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COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

15 OCTOBER 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 28 August 2009. The 'Latest News' section contains further brief information on events and reports accessed from 29 August 2009 to 14 October 2009. The report was issued on 15 October 2009
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

Country of Origin Information Service

UK Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

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

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Independent Advisory Group on Country Information contact details:

Office of the Chief Inspector of the UK Border Agency

4th floor, 8-10 Great George Street,

London, SW1P 3AE

Email: chiefinspectorukba@homeoffice.gsi.gov.uk

Website: <http://www.ociukba.homeoffice.gov.uk/>

Latest News

EVENTS IN SUDAN, BETWEEN 29 AUGUST 2009 AND 14 OCTOBER 2009

- 14 October Qatari-hosted talks between the Sudanese government and Darfur rebels have been postponed until November 16th. The postponement was to allow the UN/African Union (AU) mediator, Jibril Basoli, to attend a meeting in Nigeria with AU leaders to consider a high-level panel report on Darfur.
 Agence France-Presse, Darfur talks in Qatar postponed until next month, 15 October 2009 (accessed via Reliefweb)
<http://www.reliefweb.int/rw/rwb.nsf/db900SID/KHII-7WU4K2?OpenDocument&RSS20=02-P>
Accessed: 14 October 2009
- 12 October Unidentified gun men opened fire on a military-guard post of the African Union-United Nations Mission (UNAMID) in Kutum, North Darfur, injuring one soldier.
 UNAMID, UNAMID condemns attack on its guard post, 13 October 2009
<http://unamid.unmissions.org/Default.aspx?tabid=888&ctl=Details&mid=1062&ItemID=6177>
Accessed: 14 October 2009
- 8 October An African Union panel has handed over a report aimed at finding a peaceful solution to the conflict in Sudan's Darfur region. The document has not been made public, but analysts say it is likely to recommend a local tribunal, backed by the African Union, Sudan and possibly the Arab League to deal with abuses committed in Darfur.
 BBC World News website, Africa, Mbeki delivers AU Darfur report, 8 October 2009
<http://news.bbc.co.uk/1/hi/8296789.stm>
Accessed: 14 October 2009
- 1 October President al-Beshir announced that he supports a "democratic transformation" in Sudan, promising that general elections scheduled for 2010 would be free and fair.
 Agence France-Presse, Beshir pledges free Sudan vote in 2010, 1 October 2009 (accessed via Relief Web)
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/VVOS-7WERC3?OpenDocument&rc=1&cc=sdn>
Accessed: 6 October 2009
- 30 September Some 20 political parties issued a threat to boycott the 2010 elections due to concerns over laws relating to civil liberties, such as press freedom and democracy. The announcement came following a four-day conference in Juba hosted by the Sudan People's Liberation Movement (SPLM) who were among the parties threatening to boycott the process.
 Sudan Tribune, Juba conference threatens to boycott Sudan's election, 1 October 2009
http://www.sudantribune.com/spip.php?page=imprimable&id_article=32637
Accessed: 6 October 2009

IRIN Africa, Analysis: The dangers of Sudan's elections,
2 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86399>
Accessed: 6 October 2009

28 September An African Union-United Nations Mission in Darfur (UNAMID) convoy was attacked by 6-8 armed men in El Geneina, Darfur, resulting in the death of one peacekeeper. The attack was condemned by the UN Secretary General, who called on the Sudanese authorities to bring the perpetrators to justice.

UN News Centre, Darfur: Ban deplores attack resulting in death of African Union-UN peacekeeper, 29 September 2009
<http://www.un.org/apps/news/story.asp?NewsID=32337&Cr=darfur&Cr1=>
Accessed: 6 October 2009

27 September President al-Bashir ordered an end to state censorship of the media ahead of elections scheduled for next year. The move was welcomed by editors, although caution remained over how the media would be allowed to cover sensitive stories. The decision to lift censorship restrictions followed the introduction of a code of conduct for journalists.

Reuters – AlertNet, Sudan lifts media censorship but editors cautious, 27 September 2009 (Published via ReliefWeb)
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7WB9T5?OpenDocument&rc=1&cc=sdn>
Accessed: 6 October 2009

23 September The government of South Sudan announced it was sending a 500-strong battalion to Jonglei state to protect civilians following a wave of attacks by heavily armed tribal groups. The move came after a skirmish on 20 September in which fighters from the Lou Nuer ethnic group attacked Duk Padiet village, inhabited by the Dinka Hol tribe. The incident left nearly 100 people dead. The attacks may have been politically motivated, rather than to do with cattle-rustling, a common cause of inter-tribal violence.

