiq al-Mahdi's coalition government. [Omar Hassan] Bashir was sworn in as President in 1993 and was most recently re-elected in 2015 in the first elections held since South Sudan's secession.'[2]

4.1.2 The US State Department human rights report for Sudan covering 2016, published March 2017, noted:

'Sudan is a republic with power concentrated in the hands of authoritarian President Omar Hassan al-Bashir and his inner circle. The National Congress Party (NCP) maintained control of the government, continuing 27 years of near-absolute political authority. The country last held national elections (presidential and National Assembly) in April 2015. Key opposition parties boycotted the elections when the government failed to meet their preconditions, including a cessation of hostilities, holding of an inclusive "national dialogue," and fostering of an environment conducive to discussions between the government and opposition on needed reforms and the peace process. In the period prior to the elections, security forces arrested many supporters, members, and leaders of boycotting parties and confiscated numerous newspapers, conditions that observers said created a repressive environment not conducive to free and fair elections. Only 46 percent of eligible voters participated in the elections, according to the government-controlled National Electoral Commission (NEC), but others believed the turn out to have been much lower. The NEC declared President Bashir winner of the elections with 94 percent of the votes.'[3]

4.1.3 The same source observed that: 'The NCP dominated the political landscape, controlling all of the regional governorships and holding a two-

[1] Australian Government, Department of Foreign Affairs and Trade (DFAT), 'DFAT Country Information Report – Sudan' (p4), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 27 July 2017

[2] Australian Government, 'DFAT Country Information Report – Sudan' (p7-8), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

[3] US State Department (USSD), 'Country Reports on Human Rights Practices for 2016', Sudan (summary) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 28 March 2017

thirds majority in the National Assembly. Other parties held the remaining seats, with the Original Democratic Unionist Party holding 25 seats, independents holding 19, and the Registered Faction Democratic Unionist Party holding 15 seats.'[4]

4.1.4 Janes noted in its summary of the political situation:

'President Omar al-Bashir's ruling party faces limited opposition following the death of influential Islamist leader Hasan al-Turabi but heavily relies on Gulf state creditors to prevent economic deterioration. Bashir's control over the Shura Council enabled him to appoint First Vice-President General Bakri Salih as prime minister. This increases the likelihood of an orderly transition of the presidency should Bashir experience ill health. Salih's strong relations with the military, in addition to the improved sustainability of a large military budget following sanctions alleviation in October [2017], limit coup risks.'[5]

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4.2 Elections

4.2.1 The USSD report for 2016 observed that:

'[Sudan…] continued to operate under the Interim National Constitution of the Comprehensive Peace Agreement (CPA). The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage. Citizens were unable to exercise this right in practice.

'… The national-level executive and legislative elections, held April 13-16, 2015, did not meet international standards. The government failed to create a free, fair, and conducive elections environment. Restrictions on political rights and freedoms, lack of a credible national dialogue, and the continuation of armed conflict on the country's peripheries contributed to a very low voter turnout. Observers noted numerous problems with the preelection environment. The legal framework did not protect basic freedoms of assembly, speech, and press. Security forces restricted the actions of opposition parties and arrested opposition members and supporters. Additionally, there were reported acts of violence during the election period…

'According to the chair of the National Election Commission, 5,584,863 votes were counted in the election, representing approximately a 46 percent participation rate. According to the AU and other observers, however, turnout was considerably lower. Following the elections the National Assembly consisted of 426 seats (Upper House). The NCP held 323 seats, Democratic Unionist Party 25, and independents 19 seats; other minor political parties won the remaining seats. The independents, many of whom were previously ejected from the ruling NCP, were prevented by the government from forming a parliamentary group. The States Council (Lower House) consisted

[4] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2c) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 28 March 2017

[5] Janes, Sentinel Security Assessment - North Africa, Sudan (Executive summary), updated 19 July 2017, http://www.janes.com/ on request). Accessed 14 February 2017

of 54 members with each state represented by three members. The NCP had 36 members in the Lower House.'[6]

4.2.2 Human Rights Watch noted in their World Report 2016, published on 27 January 2016, that:

'President Omar al-Bashir was re-elected in April 2015 in a poll that did not meet international standards for free and fair elections. Sudan has yet to adopt a constitution since the Comprehensive Peace Agreement's six-year interim period ended in 2011. The ruling National Congress Party and opposition parties remain deadlocked over a national dialogue process that was to pave the way for elections and a new constitution.'[7]

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4.3 National Dialogue

4.3.1 The DFAT report of April 2016, based on a range of sources, noted:

'In January 2014, Bashir announced that a National Dialogue would be held aimed at engaging all parties in a discussion about democratic reform. The announcement was met with scepticism by the unarmed opposition (a collective term used to refer to opposition parties who are not actively involved in conflict activities) and the armed opposition who claimed that the Government needed to demonstrate its commitment to working with them before a successful National Dialogue could be held. The National Dialogue began on 10 October 2015, with participation from some opposition parties, including the Popular Congress Party. It featured debates on Sudanese identity, human rights, the economy, governance and foreign relations. However, participation by the unarmed opposition and armed opposition has been limited. Informal pre-National Dialogue talks mediated by the African Union between the Government and Sudan Revolutionary Front continue.'[8]

4.3.2 In his report to the UN Secretary Council covering the period 28 September to 15 December 2016, the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, noted:

'On 10 October [2016], the General Assembly of the National Dialogue, in which 79 political parties and 28 armed movements participated, adopted an outcome document containing 981 recommendations developed by six committees. It outlined a federal and presidential system of government, a two-chamber parliament, with one chamber for deputies and the other for the Council of States, and the separation of the three branches of government. It endorsed principles of democracy and underlined the concept of equal citizenship and the diverse Sudanese identity. On 26 October, the Dialogue secretariat presented the document to the National Assembly as the basis for the drafting of a new permanent constitution within three months. On 5

[6] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 3) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 28 March 2017

[7] Human Rights Watch, World Report 2016: Sudan, 27 January 2016, https://www.hrw.org/world-report/2016/country-chapters/sudan, Accessed 13 September 2016

[8] Australian Government, 'DFAT Country Information Report – Sudan' (p7-8), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

December [2016], the Higher Coordination Committee of the Dialogue was dissolved and a new committee established to follow up on the implementation of the document.

'The Government and some countries in the region hailed the National Dialogue as a success. Opposition groups, however, were critical, arguing that the outcome document, in addition to the President's address at the closing session, on 10 October [2016], while reasserting the broad principles of good governance and unity, remained vague and non-committal on key issues such as the permanent constitution, political rights, the role of the security services and implementation measures. In addition, the Sudan Call coalition maintained that the Dialogue was not an inclusive and consensual process as agreed upon in the road map agreement and that its conclusions could only form the basis for a new, broader process that it would be ready to join under certain conditions.'[9]

4.3.3 In his report to the UN Security Council of 23 March 2017, the UN Secretary General observed:

'In line with the recommendations of the National Dialogue, the National Assembly endorsed amendments to the constitution on 26 December 2016, which included: the creation of a Government of National Reconciliation with a four-year mandate; a post of Prime Minister within the framework of the presidential system; modifications to the composition of the National Assembly and state legislative councils; and the separation of the posts of Attorney General and Minister of Justice. The opposition parties, referring to numerous arrests made since November 2016 in connection with the protests against subsidy cuts, demanded that constitutional amendments also include guarantees for political freedom. The leaders of the seven opposition parties that had participated in the National Dialogue process met with the Dialogue Implementation Committee on 28 December 2016, and proposals for additional constitutional amendments were submitted to the National Assembly on 18 January 2017. Those proposals are currently under review by a parliamentary committee established to study them. On 1 March 2017, President Al-Bashir appointed the First Vice-President, Lieutenant Colonel Barki Hasan Saleh, to the post of Prime Minister. He was sworn in on the following day, while maintaining his post as First Vice-President. In his new role, Prime Minister Saleh will oversee the implementation of the outcome of the National Dialogue, including the formation of a Government of National Reconciliation following the dissolution of the current Government on 2 March 2017. The reaction of the opposition parties was muted, with some preferring the status quo rather than transformation.'

4.3.4 Janes observed in an entry updated on 25 July 2017:

'… some opposition parties had participated in the government's National Dialogue process that concluded in October 2016. ' The source also noted:

[9] UN Security Council, 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (paras 21-22), 23 December 2016, https://unamid.unmissions.org/sites/default/files/sg_report_on_unamid_23dec2016.pdf. Accessed 14 February 2017.

'Bashir's control of the Shura (consultative) and Executive councils also enabled him to appoint First Vice-President General Bakri Hassan Salih as prime minister on 1 March [2017]. In the event Bashir's health deteriorates, power is likely to transition in orderly fashion to Salih. The position was created following a "National Dialogue" with opposition groups that concluded in October 2016. The dialogue paid lip service to domestic grievances but improved relations with the US and the EU.'[10]

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4.4 'Sudan Call'

4.4.1 Janes noted in July 2017:

'… since the removal of fuel subsidies and increasing living costs since November 2016, a broader coalition of political and armed opposition groups [than participated in the National Dialogue process], under the "Sudan Call" movement, has been emboldened to challenge the Sudanese government. This includes the Sudan Revolutionary Forces (SRF) led by Justice and Equality Movement (JEM) leader Gibreel Ibrahim; a separate SRF contingent led by Sudanese People's Liberation Movement North (SPLM-N) leader Malik Agar Eyre; the Islamist National Umma Party (NUP), the Sudan Congress Party led by Omer Yusef al-Digair, and four other opposition political parties comprising the National Consensus Forces.

'Sudan Call will oppose the government's attempts to facilitate a new Government of National Accord, which was officially announced by Prime Minister Bakri Hassan Salih on 12 May [2017]. Only opposition parties that participated in the National Dialogue have been provided minor ministerial portfolios, meaning that Sudan Call will remain committed to challenging the government by non-political means. However, the government's control over the National Intelligence and Security Services (NISS) reduces the likelihood of a civil uprising that removes the government. The NISS has penetrated the ranks of opposition parties and the threat posed by relaxing legal restrictions on the use of lethal force significantly undermines the opposition's ability to stage public meetings, protests or criticise the government through the heavily state-controlled media.' [11]

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4.5 Ceasefire between government and rebel groups

In his report to the UN Secretary Council covering the period 15 December 2016 to 15 March 2017, the UN Secretary-General noted: 'The unilateral ceasefire announced on 10 October 2016 by the President of the Sudan, Omar Hassan A. Al-Bashir, was extended for one month on 31 December, and for an additional six months on 15 January 2017. Similarly, the six-month ceasefire declared on 30 October 2016 by the rebel coalition, the Sudanese Revolutionary Front, remained in place.'[12] The Sudan government

[10] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017.
[11] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017.
[12] UN Security Council, 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (para 3), 23 March 2017,

announced on 2 July 2017 that it would extend its ceasefire in Darfur to 31 October 2017.[13]

4.5.1 Janes observed that:

'The Sudanese Armed Forces (SAF) and paramilitary Rapid Support Forces (RSF) have ceased conducting military operations against anti-government forces based in the Blue Nile and South Kordofan states, following a unilateral cessation of hostilities agreement signed by the government in August 2016. This was extended on 1 July 2017 for four months, in line with a US decision to extend the review period for removing economic sanctions until 12 October [2017].'[14]

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4.6 US sanctions

4.6.1 On 13 January 2017 the US government removed economic sanctions for a 6 month, explaining:

'The actions taken today are an outcome of ongoing engagement between the United States and the Government of Sudan, and the result of sustained progress by the Government of Sudan on several fronts, including a marked reduction in offensive military activity, a pledge to maintain a cessation of hostilities in conflict areas in Sudan, steps toward improving humanitarian access throughout Sudan, and cooperation with the United States on counterterrorism and addressing regional conflicts.'[15]

4.6.2 On 11 July 2017, President Trump signed an executive order extending the deadline for the US to decide whether to remove sanctions to 12 October 2017[16].

4.6.3 Crisis Group's report, Time to repeal U.S. sanctions on Sudan?, provides an assessment of the Sudan government's performance against the 5 conditions set by the US for removing sanctions: 'cooperation on counter-terrorism; addressing the [Lords Resistance Army] LRA threat; ending hostilities in the Two Areas and Darfur; improving humanitarian access; and ending negative interference in South Sudan'[17].

4.6.4 Periodic reports and briefings by the UN on the situation in Sudan, which include background on the political developments, are available on the Sudan pages of the Security Council Report, refworld and ecoi.net websites.

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https://unamid.unmissions.org/sites/default/files/sg_report_on_unamid_23march2017_n1706860.pdf . Accessed 28 July 2017.

[13] News24, 'Sudan extends ceasefire in 3 conflict zones', 3 July 2017, http://www.news24.com/Africa/News/sudan-extends-ceasefire-in-3-conflict-zones-20170702. Accessed 28 July 2017.

[14] Janes, 'Sentinel Security Assessment - North Africa', Sudan (Security), updated 19 July 2017, janes.com (subscription only). Accessed 28 July 2017.

[15] US Government, 'Treasury to issue general license to authorize transactions with Sudan', 13 January 2017, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/sudan_fact_sheet.pdf. Accessed 29 March 2017

[16] US Government, 'Executive Order 13804', 11July 2017, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/13804.pdf. Accessed 28 July 2017.

[17] Crisis Group, 'Time to Repeal U.S. Sanctions on Sudan?' (III. Assessing Sudan's Progress on the Five Tracks), 22 June 2017, https://www.crisisgroup.org/africa/horn-africa/sudan/b127time-repeal-us-sanctions-sudan. Accessed 28 July 2017.

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5. Opposition political parties

5.1 Registered and unregistered groups

5.1.1 The USSD report on human rights for 2016 noted:

'The Political Parties Affairs Council listed 92 registered political parties; organizers of the national dialogue concurred there were more than 90 political parties. The Umma Party and the Democratic Unionist Party were never registered with the government. The Reform Now Party registered as a political party during the year. A new political coalition, the Future Forces for Change, was established and included the Reform Now Party, Justice Forum for Peace, and disaffected former NCP member Farah Aggar. The government continued to harass some opposition leaders who spoke with representatives of foreign organizations or embassies or travelled abroad…

'The Political Parties Affairs Council oversees the registration of political parties. The ruling party controls the council; it is not an independent body. The council continued to refuse to register the Republican (Jamhori) Party, which opposes Islamic extremism and promotes secularism. The party leader condemned the decision and filed a complaint in the Constitutional Court.'[18]

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5.2 Opposition parties

5.2.1 Opposition parties include:

- Umma National Party
- Sudanese Congress Party
- Popular Congress Party[19] [20] [21]
- Communist Party[22] [23]
- Democratic Unionist Party (of which there are two factions, one led by Mohamed Osman al-Mirghani and the other led by Jalal al-Digair)
- Reform Now Party

[18] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 3) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[19] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 3) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[20] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed on 28 July 2017
[21] Australian Government, 'DFAT Country Information Report – Sudan' (p20), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017
[22] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed on 28 July 2017
[23] Australian Government, 'DFAT Country Information Report – Sudan' (p20), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017

- Unionist Movement Party
- Muslim Brotherhood[24] [25]

5.2.2 Additionally, there are 2 coalitions, which included some of the main parties identified above:

- The National Consensus Forum (NCF). Formed of a number of political parties, including the National Umma Party, Popular Congress Party and Sudanese Communist Party, in 2010 to oppose the ruling the National Congress Party and establish a transitional system.[26] [27]
- Future Forces for Change (FFC). The coalition was created in February / March 2016 and was composed of over 40 parties, including Reform Now Party and Justice Forum for Peace at the time of its formation but reportedly split in October 2016. [28] [29] [30]

5.2.3 Janes identified the 'Popular Congress Party, National Umma Party, [a coalition] National Consensus Force, Communist Party, Democratic Unionist Party (in ruling coalition)' as the principal opposition groups.[31]

5.2.4 The DFAT report of April 2016 noted

'The unarmed opposition hold some seats in the National Assembly. The SPLM-Peace Wing hold eight seats, the Popular Congress Party and Democratic Unionist Party each hold four seats.

'… The National Consensus Forces joined with the armed opposition in Addis Ababa December 2014 to sign the 'Sudan Call' which called for a peaceful and democratic transformation.'[32]

5.2.5 Janes assessed the political opposition as 'weak' with limited variation in policy aims amongst the groups. The source also observed:

5.2.6 'The political opposition has been significantly weakened since the death of Popular Congress Party (PCP) leader Hasan al-Turabi in March 2016, now

[24] Australian Government, 'DFAT Country Information Report – Sudan' (p20), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017
[25] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017.
[26] Australian Government, 'DFAT Country Information Report – Sudan' (p15), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 26 July 2017
[27] Sudan Tribune, 'National Consensus Forces', undated, http://www.sudantribune.com/spip.php?mot330. Accessed on 26 September 2016
[28] Sudan Tribune, 'Sudan's NUP and FFC call for unifying opposition forces', 3 March 2016, http://sudantribune.com/spip.php?article58186. Accessed 29 March 2017.
[29] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 3) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[30] Sudan Tribune, 'Relations with Sudan's armed groups trigger FFC split', 29 October 2016, http://sudantribune.com/spip.php?article60681. Accessed 29 March 2017
[31] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017.
[32] Australian Government, 'DFAT Country Information Report – Sudan' (p20), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

presenting little direct opposition to the ruling National Congress Party (NCP), which dominates the legislature and security apparatus. Under al-Turabi's guidance, some opposition parties had participated in the government's National Dialogue process that concluded in October 2016. However, since the removal of fuel subsidies and increasing living costs since November 2016, a broader coalition of political and armed opposition groups, under the "Sudan Call" movement, has been emboldened to challenge the Sudanese government. This includes the Sudan Revolutionary Forces (SRF) led by Justice and Equality Movement (JEM) leader Gibreel Ibrahim; a separate SRF contingent led by Sudanese People's Liberation Movement North (SPLM-N) leader Malik Agar Eyre; the Islamist National Umma Party (NUP), the Sudan Congress Party led by Omer Yusef al-Digair, and four other opposition political parties comprising the National Consensus Forces.

'Sudan Call will oppose the government's attempts to facilitate a new Government of National Accord, which was officially announced by Prime Minister Bakri Hassan Salih on 12 May. Only opposition parties that participated in the National Dialogue have been provided minor ministerial portfolios, meaning that Sudan Call will remain committed to challenging the government by non-political means. However, the government's control over the National Intelligence and Security Services (NISS) reduces the likelihood of a civil uprising that removes the government. The NISS has penetrated the ranks of opposition parties and the threat posed by relaxing legal restrictions on the use of lethal force significantly undermines the opposition's ability to stage public meetings, protests or criticise the government through the heavily state-controlled media.

'Furthermore, President Bashir on 1 March 2017 appointed First Vice-President General Bakri Hassan Saleh as prime minister. The position was recreated in December 2016 following a government-led National Dialogue with opposition groups and originally intended to be assumed by an opposition party member. The prime minister's appointment will marginalise opposition leader Sadiq al-Mahdi, who had returned from exile and was well positioned to act as an intermediary for the anti-government Sudanese People's Liberation Movement - North under a separate African Union-mediated "road map" agreement.'[33]

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6. Armed opposition groups

6.1 Areas of conflict

6.1.1 There are 2 two main internal conflicts in which the government is fighting armed groups:

- Darfur, against a coalition of armed opposition groups; and

[33] Janes, 'Sentinel Security Assessment - North Africa', Sudan, Internal affairs, updated 25 July 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017.

- South Kordofan and Blue Nile (also known as the 'Two Areas') against indigenous rebels with ties to South Sudan.[34]

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6.2 Darfuri groups

6.2.1 The main insurgent groups in Darfur are:

- Factions of the Sudan Liberation Movement/Army (SLM/A), notably
  - the Sudan Liberation Movement / Army - Minni Minnawi (SLM/A-MM); and
  - Sudan Liberation Movement / Army - Abdul Wahid faction (SLM/A-AW);
- The Justice and Equality Movement (JEM) [35]

6.2.2 Janes observed that 'there has been significant fragmentation of rebel movements since 2006. Each rebel group is based around an ethnic group, a major reason for the frequent splits in the early days of the rebellion.'[36]

6.2.3 The same source observed that:

'The SLM/A-MM, headed by Minni Minnawi … an ethnic Zaghawa, broke away from SLM/A with most of the Zaghawa troops in 2005. Minnawi's faction was the only one to have signed the Darfur Peace Agreement of 5 May 2006 along with the government. Minnawi became a presidential assistant following the 2006 peace deal, a position he held until the April 2010 elections. Subsequently, the Minnawi faction went back into rebellion in late 2010…

'[While the] Sudan Liberation Movement/Army (SLM/A) emerged in February 2003 when it briefly captured the town of Gulu in the Jebel Marra region of Northern Dafur state. The group is dominated by the Fur, one of the biggest non-Arab groups in Darfur. It is led by Abdul Wahid al Nur'.[37]

6.2.4 In regard to the JEM, Janes noted: 'This group made its formal appearance when it co-operated with SLM/A in a major attack on el-Fashir airport in April 2003… The JEM is largely drawn from the Kobe sub-group of the Zaghawa people and initially operated mainly in Western Darfur state, with strong but ambivalent links across the border to Chad's powerful Zaghawa clans.'[38]

6.2.5 More information on armed groups operating in Darfur as well the as the human rights and security situation generally see Asylum Research Consultancy's compilation report, Darfur Country Report – October 2015.

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[34] Small Arms Survey, 'The Human Security Baseline Assessment for Sudan and South Sudan', Sudan, updated circa September 2011, http://www.smallarmssurveysudan.org/facts-figures/sudan.html, accessed on 25 August 2016

[35] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017

[36] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017

[37] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017

[38] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017

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6.3 South Kordofan and Blue Nile groups (the 'Two Areas')

6.3.1 The 2 main groups operating in the Two Areas are:

- Sudan People's Liberation Movement / Army – North (SPLM/A-N); and
- Sudan Revolutionary Front (SRF; a coalition of Darfur and Two Areas armed groups)[39]

6.3.2 Janes reported:

'Tens of thousands from South Kordofan and Blue Nile fought with the largely southern Sudanese SPLM/A against Khartoum. When South Sudan became independent in July 2011, they were left north of the border. The former northern sector of the SPLM became known as SPLM-North. As with the Darfur rebels, they complained that they had been discriminated against, and their area under-developed and marginalised politically. In June 2011, fighting erupted with the Sudanese Armed Forces in Southern Kordofan, then he most oil-rich state left to Sudan. (The state was later divided, with the oil-rich areas being allocated to Western Kordofan, which is relatively peaceful). The fighting in Southern Kordofan was initially sparked by efforts to disarm former southern-aligned fighters, which also followed the disputed outcome of a state governorship election in May, ahead of the South's secession. By September, fighting had spread to Blue Nile state, following which Khartoum also banned the SPLM-North as a political party. Both the SPLM-North and Juba have denied allegations by Khartoum of South Sudanese support for the new rebellion. SPLM-North control large parts of the Nuba mountains in South Kordofan, and the southern part of Blue Nile state, though they have lost their 'capital', Kurmuk.

'… The SPLM/A-North in South Kordofan is principally composed of members of the many Nuba ethnic groups which live in the Nuba mountains. Its leader here is Abdelaziz al Hilu, a Masalit who grew up in the Nuba Mountains and who is widely respected as a general. In Blue Nile its fighters are from groups from the south of the state, in particular the Uduk and the Ingessana, of which SPLM/A-N's overall leader, Malik Agar, is a member. The SPLM/A-N is based on two full divisions of the old SPLA, and is well equiped with tanks, rocket launchers, mortars, and other material useful in conventional warfare. Unlike the Darfur rebel groups, it prefers to hold territory and establish administrative bodies in the area it controls.'[40]

6.3.3 In regard to the Sudan Revolutionary Front, Janes observed that:

'In November 2011, the JEM and the Minnawi and al-Nur factions of the SLM/A came together with the SPLM/A-North under the umbrella of the SRF as a common platform to fight against Bashir's regime. The previous month, former JEM leader Khalil Ibrahim had already publicly declared his group's alliance with the SPLM-N, saying that JEM's forces had been operating on the ground with SPLM/A-N units in Southern Kordofan since the early days

[39] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017
[40] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017

of the new insurgency. The degree of co-operation between Darfuri and non-Darfuri militants groups, as well as between rival factions of the SLM/A, represented a new and significant threat to Khartoum. In March 2013, an attack on the town of Abu Karshola, which the rebels held for a month, solidified the SRF's position as Sudan's most formidable insurgent force, with tensions set to remain high in the near term.

'The SRF members are divided ideologically, with JEM coming from an Islamist background, and the other three proponents of a secular state. The alliance is therefore a marriage of convenience. All the groups realise they are stronger together, and better able to push for national rather than local changes. The major rebel groups in the SRF have committed to the concept of the unity of Sudan. This is dependent on the creation of a fairer, more equitable society in which all are treated equally. The vague wording allows for a change in direction… '[41]

6.3.4 More information on armed groups operating in the 'Two Areas' as well the as the human rights and security situation generally see Asylum Research Consultancy's compilation report, South Kordofan and Blue Nile Country Report, updated to 1 April 2016.

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6.4 Human rights violations committed by armed groups

6.4.1 In his report to the UN Human Rights Council of July 2016, the Independent Expert observed in his conclusion that:

'The human rights situation in Darfur, Southern Kordofan and Blue Nile States remains precarious, with continuing fighting and breaches of human rights and international humanitarian law by all parties to the conflict. Hundreds of thousands of civilians continue to suffer the effects of the armed conflict through direct attacks, displacement and limited access to humanitarian assistance. The peace process continues to face significant challenges without the active participation of some major armed movements.'[42]

6.4.2 The US State Department in its human rights report for 2016: 'There were numerous reports government forces and ethnic militia groups committed arbitrary and unlawful killings of civilians in connection with the conflicts in Darfur and the Two Areas.'[43] The same report stated: 'There were numerous reports of abuse committed by government security forces, rebels, and armed groups against IDPs in Darfur, including rapes and beatings.'[44]

[41] Janes, Sentinel Security Assessment - North Africa, Sudan (Non-state armed groups), updated 3 February 2017, http://www.janes.com/ (subscription only). Accessed 28 July 2017
[42] UN Human Rights Committee, 'Report of the Independent Expert on the situation of human rights in the Sudan' (para 73), 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf, accessed on 7 September 2016
[43] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1a) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[44] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2c) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

6.4.3 The USSD report further noted that

'From January to September [2016], military personnel and paramilitary forces committed numerous killings in Darfur and the Two Areas. In mid-January the government launched an aerial and ground offensive to dislodge the SLA/AW from its strongholds in the mountainous areas of Central, North, and South Darfur…

'Human rights organizations accused government forces and rebel groups in Darfur and the Two Areas of perpetrating torture and other human rights violations and abuses. Government forces abused persons detained in connection with armed conflict as well as IDPs suspected of having links to rebel groups. There were continuing reports that government security forces, progovernment and antigovernment militias, and other armed persons raped women and children.' [45]

6.4.4 For more information on the human rights situation in Darfur see country policy and information note, Non Arab Darfuris.