Reuters – AlertNet, South Sudan sends in troops to stem tribal violence, 23 September 2009
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7W73QT?OpenDocument&rc=1&cc=sdn>
Accessed: 6 October 2009

Reuters – AlertNet, Timeline – Violence spirals in south Sudan, 5 October 2009
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/VVOS-7WJKN7?OpenDocument>
Accessed: 6 October 2009

IRIN, SUDAN: Organised violence escalating in the south, 1 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86389>
Accessed: 6 October 2009

22 September UN Secretary General, Ban Ki-moon, voiced his deep concerns about the recent clashes between the Government of Sudan and rebel forces in the area of Korma, North Darfur.

UNAMID, Secretary General deeply concerned by reports of recent clashes, 22 September 2009

<http://unamid.unmissions.org/Default.aspx?tabid=898&ctl=Details&mid=1062&ItemID=5790>

Accessed: 6 October 2009

11 September

The UN expressed grave concern about the increasing number of deaths due to escalating attacks by Ugandan rebel group, the Lord's Resistance Army against civilians – mostly women and children – in southern Sudan's Western and Central Equatoria states. In the first week of September there were reports of seven such attacks taking place.

Office of the United Nations Resident and Humanitarian Co-ordinator for the Sudan, 11 September 2009 (accessed via ReliefWeb)

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7VVQZX?OpenDocument&rc=1&cc=sdn>

Accessed: 6 October 2009

IRIN, Sudan: Women, children increasingly targetted in Southern clashes, 4 September 2009

<http://www.irinnews.org/Report.aspx?ReportId=86000>

Accessed: 6 October 2009

29 August 2009

Two international civilian staff from the UNAMID were taken hostage at gun point from their home in Zalinegei, West Darfur, to an unknown location. UNAMID has since appealed for their unconditional release.

UNAMID, UNAMID continues to appeal for release of abducted staff members, 28 September 2009

<http://unamid.unmissions.org/Default.aspx?tabid=898&ctl=Details&mid=1062&ItemID=6007>

Accessed: 6 October 2009

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REPORTS ON SUDAN PUBLISHED OR ACCESSED SINCE 28 AUGUST 2009

World Health Organisation (WHO), <http://www.who.int/en/>

South Sudan conflict-related crisis - Health situation report no.1, 2 September 2009

<http://www.who.int/hac/crises/sdn/sitreps/2september2009/en/index.html>

Date accessed 2 October 2009

UN Security Council Report, September 2009, www.un.org/sc/

http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.5396427/k.1AB5/September_2009brSudan.htm

Date accessed 6 October 2009

USAIDS

Monthly Updated, September 2009, <http://www.usaid.gov/>

[http://www.usaid.gov/locations/sub-](http://www.usaid.gov/locations/sub-saharan_africa/countries/sudan/docs/sept09_monthly_update.pdf)

[saharan_africa/countries/sudan/docs/sept09_monthly_update.pdf](http://www.usaid.gov/locations/sub-saharan_africa/countries/sudan/docs/sept09_monthly_update.pdf)

Date accessed 6 October 2009

Human Rights Watch (HRW) www.hrw.org/

The Way Forward: Ending Human Rights Abuses and Repression across Sudan, 6 October 2009

<http://www.hrw.org/en/reports/2009/10/06/way-forward-0>

Date accessed: 14 October 2009

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Background information

1. GEOGRAPHY

1.01 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa World Online, revised 2008, accessed 22 July 2009) **[1b] (Area and Population) (p1)** Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, April 2007) **[6a]**

1.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab. Interethnic and intercommunal fighting in the south continued." **[3a] (Section 5)**

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

1.03 Europa World Online, accessed on 22 July 2009 noted that: "Arabic is the official language, although other languages are spoken and English is widely understood." **[1b]**

1.04 The CIA World Fact book, updated 21 July 2009 noted that the population of Sudan was 41,087,825 (July 2009 est.) **[2a] (Geography)** (Europa World Online, accessed 22 July 2009) recorded that the population of the capital, Khartoum, was approximately 1,802,299 (mid-2007). **[1b] (Area and Population) (p2)** However, the Foreign and Commonwealth Office Country Profile on Sudan, updated 6 November 2007 estimated the population of Khartoum City to be 2.5 million and Khartoum State to be 7 million. **[4a] (p1)** (Europa World Online, accessed 22 July 2009) also noted that the principle towns included Omdurman, Khartoum (Capital), Khartoum (North), Port Sudan, Kassala, El-Obeid, Nyala, El-Gezira, Gedaref, Kosti, El-Fasher and Juba. **(Area and Population) [1b] (p2)**

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

1.05 Most northern Sudanese are Muslims, while in the south most of the inhabitants are animists or Christians. (Europa World Online, accessed 22 July 2009) **[1b] (Location, Climate, Language, Religion, Flag, and Capital) (p1)**

1.06 The US State Department International Religious Freedom Report 2008, Sudan, released on 14 September 2008, noted:

"An estimated 70 percent of the population is Muslim. Islam predominates in the north. Almost all Muslims are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi brotherhoods.