6.4.5 Periodic reports on the security and human rights situation in Sudan are available on the Sudan pages of the Security Council Report, refworld and ecoi.net websites.

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7. Treatment of opposition groups

7.1 Overview – freedom of expression, association and assembly

7.1.1 The UN Independent Expert noted in his report of July 2016 that:

'… the Independent Expert noted some positive steps, including the signing by the Government of the road map agreement aimed at ending the conflicts in Darfur, Southern Kordofan and Blue Nile, the establishment of a sub-office of the National Human Rights Commission in Darfur and the deployment of 20 prosecutors across Darfur, as part of efforts by the Sudanese authorities to improve access to justice. In addition, the Government continued to cooperate with human rights mechanisms, including the present mandate holder, and actively participated in the second cycle of the universal periodic review in May 2016.

'Despite these steps, most of the recommendations made in the Independent Expert's last report remained largely unimplemented during the reporting period. The Independent Expert noted that the Sudan continued to face numerous human rights challenges. The overall democratic transformation of the Sudan has remained precarious. Parts of the legal framework, such as the National Security Act and the Criminal Act, and parallel legislation specific to Darfur, such as the emergency laws, continue to infringe on fundamental rights and freedoms. The harmonization of national laws with international human rights principles has advanced at a slow pace. In addition, restrictions on civil and political rights and the curtailment of the rights to freedom of expression, association and peaceful

[45] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1g) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

assembly, as well as freedom of the press have persisted. Increasing demands by political opposition groups, civil society organizations and students for democratic reforms have been met with repressive measures by the Sudanese authorities, including arrests and detention by the National Intelligence and Security Service. Human rights defenders, political opponents and journalists continue to be targeted and impunity remains a recurring problem.

'The Independent Expert was also concerned that the death penalty continued to be applied during the reporting period, in particular against members of the Darfur armed movements, including the Justice and Equality Movement and the Sudan Liberation Army Minni Minawi.'[46]

7.1.2 The same report to the UN Human Rights Council of July 2016 noted that 'Notwithstanding the ongoing national dialogue, there is growing concern about the pervasive actions of the National Intelligence and Security Service and their impact on the exercise of civil and political rights in the country. During the reporting period, there were widespread reports of arbitrary arrests and incommunicado detention perpetrated by the National Intelligence and Security Service.'[47]

7.1.3 The UK-DIS FFM report of August 2016, citing various sources, noted:

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

'A number of sources noted that other groups targeted by the NISS included: persons affiliated with rebel groups; lawyers and journalists; civil society leaders; human rights activists, including women activists. From these groups, three sources highlighted those with an affiliation to rebel groups as being particularly at risk.

'Political profile was also identified as a factor when considering risk on arrival at Khartoum International Airport (KIA).'[48]

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

'Several sources noted that security operations, including arrest and detention, by the government, including the NISS was not constant, but changed over time. Freedom House noted, for example, that the intensity of security operations could be seen to reflect the wider political climate with periods when the government would act in a fairly repressive way but during

[46] UN Human Rights Committee (UNHRC), 'Report of the Independent Expert on the situation of human rights in the Sudan' (paras 62-64), 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf. Accessed 28 July 2017.

[47] UNHRC, 'Report of the Independent Expert on the situation of human rights in the Sudan' (para 72), 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf. Accessed 28 July 2017.

[48] UKHO-DIS, 'Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi conducted February – March 2016' (section 3.2), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 28 July 2017

other times persons were able to express their views without serious reaction.

'Referring more generally to the issue of discrimination and restriction of political freedoms, Crisis Group noted that the discriminatory practices suffered by Darfuris and persons from the Two Areas, were systematic, but not constant, and that there may be periods where discriminatory practices were more intensely pursued and conversely times when discrimination was less pronounced.

'According to Freedom House the current political situation [as of January / February 2016] was relatively more relaxed, with no high profile political detentions since leaders of the opposition political parties, Al-Sadiq Al-Mahdi and Ibrahim Al-Sheikh were released from detention [in 2015]. The source noted that this may be due to the government's efforts to revive the National Dialogue political process and improve their position to lobby for lifting of US sanctions. The London based NGO explained that 85 parties were involved in political talks with the Government under the National Dialogue but if a group was not a party to this process, they would not be able to express any critical view of the government. ACPJS [African Centre for Justice and Peace Studies] noted that any political opposition parties were at risk and there were no "safe" parties outside the NCP.

'The SDFG [Sudan Democracy First Group] advised that it was difficult to say what was happening in Khartoum today or the extent to which persons from Darfur or the Two Areas were targeted by the NISS now. According to the source, it was predominantly politically active persons who were targeted by the NISS.'[49]

7.1.5 The FCO reporting the period June to December 2016 observed:

'Whilst freedom of expression increased slightly around the launch of Sudan's National Dialogue, this followed earlier detentions of opposition politicians and record levels of newspaper seizures. Sudan ranks 174th out of 180 on the Reporters Without Borders World Press Freedom Index. Freedom of religion or belief, sexual violence, and the powers and immunity granted to the security services all remain concerning. The government remains unwilling to acknowledge many of these challenges and has demonstrated little commitment to reform.'[50]

7.1.6 Amnesty observed in its annual report for 2016 that: 'Across Sudan, NISS officials and members of other security forces targeted opposition political party members, human rights defenders, students and political activists for arbitrary arrest, detention and other violations.'[51]

[49] UKHO-DIS, 'Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi conducted February – March 2016' (section 3.2.1), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 28 July 2017.
[50] Foreign and Commonwealth Office, 'Human Rights Priority Country', Sudan, updated 8 February 2017, https://www.gov.uk/government/publications/sudan-human-rights-priority-country/sudan-human-rights-priority-country. Accessed on 14 February 2017.
[51] Amnesty International, 'Report 2016/17' (Sudan), 22 February 2017, https://www.amnesty.org/en/countries/africa/sudan/report-sudan/. Accessed 29 March 2017

7.1.7 The USSD report for 2016 observed that: 'Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings and the press.' [52] The same source stated: 'The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right. The law prohibits political parties linked to armed opposition groups.'[53]

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7.2 Enforced disappearances

7.2.1 The DFAT report of April 2016 noted:

'Both the Government and armed opposition have been responsible for the disappearance of civilians in both conflict-affected areas and non-conflict-affected areas. According to the Government of Sudan, the NISS maintains offices in order to receive enquiries about missing or detained individuals, but DFAT understands that these enquiries often go unanswered…DFAT assesses that abductions and enforced disappearances by both the Government and armed opposition remain possible for individuals who are perceived [to] threaten the authority of the Government or armed opposition.'[54]

7.2.2 The USSD report for 2016 observed that: 'There were reports of politically motivated disappearances. As in prior years, this included disappearances in non-conflict (as well as conflict) areas.' [55] The same source also reported: 'Government forces and armed criminal elements were responsible for the disappearance of civilians, humanitarian workers, and UN and other international personnel in conflict areas.'[56]

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7.3 Torture

7.3.1 Freedom House in its report covering events in 2015 that: 'Sudan strengthened its laws on gender-based violence in February 2015, establishing the offense of sexual harassment and amending the definition of rape to bring it closer to international standards. However, women are at high risk for sexual violence, particularly from security forces, who use rape as a weapon of war.'[57]

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

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

[54] Australian Government, Department of Foreign Affairs and Trade (DFAT), Country Information Report, Sudan, p15, 27 April 2016, accessed on 19 August 2016, Copy on request

[55] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1b) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[56] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1b) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[57] Freedom House, Freedom in the World, Sudan, 14 July 2016,

7.3.2 The DFAT report noted:

'Human Rights Watch reports that political detainees are often tortured in the wake of protests, and are only released after agreeing to not participate in future protests. In addition, local media reported that in May 2014 two individuals from the Darfuri Students Association were abducted by authorities from inside the Omdurman Islamic University and subsequently subjected to beatings with electric sticks and batons, and were sodomised...

'DFAT assesses that those who are perceived to directly threaten the authority of the Government may face risk of torture. This is likely to affect those who are outspoken. DFAT is also aware of some examples of civilians who are not outspoken being exposed to torture. DFAT is unable to prescribe a particular risk to an individual's potential to experience torture or comment on the general incidence of torture.' [58]

7.3.3 The USSD report for 2016 observed that:

'Government security forces (including police, NISS, and military intelligence personnel of the Sudanese Armed Forces (SAF)) beat and tortured physically and psychologically persons in detention, including members of the political opposition, civil society, religious activists, and journalists, according to civil society activists in Khartoum, former detainees, and NGOs. Torture and other forms of mistreatment included prolonged isolation, exposure to extreme temperature variations, electric shock, and use of stress positions. Some female detainees alleged NISS harassed and sexually assaulted them. Some former detainees reported being injected with an unknown substance without their consent. Many former detainees, including detained students, reported being forced to take sedatives that caused lethargy and severe weight loss. The government subsequently released many of these persons without charge.'[59]

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7.4 Arbitrary arrest and detention

7.4.1 Freedom House noted in its July 2016 report that:

'The 2010 National Security Act gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or family members. Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists and journalists.'[60]

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https://freedomhouse.org/report/freedom-world/2016/sudan, accessed on 27 October 2016

[58] Australian Government, 'DFAT Country Information Report – Sudan' (p21), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

[59] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1c) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[60] Freedom House, Freedom in the World 2016, Sudan, July 2016, https://freedomhouse.org/report/freedom-world/2016/sudan, Accessed 28 July 2017

7.4.2 The DFAT report of April 2016 noted:

'The 2005 Interim National Constitution prohibits arbitrary arrest and detention and includes a requirement that individuals be informed of relevant charges at the time of arrest. Despite this, the US Department of State's 2015 Human Rights Report notes that arbitrary arrest and detention remains common, with Sudan's legal system allowing arrest without a warrant and detention for up to 4.5 months. Detainees are often released after 4.5 months and re-arrested and detained for an additional period.

'The NISS and other arms of the Sudanese security apparatus continue to arbitrarily arrest and detain individuals, particularly political opponents and activists. High-profile political opponents have been arbitrarily arrested and detained by the NISS and denied access to legal representation or visitors. For example, in June 2015 Amnesty International called for the release of 171 detainees including college students, political activists and civil society activists.

'Overall, DFAT assesses that arbitrary arrest and detention are commonly used by the Government, particularly against individuals that are or are perceived to be outspokenly critical of the Government.'[61]

7.4.3 The USSD report for 2016 observed that: '[National Intelligence and Security Service] NISS, police, and military intelligence arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government often targeted political opponents and suspected rebel supporters.'[62] The same source stated:

'The Interim National Constitution prohibits arbitrary arrest and detention and requires that individuals be notified of the charges against them when they are arrested. Arbitrary arrests and detentions, however, remained common under the law, which allows for arrest without warrants and detention up to four and one-half months. Authorities often released detainees when their initial detention periods expired but took them into custody the next day for an additional period. Authorities, especially NISS, arbitrarily detained political opponents and those believed to sympathize with the opposition...' [63]

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7.5 Treatment of political parties

7.5.1 Amnesty International noted in its report covering the events of 2016, published in February 2017 'The authorities continued to prevent opposition political parties from organizing peaceful public activities. The NISS prevented the Republican Party from marking the anniversary of the

[61] Australian Government, 'DFAT Country Information Report – Sudan' (p22), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017
[62] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1d) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[63] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1e) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

execution of its founder, Mahmoud Mohamed Taha, on 18 January [2016]. In February [2016], NISS agents prevented two opposition political parties – the Sudanese Communist Party and Sudanese Congress Party – from holding a public event in Khartoum.'[64]

7.5.2 The DFAT report noted:

'The 2005 Interim National Constitution provides for freedom of assembly and association, including the right to vote, peaceful assembly, freedom of association with others and to form or join political parties. It states that the registration of political parties will be regulated by law and that no association may function as a political party unless it has a membership that is open to any Sudanese, does not contradict the 2005 Interim National Constitution, has a democratically elected leadership and disclosed and transparent sources of funding.

'Despite the provisions included in the 2005 Interim National Constitution, Sudan's political landscape restricts opportunities for individuals to express their opinions, particularly if this expression is deemed to threaten the authority of the State. The US Department of State's 2015 Human Rights Report states that the Government maintains significant control over the activities of the opposition, including through the Political Parties Advisory Council […] DFAT understands that the Political Advisories Council has refused to register some political parties, including the Republican (Jamhori) Party which opposes Islamic fundamentalism and promotes secularism.

'Overall, DFAT assesses that while there is a space for political activity in Sudan, it is under the close control of the Government, thereby limiting the ability of the opposition to effectively operate. The situation for unarmed opposition and the armed opposition differs…'[65]

7.5.3 The DFAT report stated:

'Some unarmed opposition parties and figures have face[d] discrimination at the hands of the Government, including detention and torture. Members of the unarmed opposition have also been prevented from traveling outside Sudan. Following the signing of the 'Sudan Call', Chair of the National Consensus Forces, Farouk Abou Issa, was arrested on his return to Sudan and imprisoned until April 2015. The Government has also prevented members of the unarmed opposition from holding public discussions (gatherings of more than five people require a license, which the Government often denies), including the Sudanese Congress Party who advocated for a boycott of the recent elections.

'DFAT contacts suggest that being a high-profile individual involved with the unarmed opposition may provide some protection from violence at the hands of Government. However, there are examples of individuals linked with the unarmed opposition experiencing violence. Sandra Kadoda, a member of the Sudanese Communist Party went missing in April 2015 with her family

[64] Amnesty International, 'Report 2016/17', Sudan, February 2017, https://www.amnesty.org/en/countries/africa/sudan/report-sudan/. Accessed on 29 March 2017
[65] Australian Government, 'DFAT Country Information Report – Sudan' (p15), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

accusing the NISS of detaining her. The NISS denied that they had detained her. Kadoda was subsequently found badly beaten and made a public apology for the accusations directed at the NISS.

'Overall, DFAT assesses that low-profile members of the unarmed opposition are at a low risk of official discrimination and violence. Supporters of the unarmed opposition who present a direct threat to the Government's authority by speaking openly about political transition or overthrowing Bashir and the NCP face a moderate risk of discrimination and low risk of violence.[66]

7.5.4 Freedom House observed in July 2016 report:

'Opposition leaders and activists are routinely arrested and held without charge, often for extended periods. In 2014, the head of the National Umma Party, his deputy, and the head of the Sudanese Congress Party were all detained in separate cases and held for several weeks before being released without charge. In the lead-up to the April 2015 elections, opposition figures faced harassment, arrest, and detention. NISS agents detained members of the SCP and perceived supporters of the armed opposition Sudan Revolutionary Front. On several occasions, authorities denied opposition parties permits for rallies and forums, including at parties' own headquarters.'[67]

7.5.5 The same source noted that:

'Security forces have detained hundreds of opposition supporters since 2011, when street protests against the government and the economic situation in Sudan began. Following the September 2013 protests, at least 800 people were detained, including some who were arrested as they sought medical treatment. The government has not held security forces accountable for their handling of these events.' [68]

7.5.6 In its update on events between June and December 2016, the FCO noted:

'In November, the government of Sudan announced a number of economic reforms, including the lifting of subsidies on fuel. This resulted in a number of small protests around the city and the detention of over 70 political opposition figures and activists. The Sudanese Congress Party was particularly affected, with a number of its leaders being detained by the security services. The detainees were not charged, had no access to legal assistance and were held at undisclosed locations… Around 25 individuals were released on 26 and 27 December, but a number remain in detention, including Mudawi Ibrahim Adam (member of the National Dialogue Identity Committee) who has previously received Front Line Defenders' "Human Rights Defenders at Risk Award".'[69]

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[66] Australian Government, 'DFAT Country Information Report – Sudan' (p20), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

[67] Freedom House, Freedom in the World 2016, Sudan, July 2016, https://freedomhouse.org/report/freedom-world/2016/sudan, accessed on 23 August 2016

[68] Freedom House, Freedom in the World 2016, Sudan, July 2016, https://freedomhouse.org/report/freedom-world/2016/sudan, accessed on 26 September 2016

[69] Foreign and Commonwealth Office, Human Rights Priority Country, Update for June to December

7.5.7 The USSD report for 2016 observed that: 'The government continued to hold political prisoners and detainees, including protesters. Due to lack of access, the numbers of political prisoners and detainees could not be confirmed. Human rights monitors reported political prisoners as being in the hundreds; the government claimed it did not have political prisoners.' [70]

7.5.8 The USSD report for 2016 stated:

'Security forces detained political opponents incommunicado, without charge, and tortured them. Some political detainees were held in isolation cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted NISS ran "ghost houses," where it detained opposition and human rights figures without acknowledging they were being held. Such detentions at times were prolonged.'[71]

7.5.9 The same source stated:

'In November and December [2016], hundreds of persons were detained without charges, including several prominent human rights activists and the leadership of registered political parties, some for weeks without visits from families or counsel. Most of the arrests were part of a general crackdown that followed calls for civil disobedience over government austerity measures… [and] In November and December [2016], authorities arrested the entire senior leadership of the Sudan Congress Party, and detained them without charges and, with one exception, without visitation. NISS released the opposition members in late December [2016] with no charges.'[72]

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7.6 Treatment of armed opposition groups

7.6.1 The DFAT report of 2016 based on a range of sources noted:

'The main armed opposition include the Darfur-based JEM, SLM-Minnawi and SLM-al-Nur and the SPLM-North, based mainly in Blue Nile and South Kordofan. In 2011, the armed opposition formed an alliance called the Sudan Revolutionary Front with the common objective of removing the ruling NCP.

'The Government is attempting to militarily defeat the armed opposition in areas of Darfur, South Kordofan and Blue Nile, putting individuals in these areas at high risk. There are credible reports of individuals being detained by the Government due to their actual or perceived support for the armed opposition, including reports of women being detained due to their association with men who were perceived to be supporters. DFAT

2016 Sudan, updated 8 February 2017, https://www.gov.uk/government/publications/sudan-human-rights-priority-country/sudan-human-rights-priority-country. accessed on 14 February 2017.

[70] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1e) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[71] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1c) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[72] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (sections 1d and 2b) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

understands that the Government has been responsible for carrying out violent interrogations of individuals who are in detention due to their perceived links to the armed opposition. The Government has prosecuted supporters of the armed opposition with individuals being sentenced to imprisonment or death, although DFAT is unaware of whether or not individuals were actually executed.

'Overall, DFAT assesses that individuals who are associated with, or are perceived to be associated with, the armed opposition face a high risk of discrimination and violence by the Government, particularly in areas that are controlled by the Government. DFAT further assesses that this risk is faced by both individuals who are actively involved with the armed opposition, as well as individuals who are simply located in areas controlled by the armed opposition. Some DFAT contacts suggest that men who are perceived to be associated with the armed opposition face a higher risk of being actively targeted by the Government than women. Within areas under the control of the armed opposition, DFAT assesses that individuals are at risk of being caught up in the conflict between the Government and armed opposition, including through indiscriminate bombings, armed attacks and extrajudicial killings.'[73]

7.6.2 The USSD report stated: 'There were reports of individuals detained due to their actual or assumed support of antigovernment forces, such as the Sudan People's Liberation Movement-North (SPLM-N) and Darfur rebel movements. Local NGOs reported that some women were detained because of their association with men suspected of being SPLM-N supporters....'[74]

7.6.3 The same USSD report noted:

'In September 2015 the government granted general amnesty for leaders and members of the armed movements taking part in the national dialogue. The amnesty covered "all words and deeds that constitute crimes during the period of the participation in the national dialogue." Many observers considered the amnesty a government incentive to encourage opposition members living abroad to return to the country for participation in the dialogue without fear of arrest or reprisal. As of November there were no known reports of arrests of opposition members who participated in the dialogue, although NISS detained and seized the travel documents of opposition members who met abroad… Leading opposition members living in exile who had called for more freedoms as a condition to their participation in the dialogue had not taken advantage of the general amnesty. The decree also called for the release of political prisoners whose parties participated in the dialogue. There were no known reports of such releases.'[75]

[73] Australian Government, 'DFAT Country Information Report – Sudan' (p16), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

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

[75] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1d) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

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7.7 Treatment of students

7.7.1 The Canadian Immigration and Refugee Board produced a response to information request citing various sources on students protects and the government's reaction to these during the period 2013 to January 2015.

7.7.2 Human Rights Watch reported in a March 2016 report on female activists:

'The government has also repeatedly used violence against protesters inside universities, a longstanding pattern that appears to have intensified in recent years and often involves violence between pro-government students and other groups. In one example, security forces reportedly shot dead Darfuri student Ali Abaker in Khartoum University in March 2014 and in another example they sexually harassed, beat and detained female students protesting eviction from the university's dormitories in October 2014. NISS officers have also continued to target specific individuals and groups of activists for harassment, interrogation, and detention at various times. While student political activists from Darfur have been especially vulnerable to arrest, others were targeted because of their work on sensitive topics or in the wake of key events, such as the outbreak of armed conflict in Southern Kordofan in 2011, and at Heglig oil fields in 2012, or various political meetings.' [76]

7.7.3 A Human Rights Watch article of 25 May 2016 noted:

'Sudanese national security officials have detained dozens of students and activists – many of whom are still in custody – without charge since mid-April 2016, during protests on university campuses. Some have been held for more than a month. Others are held in locations that the government has not revealed, without access to lawyers or contact with family, putting them at increased risk of torture…

'Starting in mid-April 2016, government security forces, including national security and riot police, clamped down on student demonstrations against the sale of Khartoum University buildings, as well as earlier detention of protesters and a range of other issues at other campuses across Sudan…

'During the crackdowns, Sudan's National Intelligence and Security Services (NISS) have detained dozens of protesters, including young students and older graduates. Human Rights Watch received credible reports that many of those detained have been beaten and subjected to other forms of ill-treatment. Most have not been charged or had access to family or visits from their lawyers.'[77]

7.7.4 The FCO noted in July 2016 in an update covering the period January to June 2016 that:

'Two students were killed during protests at universities in Khartoum and Kordofan during April. There were reports of excessive use of force by the

[76] Human Rights Watch, '"Good Girls Don't Protest" Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan' (ps 11-13), March 2016 https://www.hrw.org/sites/default/files/report_pdf/sudan0316web.pdf. Accessed 28 July 2017
[77] Human Rights Watch, Sudan: Students, Activists at Risk of Torture, 25 May 2016, https://www.hrw.org/news/2016/05/25/sudan-students-activists-risk-torture. Accessed 28 July 2017

security services in breaking up the demonstrations. A number of students were arrested during the demonstrations and detained for a number of weeks, with reports of some being mistreated whilst in detention. Other students were suspended or expelled. When some students sought legal advice from a prominent human rights lawyer, the lawyer's office was raided by the security services and the students arrested, along with two of the lawyer's employees… UK officials have expressed concerns on a number of occasions, calling for an independent investigation into the deaths. On 19 June [2016], 6 of the students were released, with a further eight released on 22 June [2016]. At least three students remain in detention.'[78]

7.7.5 The UN Independent Expert noted in his report of July 2016 that:

'In another case, five student activists from the University of Khartoum were detained without charge after being arrested by the National Intelligence and Security Service on 13 April 2016 at Khartoum Dental Hospital. The students had accompanied an injured friend to the hospital. During his visit to the Sudan in April 2016, the Independent Expert raised the matter of the five students who remained in detention with the Sudanese authorities. He was informed that the case had to be handed over to the relevant judicial authorities for prosecution. He later noted and welcomed the decision of the Sudanese authorities to release the students on 19 and 21 June 2016.

'The National Intelligence and Security Service also arrested 27 students, including 5 female students, who were involved in protests at the University of Khartoum. The students began protesting on 11 April, following reports that the Government was planning to sell some of the university buildings, and continued until 14 April. The 27 students were released without charge on 16 April 2016.'[79]

7.7.6 The USSD report for 2016 noted:

'The government restricted academic freedom at cultural and academic institutions. It determined the curriculums and appointed the vice chancellors responsible for administration. It continued to arrest student activists and cancel or deny permits for some student events. Youth activists reported some universities discouraged students from participating in antigovernment rallies and showed favorable treatment towards NCP students. Some professors exercised self-censorship. Security forces used tear gas and other heavy-handed tactics against largely peaceful protests at universities or involving university students. The Public Order Police continued to monitor public gatherings and cultural events, often intimidating women and girls, who feared police would arrest them for "indecent" dress or actions.

'Following widespread unrest on college campuses across the country in April, many universities indefinitely suspended student activities (political,

[78] Foreign and Commonwealth Office, Human Rights Priority Country update report: January to June 2016, updated 21 July 2016, https://www.gov.uk/government/publications/sudan-human-rights-priority-country/human-rights-priority-country-update-report-january-to-june-2016. Accessed on 28 July 2017.

[79] UNHRC, Report of the Independent Expert on the situation of human rights in the Sudan, paras 38-39, 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf. Accessed on 28 July 2017

cultural, and social) on university premises and required approval before events could be held.'[80]

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7.8 Treatment of Darfuri students

7.8.1 For information about the treatment of non Arab Darfuris generally, see country policy and information: Non Arab Darfuris.

7.8.2 Amnesty noted in its report based on interviews with Darfuri students and others in and outside of Sudan in 2015 and 2016 that:

'According to the Ministry of Higher Education, there are currently 31 public universities, 11 private universities, 54 private colleges and 15 technical colleges in Sudan. There are an estimated 26,000 students from the Darfur region in these universities, representing 7% of the total number of university students, which is about 360,000. According to the Darfur Students' Association, 18,000 students from Darfur were enrolled in universities in Khartoum in 2016.'[81]

7.8.3 The same report observed that:

'Since the conflict started in Darfur in 2003, the police and the security services have arbitrarily arrested and detained at least 10,000 students from Darfur. In 2015 alone, the police and the security services arbitrarily arrested and detained at least 200 students from Darfur. During the same period, Amnesty International documented at least 13 students from Darfur killed in various universities across Sudan, possibly by police officers, National Intelligence and Security Service (NISS) agents and/or ruling party affiliated students.

'Most of these violations were committed by Sudanese security forces, who repeatedly used excessive force to break up assemblies of Darfuri students, violating their rights to freedom of expression, association and peaceful assembly. Security agents demonstrated bias in their policing of student protests, appearing to target only Darfuri students for arrests, while ruling party affiliated students were not held to account. Ruling party affiliated students also perpetrated abuses against Darfuri students and university professors, including through beatings and threats. Although these are criminal offenses, the state failed to prosecute the ruling

party affiliated students who committed these abuses.'[82]

7.8.4 Amnesty identified that 2 key reasons for the discrimination and violence against Darfuri students:

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[80] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1d) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[81] Amnesty International, '"Uninvestigated, Unpunished", Human Rights Violations against Darfuri Students in Sudan' (p13), January 2017, reissued May 2017, https://www.amnesty.be/IMG/pdf/darfur_students_report_final.pdf. Accessed 28 July 2017.

[82] Amnesty International, '"Uninvestigated, Unpunished", Human Rights Violations against Darfuri Students in Sudan' (p5), January 2017, reissued May 2017, (accessed via refworld) http://www.refworld.org/country,,,,SDN,,591b0f754,0.html. Accessed 28 July 2017.

'… a key trigger for violence affecting Darfuri university students in universities is non- or partial implementation of the fee waiver. In almost all Sudanese universities, there is an annual dispute between Darfuri students and university administrations over the payment of tuition fees by Darfuri students [introduced following various peace agreements including the Doha Document for Peace in Darfur (DDPD) 2011 and the Darfur Peace Agreement (DPA) 2006]. The annual dispute between the university administration and the Darfuri students has resulted in the students being expelled from universities or banned from sitting exams for failing to pay fees. Darfuri students have also been suspended from studying or denied their certificates after graduation. Darfuri students peacefully protesting against university fees policy have been dispersed by force by the NISS, the police and ruling party affiliated students. State security agents have used excessive and unlawful force to disperse protests leading to the injury and death of protesters. They have also been arrested and subjected to ill-treatment and torture while in custody.

'A second trigger for violence affecting Darfuri students is the political activities of Darfuri students in relation to the conflict in Darfur. Darfuri students' attempts to discuss the conflict in Darfur through public fora in universities have been violently thwarted by ruling party affiliated students. Darfuri students participating in these fora have additionally been arrested and subjected to torture and ill-treatment while in custody.'[83]

7.8.5 Radio Dabanga, a 'radio station by Darfuris for Darfuris' operated out of the Netherlands with reports from inside Sudan as well as from abroad,[84] reported in September 2015 that 8 members of the Darfur Students Association at the University of Omdurman were seriously wounded when security agents, backing students that belong to the ruling party's (NCP) youth wing opened fire with live ammunition.[85] The same source noted that in October 2015 that 55 Darfuri students at the Holy Koran University in Omdurman had been detained, wounded or missing when a security raid took place on the campus. The students had organised a sit-in on the campus in protest against the university's decision not to exempt new Darfuri students from tuition and exam fees.[86]

7.8.6 Amnesty International noted in its report covering events in 2015 that:

'In North Darfur, students at Al Fasher University organized peaceful protests on 14 April calling for a boycott of the presidential elections and a change of government. The police and NISS arrested 20 students and charged them with various offences under the Criminal Act, including

[83] Amnesty International, '"Uninvestigated, Unpunished", Human Rights Violations against Darfuri Students in Sudan' (p44), January 2017, reissued May 2017, (accessed via refworld) http://www.refworld.org/country,,,,SDN,,591b0f754,0.html. Accessed 28 July 2017.
[84] Radio Dabunga, About us, undated, https://www.dabangasudan.org/en/about-us, accessed on 23 September 2016
[85] Radio Dabanga, Eight students shot in Sudan's Omdurman University, 4 September 2015 https://www.dabangasudan.org/en/all-news/article/eight-students-shot-in-sudan-s-omdurman-university accessed 16 September 2016
[86] Radio Dabanga, Darfuri students detained, wounded, missing in Omdurman, 27 October 2015 https://www.dabangasudan.org/en/all-news/article/darfuri-students-detained-wounded-missing-in-omdurman accessed 16 September 2016

establishing a "criminal and terrorist organization", rioting and causing a public nuisance. They were subjected to torture and other ill-treatment while in detention. They were all released pending trial.'[87]

7.8.7 The same report noted:

'In June [2015] Amnesty International called for the release of 171 detainees including college students, political activists, and civil society activists who were being held by national authorities at the time. The human rights group expressed concern about 221 Darfuri students detained around the country following weeks of increased tensions and violence between Darfuri students and NCP groups on college campuses. At the time of the Amnesty International press statement, 157 Darfuri students had been released on bail after being charged with various crimes. Few, if any, NCP students were charged during the same incidents.' [88]

7.8.8 In February 2016 Radio Dabanga reported that:

'… a criminal court in Khartoum North convicted two Darfuri students on charges of rioting and violating the public order. Nine others were acquitted. According to the chairman of the Darfur Students Association, the students were detained on the basis of their skin colour. … The 11 Darfuri students of the University of El Zaeem El Azhari were detained by security officers on Wednesday, following an attack by militant youth members of the ruling National Congress Party and security forces on Darfuri students at the campus in Khartoum North.'[89]

7.8.9 Human Rights Watch observed in its report covering 2016 that: 'In April, security officials detained dozens of students and activists in Khartoum, some for more than two months without charge, during violent crackdowns on protests at university campuses.'[90]

7.8.10 Radio Dabanga reported in May 2016 that

'… a vigil was held in … Khartoum … attended by family, friends, colleagues, and lecturers of students who have been detained or dismissed after widespread student protests over the past month. A Darfuri student activist told Radio Dabanga that there are nine Darfuri student detainees, whose relatives have been denied visits to them…. He expressed concern that they might be subjected to physical and psychological torture, racism and abuse. He pointed to previous cases in which the Darfuri students have been subjected to racial discrimination… He condemned the security services targeting houses rented by Darfuri students in various districts of Khartoum.'[91]

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[87] Amnesty International, Annual Report 2015/6, Sudan, February 2016, https://www.amnesty.org/en/countries/africa/sudan/report-sudan/, accessed on 26 August 2016
[88] USSD, Country Reports on Human Rights Practices, Sudan, section 1d, April 2016, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper, accessed on 26 August 2016
[89] Radio Dabanga, 'Darfur students targeted on skin colour in Khartoum', 22 February 2016 https://www.dabangasudan.org/en/all-news/article/darfur-students-targeted-on-skin-colour-in-khartoum accessed 16 September 2016
[90] Human Rights Watch, World Report 2017, Sudan, January 2017, https://www.hrw.org/world-report/2017/country-chapters/sudan#1b543f. Accessed 15 February 2017.
[91] Radio Dabanga, Vigil for detained and dismissed Sudanese students in Khartoum, 26 May 2016

7.8.11 The UK-DIS FFM report, based on interviews with various sources, noted:

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

'Several sources identified student activists from Darfur and the Two Areas as being at risk of being targeted. Different sources provided examples demonstrating extra-judicial killings, mistreatment in detention as well as cases of harassment and intimidation by the NISS and their affiliated militias. Sources noted that one of the main reasons why the student population was targeted was because they were the most active politically and intent in voicing their criticism of the government. Such a trend had become more prevalent in recent years.'[92]

7.8.12 A Human Rights Watch report on the treatment of female activists observed:

'… security forces used sexual violence against Darfuri students protesting their eviction from a university dormitory in Khartoum. In October 2014, national security officials allegedly raped at least one female student following the eviction of about 70 mostly Darfuri women from the Zahra women's dorm of Khartoum University. According to multiple eye-witness accounts collected at the time, police and security officers entered rooms, beat women, groped and taunted them and threatened to assault them sexually. One women's group reported that security officers forced some students to undress, photographed them and threatened to use photos against them.'[93]

7.8.13 A Radio Dabanga article, a 'radio station by Darfuris for Darfuris' operated out of the Netherlands with reports from inside Sudan as well as from abroad[94], noted in June 2016 that:

'At least two students were detained in the Sudanese capital of Khartoum on Wednesday at a peaceful march organised by the Darfuri university students' associations. Security agents used batons and verbal violence to disperse a second march by political and civil society leaders… The student leader said that agents of the National Intelligence and Security Service (NISS) intercepted the march and arrested a number of students… Also on Wednesday, the NISS confronted political and civil society leaders with

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https://www.dabangasudan.org/en/all-news/article/vigil-for-detained-and-dismissed-sudanese-students-in-khartoum accessed 16 September 2016

[92] UKHO-DIS, 'Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi conducted February – March 2016' (section 3), August 2016, https://www.gov.uk/government/publications/sudan-country-information-and-guidance. Accessed 28 July 2017.

[93] Human Rights Watch, "Good Girls Don't Protest" Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan, p23, March 2016 https://www.hrw.org/sites/default/files/report_pdf/sudan0316web.pdf. Accessed 28 July 2017

[94] Radio Dabunga, About us, undated, https://www.dabangasudan.org/en/about-us, accessed on 23 September 2016

batons and verbal violence and prevented them from reaching the building of the Ministry of Justice where they planned to hand over a memorandum.

'A group of activists, including a preparatory committee for the graduates of the University of Khartoum, students' coordination of the University of Khartoum, the committee for solidarity with the detainees and families of detainees, ultimately delivered a memorandum to the Ministry of Justice demanding the stop of the abuses against activists, university students and civil society. The NISS detained some of them for a short period.'[95]

7.8.14 The UN Independent Expert noted in his report of July 2016 that:

'On 26 October 2015, nine Darfuri students who had participated in a peaceful sit-in in Khartoum were arrested by the police and charged with participating in a riot, causing disturbance of public peace and public nuisance. They were released on bail after three days of detention. On 14 November 2015, eight students from the Holy Quran University in Omdurman, including four Darfuri students, were arrested by the National Intelligence and Security Service in Omdurman for participating in a peaceful sit-in at the Holy Quran University on 25 and 26 October [2016]. The students were protesting against the university's decision to suspend the exemption from paying tuition fees for new Darfuri students. The police and security officers dispersed the sit-in using tear gas and riot batons; some of the protestors sustained injuries.''[96]

7.8.15 Amnesty reported:

'Between 2014 and 2016, at least 70 students from Darfur were expelled from three universities. The University of Bahri in Khartoum North expelled 33 students for protesting to demand fee waivers in December 2014. The Holy Quran and Islamic Sciences University in Omdurman, Khartoum expelled four students, also for protesting to demand fee waivers in December 2015. The University of Zalingei in Central Darfur State expelled 33 students for political activism between November 2015 and March 2016.

'Darfuri students have also been suspended from studying or denied their certificates after graduation. When they protest against university policy, they are violently dispersed by the NISS, the police and ruling party affiliated students and, on many occasions, are arrested and subjected to ill-treatment and torture.'[97]

7.8.16 The same report observed that

'Another trigger for violence is the political activities of Darfuri students in relation to the conflict in Darfur. Darfuri students' attempts to discuss the conflict in Darfur through public fora in the universities are regularly violently

[95] Radio Dabanga, NISS detain students, disperse marchers in Khartoum, 2 June 2016 https://www.dabangasudan.org/en/all-news/article/niss-detain-students-disperse-marchers-in-khartoum accessed 16 September 2016

[96] UNHRC, Report of the Independent Expert on the situation of human rights in the Sudan, paras 37-39, 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf. Accessed 28 July 2017.

[97] Amnesty International, '"Uninvestigated, Unpunished", Human Rights Violations against Darfuri Students in Sudan' (p6), January 2017, reissued May 2017, (accessed via refworld) http://www.refworld.org/country,,,,SDN,,591b0f754,0.html. Accessed 28 July 2017.

thwarted by ruling party affiliated students. Senior government officials have also made inflammatory public statements against the political activities of Darfuri students. Many students participating in these public fora are also arrested and subjected to torture and ill-treatment while in custody.

'…Many of those arrested were dismissed from the universities, others simply dropped out. In May 2015, two students were arrested for meeting with the United Nations (UN) Special Rapporteur on violence against women, Rashida Manjoo. In November 2015, eight students were arrested for demanding implementation of a fee waiver policy at the University of the Holy Quran and Islamic Sciences in Omdurman. In January 2016, at the University of El Geneina in West Darfur State, two dozen students were arrested for exercising their right to freedom of expression. One student was killed during this incident.'[98]

7.8.17 The USSD report for 2016 noted: 'Government authorities detained members of the Darfur Students Association during the year. Upon release, numerous students showed visible signs of severe physical abuse. Government forces reportedly used live bullets to disperse crowds of protesting Darfuri students. There were numerous reports of violence against student activists' family members.'[99] The same source also stated: The government also arbitrarily detained and otherwise targeted numerous Darfuri students on university campuses …and political opponents throughout the year, often subjecting them to torture…'[100]

7.8.18 Amnesty reported in July 2017 that:

'The Sudanese authorities must end the continued discrimination of Darfuri students at universities, said Amnesty International today as more than 1,000 Darfuri students of Bakht al-Rida University in White Nile State,descended on the capital Khartoum to demand the release of 10 of their colleagues accused of killing two police officers.

'The students are now blockaded on the southern edge of the capital Khartoum after they were stopped by National Intelligence Security Service (NISS) agents from delivering a statement listing their demands to the government. They also want 14 other colleagues who were expelled from the university readmitted… The two policemen were killed on 9 May [2017] as they violently broke up clashes between ruling party and opposition students over disputed guild elections. Seventy students were arrested that day, all of them Darfuri. Investigations into the policemen's deaths are still underway.'[101]

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[98] Amnesty International, '"Uninvestigated, Unpunished", Human Rights Violations against Darfuri Students in Sudan' (p6), January 2017, reissued May 2017, (accessed via refworld) http://www.refworld.org/country,,,,SDN,,591b0f754,0.html. Accessed 28 July 2017

[99] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1b) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[100] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1e) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[101] Amnesty International, 'Sudan: Hundreds of Darfuri student protesters stopped at the capital's gates', 19 July 2017, https://www.amnesty.org/en/latest/news/2017/07/sudan-hundreds-of-darfuri-

7.8.19 The Amnesty report, Uninvestigated, Unpunished', Human Rights Violations against Darfuri Students in Sudan, January 2017, re-released in May 2017, documents a number of incidents of violence and discrimination against Darfuri students in 2014-2016.

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7.9 Treatment of civil society

7.9.1 The DFAT report of 2016 noted:

'The Government maintains strict control over the activities of civil society. NGOs are required to register with the Government's Humanitarian Aid Commission (HAC). The HAC, and the Government more broadly, use bureaucratic impediments to limit the activities of civil society (including UNAMID).This includes restricting or denying permission for humanitarian assessments, refusing to approve technical agreements, changing operational procedures, delaying the issuance of visas and travel permits and restricted travel. The US Department of State's 2015 Human Rights Report also stated that the HAC prevented NGOs from interviewing or selecting staff in Darfur unless they used a fiveperson Government selection panel. International and local organisations that are seen as resisting or criticising the Government are further limited in their ability to operate. For example, the former UN Resident Coordinator who had allegedly made critical comments about the Government to a Norwegian publication was expelled.

'In addition to its use of bureaucratic impediments, the Government monitors, threatens and prosecutes individuals linked with particular civil society organisations. Amin Mekki Medani, President of the Confederation of Civil Society Organisations, was arrested along with a number of other politically-linked individuals in December 2014 after signing the 'Sudan Call…

'Organisations that are perceived to threaten the authority of the Government are particularly at risk. For example, the Centre for Civil Society Development which advocates for democratic reform has been raided without reason and authorities have prevented the organisation from holding meetings.

'Overall, DFAT assesses that individuals who are closely linked to civil society organisations that actively criticise the Government or work on issues such as human rights, the provision of humanitarian assistance or political activism are likely to attract negative attention from authorities. This is likely to be in the form of harassment and intimidation and may escalate to an individual being detained or experiencing violence.'[102]

7.9.2 In a Human Rights Watch report on the treatment of female activists, it was stated that: 'Government security forces, especially NISS, have raped and sexually abused female activists with impunity…. Outspoken activists from

student-protesters-stopped-at-the-capitals-gates/. Accessed 28 July 2017.

[102] Australian Government, 'DFAT Country Information Report – Sudan' (p17), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

Darfur have also been in targeted. In one example from 2011, Hawa Abdallah "Jango," a well-known community activist from North Darfur, was detained for more than two months and subjected to torture and sexual violence.'[103]

7.9.3 Freedom House reported in July 2016 that:

'The operating environment for NGOs is challenging. All NGOs must register with the governmental Humanitarian Assistance Commission (HAC). The HAC regularly places restrictions or bans on the operations of NGOs and the movements of their workers, particularly in Darfur, Southern Kordofan, and Blue Nile. In January, the authorities ordered the closure of a cultural center in Omdurman and the Sudanese Writer's Union without explanation. In March, NISS officers raided a training session of the Khartoum-based NGO TRACKS, and later arrested a participant, charging him with crimes against the state.'[104]

7.9.4 In his report to the UNHRC of July 2016, the Independent Expert noted that:

'During the reporting period [October 2015 to June 2016], the Government continued to clamp down on the activities of civil society organizations.

'On 29 February 2016, the National Intelligence and Security Service raided the Khartoum Centre for Training and Human Development, a civil society organization, and confiscated nine mobile phones, five laptops, as well as publications, flip charts and other office documents. Following the raid, passports of human rights defenders who were members of the Centre were confiscated.

'Between 3 and 13 March 2016, human rights defenders and activists associated with the Centre were summoned to the office of the National Intelligence and Security Service in Khartoum, where they were interrogated. All the individuals summoned were questioned about the activities of the organization and their relationship with the Al-Khatim Adlan Centre for Enlightenment and Human Development, an organization that was forcibly shut down by the Government in 2012. Subsequent to the raid, the Director and another human rights defender were summoned and charged with criminal offences.

'In addition, in March 2016, four representatives of Sudanese civil society were intercepted by security officials at the Khartoum International Airport on their way to Geneva, where they were to participate in the pre-session meetings of the universal periodic review of the Sudan. After checking in their luggage and presenting their passports at the immigration desk, they were stopped and informed of travel bans in place against them. Their passports were confiscated and they were told to report to the Information and Inquiry Section at National Intelligence and Security Service headquarters for further information. This effectively prevented them from travelling to Geneva and attending the pre-session meetings of the review.

[103] Human Rights Watch, "Good Girls Don't Protest" Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan, p20-1, March 2016 https://www.hrw.org/sites/default/files/report_pdf/sudan0316web.pdf. Accessed 28 July 2017
[104] Freedom House, Freedom in the World 2016, Sudan, July 2016, https://freedomhouse.org/report/freedom-world/2016/sudan. Accessed on 23 July 2017

'While the Independent Expert welcomed the decision of the Sudanese authorities to return the passports to the human rights defenders, he expressed concern about the allegations that the travel bans against Messrs. Elshowaya and Shaddad were in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights, including the universal periodic review.

'The Independent Expert also expressed concern about the travel bans against Messrs. Salih and Yousif, which appeared to be in retaliation for their human rights activities and designed to curtail the legitimate exercise of their right to freedom of opinion and expression.

'In spite of the ongoing national dialogue, the Independent Expert noted a lack of meaningful dialogue between the Government and civil society actors for the promotion and protection of human rights in the Sudan. The Independent Expert emphasized that the work of human rights defenders was vital and that measures to intimidate or harass them because of their work, including their involvement with the universal periodic review process, were of serious concern. He stressed the need for the Government to allow human rights defenders to carry out their activities in an open, safe and secure environment.'[105]

7.9.5 The FCO noted in its update for June to December 2016: 'The environment for civil society in Sudan remains challenging. Three individuals from the TRACKs Centre for Training and Human Development remain in detention following their arrest in June [2016].'[106] The Worldwide Movement for Human Rights reported that the 3 individuals were subsequently tried and sentenced to 1-year imprisonment and a fine, but were released following their court hearing in March 2017.

'The three men originally faced charges together with seven other activists affiliated with TRACKs in two overlapping criminal cases. The 2016 trial targeted three other human rights defenders affiliated to TRACKs apart from Mr. Mukhtar, Mr. Hamdan, and Mr. Adam. The three others were not detained throughout the course of the trial, and the charges against them were eventually dropped in January 2017…'[107]

7.9.6 The USSD report stated:

'…The government closed civil society organizations or refused to register them on several occasions. Government and security forces continued arbitrarily to enforce provisions of the NGO law, including measures that strictly regulate an organization's ability to receive foreign financing and register public activities.

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[105] UNHRC, Report of the Independent Expert on the situation of human rights in the Sudan, paras 25-31, 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf, accessed on 7 September 2016

[106] Foreign and Commonwealth Office, Human Rights Priority Country, Update for June to December 2016 Sudan, updated 8 February 2017, https://www.gov.uk/government/publications/sudan-human-rights-priority-country/sudan-human-rights-priority-country. Accessed on 14 February 2017

[107] Worldwide Movement for Human Rights, 'Sudan: TRACKs-affiliated rights defenders sentenced, fined and finally released after ten months of arbitrary detention', 8 March 2017, https://www.fidh.org/en/issues/human-rights-defenders/sudan-tracks-affiliated-rights-defenders-sentenced-fined-and-finally. Accessed 29 March 2017

'Throughout the year, according to the Sudanese Confederation of Civil Society, authorities either rejected or failed to approve applications to reregister more than 40 registered organizations and began investigations into their activities.

'Under the government's "Sudanization" policy, many organizations reported they faced administrative difficulties if they refused to have progovernment groups implement their programs at the state level. In Blue Nile, for example, HAC authorities prevented one humanitarian organization from implementing a food security program for several months until it agreed to collaborate with CORD, a local organization selected by the state government.

'Organizations reported delays in obtaining permits to hold general assembly meetings. In the absence of general assemblies, the government prevented some organizations from holding elections or filling vacant positions. Some civil society activists believed the government delayed these approvals to disrupt the organizations' work or force them out of compliance with government regulations.'[108]

7.9.7 Amnesty reported on the case the arrest and detention of 'prominent human rights defender Dr Mudawi Ibrahim Adam and his colleague Hafiz Idris Eldoma.' It called on the government to

'…halt its misguided assault on dissenting voices in the country… as their trial begins in the capital Khartoum today [14 June 2017].

'Dr Mudawi and Hafiz are facing six trumped-up charges, including "undermining the constitutional system and waging war against the state", both of which carry either the death penalty or life imprisonment… Dr Mudawi, an engineering professor at the University of Khartoum, was arrested by intelligence agents on 7 December 2016. He founded and is the former director of the Sudan Social Development Organization (SUDO), and has won several human rights awards.'[109]

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7.10 Treatment of journalists and media workers

7.10.1 Reporters without Borders (RSF) ranked Sudan 174th out of 180 countries in its press freedom index for 2016. The RSF website publishes periodic articles on press freedom and maintains a log of the numbers of media workers arrested and killed.[110]

7.10.2 The USSD report for 2016 observed that:

'The government controlled the media through the National Council for Press and Publications (NCPP), which administered mandatory professional examinations for journalists and oversaw the selection of editors. The NCPP had authority to ban journalists temporarily or indefinitely. In November the

[108] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section2b) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

[109] Amnesty International, 'Sudan: End the miscarriage of justice against Dr Mudawi and his colleague', 14 June 2017, https://www.amnesty.org/en/latest/news/2017/06/sudan-end-the-miscarriage-of-justice-against-dr-mudawi-and-his-colleague/. Accessed 28 July 2017.

[110] Reporters without Borders, Sudan, undated, https://rsf.org/en/sudan. Accessed on 27 July 2017

NCPP estimated there were 4,000 registered journalists in the country, a significant decrease from 7,000 in 2015. The council stated that registration of journalists was now handled primarily by the Sudanese Journalists Union, which may have more journalists on file with their organization. Of the 4,000 registered journalists in the country, approximately 600 were actively employed.'[111]

7.10.3 The DFAT report of April 2016 based a range of sources noted:

'… The Government has sought to control the media through the National Council for Press and Publications which oversees the selection of editors and administers mandatory professional examinations for journalists. Reporting on particular issues including corruption, the activities of the NISS and other security-linked authorities as well as information on the Government's actions in conflict-affected areas can attract penalties.

'The Government practices wide-scale censorship of publications that report on issues considered sensitive and practices internet censorship, including blocking access to sites deemed to be offensive to public morality. Authorities confiscated publications throughout 2015, including on 47 occasions in January and June 2015. DFAT contacts suggest that the Government has also closed publications perceived to be anti-Government and continues to limit the operations of independent outlets by preventing them from accepting advertising revenue.

'Reporters without Borders reports that in September 2015, a journalist was arrested and questioned regarding an article about potential conflicts of interest of some politicians. The journalist was subjected to the 'Reception Detention Method', where authorities summon the individual for questioning each day and require them to then spend more than 12 hours waiting in a reception area. In December 2015, the editors of two newspapers were arrested and charged with abusing their positions as journalists, publishing false news and undermining the constitutional system after publishing articles about electricity cuts that were critical of the Government. While both were subsequently released on bail, the NISS suspended one of the newspapers licences and the editor of the other newspaper had resigned.

'There are also some examples of journalists being exposed to violence, although the identity of the perpetrators is sometimes unclear. In July 2014, armed assailants attacked the Editor-in-Chief of Al-Tayyar newspaper and looted the newspaper's headquarters. The Editor-in-Chief was left unconscious and required hospitalisation. The Government's attempts to prosecute the individuals reportedly responsible for this incident were criticised.

'Overall, DFAT assesses that the Government maintains substantial control over the media which has led to wide-scale self-censorship. Individuals who criticise the Government or are perceived to threaten its authority through the media are likely to come to the attention of authorities. In practice, an individual is likely to be arrested, harassed and/or intimidated by authorities

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

trying to prevent the publication of material that was perceived to be disparaging towards the Government. DFAT contacts suggest that, in rare cases, the individual may be exposed to violence, although contacts were unable to point to any examples of this occurring overtly at the hands of authorities.'[112]

7.10.4 Reporters Without Borders, in an August 2016 article, stated it was:

'[…] appalled by the way the authorities, especially the National Intelligence and Security Service (NISS), hound the media in Sudan, where not a week goes by without their closing media outlets, confiscating newspaper issues or arresting journalists. This persecution is having serious and lasting consequences for the ability of the media to continue doing their work… The seizure of newspaper issues was already a leading NISS trademark and RSF has registered 27 cases since the start of the year. But this form of censorship reached a new level on 15 August, when the NISS seized the latest issues of three newspapers - El Mijhar El Siyasi, El Ahram El Youm and El Sayha - because of their coverage of the Darfur peace talks currently under way in Addis Ababa.

'The same day, the National Council for Press and Publications, the NISS's sidekick on media issues, announced the suspension of four newspapers - Elaph, Al-Mustaquilla, Al-Watan and Awal Al-Nahar - under the 2009 Press and Publications Law, the draconian nature of which was criticized by RSF prior to its adoption…'Journalists are constantly summoned for questioning by the NISS or the National Council for Press and Publications. Even covering sport can get them into trouble.'[113]

7.10.5 Amnesty in its report covering events in 2016 noted:

'Arbitrary restrictions on freedom of expression continued. The authorities regularly confiscated newspaper print runs. During 2016, 12 newspapers had their issues confiscated on 44 different occasions. Dozens of journalists were arrested and interrogated by the NISS Media Office and the Press and the Publications Prosecution Office in Khartoum.

In April, the NISS confiscated the daily newspapers Akhir Lahzah, Al Sihaa and Al-Tagheer, without giving reasons. In May, Alwan, Al-Mustagilla and Al-Jareeda newspapers were confiscated by the NISS from the printers. In October, Al Sihaa and Al-Jareeda newspapers were confiscated.

'On 14 August, the National Council for Press and Publications suspended indefinitely the publication of four newspapers: Elaf, Al-Mustagilla, Al Watan and Awal Al Nahar. The Council said it had suspended the newspapers because of their continued violation of the regulations in the Press and Publications Act.'[114]

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[112] Australian Government, 'DFAT Country Information Report – Sudan' (p17), 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Accessed 28 July 2017

[113] Reporters without Borders, Sudanese intelligence agency's war on freedom of information, 18 August 2016, http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=57bab11f4&skip=0&query=journalists%20&coi=SDN&searchin=title&sort=date. Accessed 14 September 2016

[114] Amnesty International, 'Annual Report', Sudan 2016/2017, February 2017,

7.10.6 In his report to the UN Human Rights Council of July 2016, the Independent Expert noted the following:

'Since October 2015, there had been several clampdowns on press and media freedoms, including the censorship and temporary closure of newspapers in the Sudan. In this regard, on 12 October 2015, Manal Abdul-Allah, a journalist at Al-Siyasi newspaper, was summoned and interrogated by security officers in relation to an article regarding the possible presence of Islamic State in Iraq and the Levant in the Sudan. Al-Tayar and Al-Sayha newspapers were seized by security officers on 13 December 2015, before being shut down on 14 December 2015.

'On 1 March 2016, the National Intelligence and Security Service summoned and interrogated Rokaya al-Zaki, a journalist at Al-Ray Al-Aam newspaper, after the publication of an article on financial corruption relating to the Workers' Union. During the second week of May 2016, the National Intelligence and Security Service confiscated the independent daily newspaper Al-Gareeda for unknown reasons. Printed copies of the newspaper were seized by security service officers on 9, 10, 12 and 13 May 2016. In addition, journalists reported that they had been interrogated and harassed by the police and security service officers'…[the Independent Export] welcomes the 1 May 2016 decision of the Constitutional Court that allowed Al-Tayar newspaper to resume its activities…'[115]

7.10.7 The FCO its human rights update covering events between June and December 2016 observed:

'Restrictions on press freedoms have increased during the reporting period. In the past 6 months, there have been 55 incidents of media outlets being suspended and newspaper print runs being confiscated (compared with 20 such incidents in the first half of 2016). Such incidents peaked towards the end of the year, around the time of 2 organised displays of civil disobedience. Some outlets, including Aljareeda and Altayaar newspapers were suspended on several occasions. A number of journalists have also been detained.' [116]

7.10.8 The USSD report on 2016 noted:

'The Interim National Constitution provides for freedom of the press, but authorities prevented newspapers from reporting on problems deemed sensitive. In December 2015 President Bashir 2015 criticized his government's inability to "control the media" in an address to the ruling NCP parliamentary caucus. He warned that he personally would take "decisive measures." Those measures included regular and direct prepublication censorship, confiscation of publications, legal proceedings, and denial of state advertising. Confiscation in particular inflicted financial damage on newspapers already under financial strain due to low circulation. The

https://www.amnesty.org/en/countries/africa/sudan/report-sudan/. Accessed 28 July 2017.

[115] UNHRC, Report of the Independent Expert on the situation of human rights in the Sudan, paras 22-24, 28 July 2016, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_65.pdf. Accessed 27 July 2017.

[116] Foreign and Commonwealth Office, 'Human Rights Priority Country', Sudan, updated 8 February 2017, https://www.gov.uk/government/publications/sudan-human-rights-priority-country/sudan-human-rights-priority-country. Accessed 14 February 2017.

government verbally ordered newspapers throughout the year about "red line" topics on which the press could not report. Such topics included corruption, university protests, the national dialogue, political negotiations in Addis Ababa, the conflict in South Sudan, the doctors' nationwide strike, the weak economy and declining value of the Sudanese pound, power outages, outbreak of cholera, the security services, and government action in conflict areas. Authorities ordered the confiscation of newspapers that reported on these topics.'[117]

7.10.9 The same source noted ''Throughout the year, more than 16 journalists were arrested, nine were subjected to legal actions against them by the government, at least 14 were summoned by NISS, and more than seven were suspended at some point. Throughout the year NISS detained more than 41 opposition party members, in some cases following meetings or symposiums during which attendees discussed politics.'[118]

7.10.10 The USSD further noted

'The government influenced radio and television reporting through the granting or denial of permits, as well as offering or withholding government payments for advertisements, based on how closely affiliated they were with the government…

'During the year authorities lifted restrictions on one journalist who had been temporarily banned from writing. As of December 2015, seven other journalists remained banned from writing, including four journalists for al-Jarida newspaper. As of November NISS had banned at least 16 journalists from publishing articles or suspended their newspapers from publishing… The government, including NISS, continued to arrest, harass, intimidate, and abuse journalists and vocal critics of the government. NISS required journalists to provide personal information, such as details on their tribe, political affiliation, and family.'[119]

7.10.11 The same source stated:

'The government continued to practice direct prepublication and prebroadcast censorship of all forms of media. The government increased confiscations during the May aftermath of April protests by students that were sparked by reports of the government's alleged sale of the University of Khartoum to foreign investors. During the protests two students were killed, many were injured, and many were arrested. Confiscations of print runs was the censorship method most frequently used by NISS, having utility in terms of censoring material, incentivizing future self-censorship, and causing high financial losses to the publisher that could lead to the newspaper's eventual closure.

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

'The government confiscated print runs of at least 12 newspapers on at least 49 occasions between March and November [2016], mostly in May, following the widespread April student protests and in November following nationwide civil disobedience strikes and protests in response to government austerity measures. For example, in one week from November 25 to December 2 [2016], NISS confiscated 16 print runs of nine newspapers.'

'The Press and Publications Act allows for restrictions on the press in the interest of national security and public order. It contains loosely defined provisions for bans for encouraging ethnic and religious disturbances and incitement of violence. The act holds editors in chief criminally liable for all content published in their newspapers. The criminal code, National Security Act, and emergency laws were regularly used to bring charges against the press.

'NISS initiated and continued legal action against journalists for stories critical of the government and security services.' [120]

7.10.12 With regard to telecommunications and internet use, the USSD observed:

'The government regulated licensing of telecommunications companies through the National Telecommunications Corporation. The agency blocked some websites and most proxy servers judged offensive to public morality, such as those purveying pornography. There were few restrictions on access to information websites, but authorities sporadically blocked access to YouTube and "negative" media sites. According to the International Telecommunication Union, approximately 27 percent of individuals used the internet in 2015, an increase from 25 percent in 2014.'[121]

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8. 'Sur place' activity in the UK

8.1.1 A Landinfo report dated 11 November 2013 observed: 'There are significant Sudanese exile communities many places around the world', although noted that the largest diaspora communities were in Arabic countries and included mainly migrant workers.[122] The source continued: 'Neighbouring countries such as Egypt and Saudi Arabia have large groups of Sudanese, but other countries in the Gulf and Libya have also been significant migration destinations in the Arab world.' [123] Waging Peace in a report dated September 2014 also noted that Uganda, Kenya and Egypt had large Sudanese refugee populations and exiled political opposition.[124]

[120] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2a) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[121] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 2a) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[122] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013 (translation available on request)
[123] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013 (translation available on request).
[124] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September

8.1.2 The Landinfo report dated 2013 also noted: 'Outside the Arab world, as a former colonial power, the UK has a Sudanese immigrant community of considerable size. However, countries that are more open to immigration for work and higher educational purposes than those in Europe also have relatively large Sudanese communities - such as Canada, Australia and South Africa.'[125]

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9. Sudanese diaspora organisations

9.1 Types of Sudanese diaspora organisations

9.1.1 An IOM paper, dated July 2006, noted: 'Sudanese community organisations in the UK conform to a number of models, which include the following.

- Political Organisations: these are predominantly branches of Sudanese national political parties, for example the Umma Party, the Democratic Unionist Party and the Sudanese Communist Party. They also include organisations like the Sudan People's Liberation Movement (SPLM) and umbrella organisations like the National Democratic Alliance (NDA).
- Trade Unions: these are mostly branches in exile of formerly national organisations, such as the Sudanese Women's Union and the Sudanese Doctors' Union.
- National non-political organisations: these are also mostly national organisations. They have an activist agenda. Some of these organisations were banned in Sudan and sought refuge in the UK (e.g. the Sudan Human Rights Organisation); some have been formed ab initio in exile (the Sudan Organisation Against Torture).
- Refugee organisations are often formed by Sudanese asylum seekers in the UK. There is no single body with an overall remit covering all Sudanese asylum seekers in the UK. Instead, asylum seekers organise themselves in smaller organisations linked to the locality in which they live (e.g. the Sudanese Midlands Refugee Community).
- Social organisations are community organisations which have an almost purely social function. They are often formed on a regional basis with reference either to an area in the UK (e.g. the Sudanese community in Leeds) or to their members' origin in Sudan (e.g. the Organisation of Nubian Sudanese). The latter pattern of organisation tends to make them more ethnically oriented. Gender is also the basis of some social (and political) Sudanese community organisations.
- Some organisations combine two or more of the above patterns (e.g. the Organisation of Sudanese Nubians in London; the Equatoria Women Self Help Society; or the Sudan Women's Union).'[126]

2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Accessed 15 Auguat 2015.

[125] Landinfo, 'Sudan: Scope of political activity critical to the regime', para 6.1, 11 November 2013 (translation available on request)

[126] IOM, Sudan mapping exercise, London, July 2006, http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf. Accessed: 15 June

9.1.2 An IOM Migration Report on Sudan dated 2011 also observed:

'Sudanese abroad have formally grouped themselves in organized entities. These entities are first the social associations of people with Sudanese origin established in most the countries of migration, even at local level, having social and cultural interests and intending to maintain the ties with Sudan. In addition, starting from the early nineties highly skilled and qualified Sudanese expatriates and their descendants have constituted professional associations and networks intending to connect among themselves and to contribute to the development process in Sudan activities, an aspect that is also common in other Eastern African communities abroad such as Ethiopia and Somalia. These entities, which concern mainly physicians, engineers and researchers, largely rely on the Internet as communication means, hold annual meetings and provide direct contribution to development projects in Sudan. These networks are generally independent from the government or political associations, relying on membership and/or donors' contributions '[127]

9.1.3 Landinfo, in their 2013 report, observed that '... most Sudanese are very involved in politics...' and went onto note that '[i]n Sudanese exile communities, including ones in Norway, Sudanese with higher education form a significantly higher proportion of the community than they do in the indigenous population in Sudan. Thus, political activity in Sudanese exile communities is correspondingly high.'[128]

9.1.4 The report further noted:

'The Sudanese exile community in Norway is relatively small and until recently, it was composed mainly of people with higher education - precisely that segment of the indigenous Sudanese population that is particularly politically active. The Sudanese communities in Egypt, Saudi Arabia and the UK probably play a more important role in terms of political activity in exile, as they are much larger than those in Norway. Even so, Landinfo believes that Norway is a relatively important exile community for Sudanese in a European context.' [129]

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9.2 Justice and Equality Movement

9.2.1 The Justice and Equality Movement (JEM) is one of the main Darfuri insurgent groups known to be active in Darfur and is present in the UK. JEM's website states that it has an office in London, [130] also noted by testimonies published by Waging Peace.[131]

2015

[127] IOM, Sudan mapping exercise, London, July 2006, http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf. Accessed: 15 June 2015

[128] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013 (translation available on request)

[129] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013 (translation available on request)

[130] JEM, Justice and Equality Movement Sudan Office UK and Northern Ireland, http://www.sudanjem.org/2013/12/justice-and-equality-movement-sudan-office-uk-and-northern-ireland/. Accessed: 25 June 2015

[131] For example see testimony account from Ms A, Annex 6, Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and

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10. Surveillance

10.1 Surveillance in Sudan

10.1.1 A post on the Reporters without Borders website stated:

'In 2011, at the height of the Arab Spring, Sudan's ruling National Congress Party, fearing the spread of political challenges from abroad via social media, decided to upgrade its internet surveillance capability by forming a "Cyber Jihadist Unit" assigned to conduct "online defence operations" to "crush" internet dissidents.

'Two hundred agents spread throughout the country, working in shifts to provide 24 hour-a-day capability, especially during peak internet usage hours – nights and weekends. The unit was strengthened in 2012, when the Sudanese blogosphere was experiencing an unprecedented boom, growing from 70 to 300 blogs over a period of 18 months.

'The security services recruit agents… are trained to monitor internet content, hack online accounts (email, Facebook, Twitter), block or take down sites and identify targets to put out of action.

'However, the Cyber-Jihadist Unit on its own would be insignificant without the protection afforded by its parent organization, the NISS, the main agency for repression and censorship in Sudan… The Cyber-Jihadist Unit works with complete freedom of action thanks to the National Security Act of 2010, under which the NISS operates. This law reinforces the impunity with which NISS agents operate, allowing them to arrest any journalist and censor any publication on "national security" grounds. The NISS can keep an individual in detention for up to 45 days without charges, with the authorization renewable when the initial period expires.'[132]

10.1.2 Freedom House noted in a report covering events up to May 2016 that 'Compared to the highly restrictive space in the traditional media sphere—which is characterized by pre-publication censorship, confiscations of entire press runs of newspapers, and warnings from NISS agents against reporting on certain taboo topics—the internet remains a relatively open space for freedom of expression, with bold voices expressing discontent with the government on various online platforms.' [133]

10.1.3 However, the same report noted that in response to this:

'[T]he government employs a concerted and systematic strategy to manipulate online conversations through its so-called Cyber Jihadist Unit. Established in 2011 in the wake of the Arab Spring, the unit falls under the National Intelligence and Security Service (NISS) and works to proactively

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threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

[132] Enemies of the Internet, Reports without Borders, 'Sudan: Scoring high in censorship', 13 March 2014, http://12mars.rsf.org/2014-en/2014/03/10/29/. Accessed 20 December 2016

[133] Freedom House, 'Freedom on the Net 2016', Sudan, November 2016, https://freedomhouse.org/sites/default/files/FOTN%202016%20Sudan.pdf. Accessed 20 December 2016

monitor content posted on blogs, social media websites, and online news forums.[…]The unit also infiltrates online discussions in an effort to ascertain information about cyber-dissidents and is believed to orchestrate technical attacks against independent websites, especially during political events.'[134]

10.1.4 The same source also observed that 'Unchecked surveillance of ICTs is a grave concern among citizens in Sudan, where the government is known to actively monitor internet communications on social media platforms and target online activists and journalists during politically sensitive periods. The NISS regularly intercepts private email messages, enabled by sophisticated surveillance technologies.' [135]

10.1.5 The USSD report for 2016 noted: 'The government monitored private communication and movement of individuals and organizations without due legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.'[136]

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10.2 Surveillance abroad

10.2.1 In an article dated 9 January 2013, the Telegraph referred to 'Yassir', an asylum seeking activist in London. According to the article, Mr Yassir said he was detained in January 2013 on return to Sudan, months after attending a House of Lords debate on Sudan. The article observed that Mr Yassir was 'convinced that the security agents at Khartoum airport were acting on intelligence gathered in London.'[137] The article quoted an interview with Mr Yassir: '"I think there are some refugees that are not genuine but have been sent here by the Mukhabarat (Sudan Security Services) to monitor the rest of us...They said they had sent me to London to make a human of me...They said 'you are a black slave, you will never be the equivalent of an Arab. We sent you to the UK and you have come back brainwashed against us."' [138]

10.2.2 The Telegraph also quoted Kamal Kambal, a Nuba activist: '"We believe there are government spies writhing the Sudanese community...They knew the whole story of that meeting [with Mr Yassir] and used it against Yassir during his arrest."'[139]

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[134] Freedom House, 'Freedom on the Net 2016', Sudan, November 2016, https://freedomhouse.org/sites/default/files/FOTN%202016%20Sudan.pdf. Accessed 20 December 2016
[135] Freedom House, 'Freedom on the Net 2016', Sudan, November 2016, https://freedomhouse.org/sites/default/files/FOTN%202016%20Sudan.pdf. Accessed 20 December 2016
[136] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1e) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017
[137] The Telegraph, 'Sudanese 'diplomats spying for agents that torture in Khartoum', 9 January 2013, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html. Accessed 17 June 2015
[138] The Telegraph, 'Sudanese 'diplomats spying for agents that torture in Khartoum', 9 January 2013, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html. Accessed 17 June 2015
[139] The Telegraph, 'Sudanese 'diplomats spying for agents that torture in Khartoum', 9 January 2013, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html. Accessed 17 June 2015

10.2.3 A Waging Peace report from September 2014 referred to alleged spying by Sudanese officials in the UK. Ms A testified that after she was detained at Khartoum Airport she was shown photos of a meeting she had in London with a friend who was a member of JEM She was also shown a photo of herself at a Sudan Revolutionary Front event in London, which her friend in JEM had also attended.[140] This case was also reported by the Telegraph on 20 October 2014. [141]

10.2.4 According to Mr V, a senior member of the Sudanese opposition in the UK, the Sudanese intelligence services increased their monitoring in the UK in recent years:

> 'There is growing concern among the Sudanese community in the UK about the number of the NCP intelligence officers across the UK and the EU. It comes to our attention that the number of the NCP intelligence agents in the UK has increased sharply in the last three years and that those in the UK include senior officers who has been involved in crimes against humanity in Sudan. Their presence has created tensions in our wounded community.
>
> 'The NISS officers who come to UK do so by falsely seeking asylum or on student visas. Some work at the Sudanese Embassy as civil servants. We are also aware that some of them try to avoid our community so as not to be identified. We have noticed that many of them, directly or indirectly related to senior NCP members, claim to belong to the Tunjur or Berti tribes, these are Darfurian tribes that do not have their own languages, in order to claim asylum. Sadly some of these people have been unwittingly supported by some refugee organisations and by our community. Some of them are well known to us by their crimes against our people in Sudan whereas some hide themselves in cities across the UK so that they cannot be identified by our community.
>
> 'It strikes me that the Home office has failed to adequately check or verify that these people are genuine and that they have not been involved in crimes against humanity in Sudan. Not all of the NISS are here for one mission they are here for different missions such as money transfer (money laundering), buying property, lobbying for the NCP and information gathering amongst the opposition. The NCP have become extremely concerned about our community campaigns against human rights abuses and against war that targets innocent civilians. Therefore they have set to establish their own community in order to create balance and to further divide our community. It seems to me that the war in Sudan has been transferred to the UK with the arrival of the number of NISS. Urgent action needs to be taken to prevent any community clashes in the future. It seems that the UK has become a safe haven to those who commit crimes in Sudan.'[142]

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[140] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Accessed 26 June 2015

[141] The Telegraph, 'The Sudanese 'spies' in London Starbucks', 20 October 2014, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/11173595/The-Sudanese-spies-in-London-Starbucks.html. Accessed 26 June 2015

[142] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence

10.2.5 According to Mr V, NISS were currently active in London, Manchester, Birmingham, Cardiff and Newcastle, as well as other countries including Malaysia, South Sudan, Central Africa, Turkey, Qatar, Libya, Uganda, Kenya, France, Russia, Greek, Ethiopia, USA, Iran, Somalia, UK Yemen, Swaziland, Mali, Nigeria, Lebanon, Egypt, Chad and China.[143]

10.2.6 A third person interviewed by Waging Peace, Mr X, claimed that he and a friend had been threatened in the UK because of they opposed the Sudanese government. However, the source had no further evidence to substantiate that these threats were linked to the Sudanese authorities.[144]

10.2.7 A letter from the Deputy Head of Mission at the British Embassy in Khartoum, dated 8 April 2013, explained that: '...there is evidence from domestic and international human rights groups to show that those who openly oppose the government from abroad will likely be arrested on return.'[145] While the letter had no further information about monitoring activities in the UK, it did explain:

'Recently [in 2013] a number of opposition leaders who signed a political manifesto (New Dawn Charter) in Uganda calling for reform and the overthrow of the Government of Sudan were detained for a number of weeks. These were widely reported in the Sudanese press and acknowledged as fact by the Sudanese government. One of the arrestees was a dual Sudanese/British National and this Embassy has had direct contact with the Government of Sudan about the case. We have also received credible reports from political parties and human rights groups in Sudan that those who are overly critical of the government are usually subject to surveillance and intimidation by the security services. Reports from human rights groups suggest that Darfuris and Nubans are also more likely to be at risk from this type of persecution'. [146]

10.2.8 A second letter from the British Embassy, dated 19 February 2015, explained that the they had no independent evidence of 'overseas surveillance of asylum seekers by the Sudanese government', although acknowledged that '... in October 2012 a Sudanese diplomat was expelled from Norway following allegations of spying on Sudanese refugees there.'[147] The source noted:

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and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Accessed: 26 June 2015

[143] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Accessed: 26 June 2015

[144] Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Accessed: 26 June 2015

[145] British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013. Copy in Annex B of the country policy and information note, Treatment of returnees

[146] British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013. Copy in Annex B of the country policy and information note, Treatment of returnees

[147] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015. Copy in Annex C of the country policy and information note, Treatment of returnees

''Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees has an "obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan", although we have not received a clear answer as to what this means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS.' [148]

10.2.9 A Landinfo report dated 11 November 2013 noted in its summary that 'Political activity inside Sudan is not the sole focus of the Sudanese regime, which also tries to limit such activity among Sudanese abroad through monitoring exile communities.'[149]

10.2.10 The same source observed:

'The refugee spy case discovered by the Norwegian Police Security Service (PST) in October 2012 (see Sarstad 2012 and Sætran 2013) shows the Sudanese authorities attempt to monitor political activity in exile communities. While it is not possible to know exactly who the authorities' were targeting, Landinfo is aware that the threshold for being monitored in Sudan is extremely low. On this basis, we can assume that it is equally low abroad.

'At the same time: even though the authorities attempt to monitor communities in exile, this is a much more challenging task than is possible in Sudan. Surveillance "at home" can be carried out without problems and in more forms compared to what is possible abroad. In other countries, telephone tapping would be more difficult (as this often requires the complicity and support of the telephone companies), and other covert surveillance abroad would be more difficult than in Sudan.

'Open activities such as meetings, use of social media and similar activities would thus be relatively easier to monitor than "at home". It is impossible to say whether the use of informants is more common in exile than in Sudan.

'We emphasise that it is extremely difficult for outsiders to know what information the Sudanese intelligence authorities have on the political activities of individuals, as well as how they evaluate available information in relation to the action they take against specific individuals. ...'[150]

10.2.11 In a report dated 11 November 2013 Landinfo stated:

'Landinfo must conclude that those who carry out political activity critical to the regime when abroad can attract the attention of the authorities when they return to Sudan - if the authorities have noticed this activity. This applies as much to activities aimed at influencing public opinion and political development in Sudan, as activities aimed at gathering international recognition for the conditions in the country. The consequences of this type of activity will probably be the same as corresponding activity in Sudan. ...

[148] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015. Copy in Annex A of the country policy and information note, Treatment of returnees
[149] Landinfo, Sudan: Scope of political activity critical to the regime, Summary, 11 November 2013, http://landinfo.no/asset/2611/1/2611_1.pdf. Accessed 10 February 2017
[150] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, http://landinfo.no/asset/2611/1/2611_1.pdf. Copy of translation available on request

Landinfo emphasises that our interpretation of the examples described [about activity in Sudan] ... indicates that the regime's aim is more to stop regime-critical activity and frighten people from pursuing such activity in the future, rather than punishing them for activities that have already taken place.

'Landinfo also notes that political activity does not automatically have consequences for Sudanese when they return to the country - either voluntarily or enforced.'[151]

10.2.12 The source further noted:

'Even though it does not take much for NISS to create a file on a person for their political activity, Landinfo also believes that those whose political activity is not particularly great or who do not have great influence in the country in which they live or within their own community, will not be followed very closely. NISS is busy enough with following those they view as a real threat to the regime (precisely because the tolerance for monitoring is low and many are being monitored), and we believe that it takes more than membership of a political party, passive participation in a meeting occasionally and/or passive participation in public demonstrations for someone to be viewed as a threat.

'Exposure in local, national or international media may have some significance, but again, this will depend on a number of factors. As Landinfo sees it, taking part in a demonstration and possibly being featured in a photograph in a newspaper will probably be [of] little importance, whereas playing a leading role as a spokesperson or organiser would be more problematic, because it shows that the person has charisma, influence and can moblilise people. Being noticed in a medium with broad exposure will contribute more to this, but it is difficult to say just how much. ... These assessments should be seen in connection with the fact that the Sudanese security service must be well aware that the Sudanese are very politically engaged and have robust opinions on the political development in their homeland.'[152]

10.2.13 Freedom House noted in its report on internet freedom for 2014 that

'… Sudanese dissidents living abroad have also been targeted by the NISS, indicating a level of surveillance that may be able to cross international borders or entail cooperation with other governments. The prominent Sudanese blogger, Amir Ahmed Nasr, was one such expatriate who was confronted by an apparent Sudanese security agent while living in Kuala Lumpur, Malaysia. Also known for his autobiography about his blogging experience on difficult questions about Islam, identity, and Middle Eastern politics—which is banned in Malaysia—Nsar was told by the security agent that he was "being watched back in Khartoum by the NISS, and that [he] should stop [his] articles and speeches against the NCP, or else there will be

[151] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, http://landinfo.no/asset/2611/1/2611_1.pdf. Copy of translation available on request
[152] Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, http://landinfo.no/asset/2611/1/2611_1.pdf. Copy of translation available on request

consequences."[78] The blogger subsequently left Malaysia to seek political asylum in Canada […][153]

10.2.14 The USSD report for 2016 observed that:

'The government sometimes sought to get Sudanese citizens living abroad deported from their countries of residence. In July 2015 Waleed al-Hussein, the creator of critical online news outlet al-Rakoba, was arrested in Saudi Arabia, where he had been residing with his family. He was subjected to interrogations about his work with al-Rakoba, held in solitary confinement without charge for more than two months, and threatened with deportation to Sudan. In November 2015 he was transferred to a general holding cell. Family members believed he was arrested at the request of the Sudanese government, which had targeted Hussein for his work in the past and was seeking to have him extradited to Sudan. The government, however, denied having anything to do with the journalist's detention. Al-Hussein was released from prison in March, but Saudi authorities did not give him an exit permit to depart Saudi Arabia until September.'[154]

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11. Treatment on return

11.1.1 For information on the process for return and treatment on arrival in Sudan of those persons perceived to have a political profile and / or who have been involved in activities critical of the regime while outside of the country, see Treatment of returnees. In particular subsection, Persons of interest – allegations of difficulties on return.

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[153] Freedom House, Freedom on Net 2014, Sudan, December 2014, https://freedomhouse.org/report/freedom-net/2014/sudan, accessed on 20 December 2016

[154] USSD, 'Country Reports on Human Rights Practices for 2016', Sudan (section 1d) 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265306. Accessed 29 March 2017

Version control and contacts

Contacts

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Clearance

Below is information on when this note was cleared:

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

Changes from last version of this note

First version in CPIN format, but includes country policy and information on sur place activity which was previously a standalone note. That material has been updated in light of accepted recommendations made by the Independent Advisory Group on Country Information review of November 2016.

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