"An estimated 25 percent of the population holds traditional indigenous beliefs (animism), which are prevalent in rural areas throughout the country. Some

animists have been baptized but do not identify themselves as Christians or they combine Christian and animist practices.

“Christians are the third largest religious group, traditionally concentrated in the south and the Nuba Mountains. Widespread displacement and migration during the long civil war increased the population of Christians living in the north. While many Christians have returned to the south, Khartoum still has a significant Christian population. The Roman Catholic Church of Sudan and the Episcopal Churches of Sudan estimate they have six million and five million baptized followers, respectively, although active churchgoers are far fewer.” [3h]

See also [Freedom of Religion](#)

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PUBLIC HOLIDAYS

- 1.07 Europa World Online, accessed 22 July 2009, recorded the following as public holidays in Sudan.

“2008 1 January (Independence Day); 10 January*† (Muharram, Islamic New Year); 20 March* (Mouloud, Birth of the Prophet); 6 April (Uprising Day, anniversary of the 1985 coup); 28 April (Sham an-Nassim, Coptic Easter Monday); 30 June (Revolution Day); 1 October* (Id al-Fitr, end of Ramadan); 9 December* (Id al-Adha, Feast of the Sacrifice); 25 December (Christmas); 29 December*† (Muharram, Islamic New Year).

“2009 1 January (Independence Day); 9 March* (Mouloud, Birth of the Prophet); 6 April (Uprising Day, anniversary of 1985 coup); 20 April (Sham an-Nassim, Coptic Easter Monday); 30 June (Revolution Day); 20 September* (Id al-Fitr, end of Ramadan); 27 November* (Id al-Adha, Feast of the Sacrifice); 18 December* (Muharram, Islamic New Year); 25 December (Christmas).

“*The dates of Islamic holidays are determined by sightings of the moon, and may be slightly different from those given above.

†This festival occurs twice (marking the start of the Islamic years ah 1429 and 1430) within the same Gregorian year.” [1c]

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MAP OF SUDAN AND NEIGHBOURING COUNTRIES

1.08 Sudan, political map, April 2007, from main United Nations Human Rights Commission (UNHCR) website: [6a]

<http://www.un.org/Depts/Cartographic/map/profile/sudan.pdf>



Additional maps can be located on the following websites:

ReliefWeb website located at:

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-64GDRR?OpenDocument>

European Country of Origin Information Network (Ecoinet)

<http://www.ecoi.net/sudan/maps>

North Darfur: Population Movements Jan-Feb 2009, (Updated figures, based on reports received 1 March 2009)

http://www.unsudanig.org/library/mapcatalogue/darfur/data/idp/Map%201344%20SU-DAR-IDP25_A3_090302_New_Displacements_Jan-Feb_09_V05.pdf

United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA)

<http://ochaonline2.un.org/sudan>

United Nations – Sudan maps

<http://www.unsudanig.org/library/mapcatalogue/sudan/index.php>

United Nations Map of tribal locations in Darfur, 3 September 2004

http://www.unsudanig.org/library/mapcatalogue/darfur/data/others/darfur/Map%20SU-DAR-OTH-04_A3_21Oct04_Darfur%20Tribal%20Locations%20Draft.pdf

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2. ECONOMY

- 2.01 The *Gurtong* reported on 3 January 2009 that the level of unemployment in Eastern Equatoria State was high and that the Governor of the state had expressed concern over the high rates of unemployment of university graduates in the state, noting that approximately two-thirds of the youth remain unemployed despite having graduated with marketable courses.

“...due to the frustrations of studying hard in the hope of getting jobs and failing to do so, the idle youths have resorted to theft and other sorts of crimes in order to sustain their livelihoods. ‘This is one of the major problems facing the unemployed youth and the State Government is trying to contain it by creating job opportunities in the coming year in an attempt to reduce the rate of crimes which currently appears rampant’, the Deputy Governor stated.” [18v]

- 2.02 The Economist Intelligence Unit (EIU) reported in its February 2009 monthly review that.

“The deputy finance minister, Al-Tayib Abu-Gnaya, told Sudan's National Assembly on February 11th that oil revenue had declined so much that he did not expect the treasury to receive any net oil revenue this year until April. Mr Abu-Gnaya's forecast illustrates the Sudanese authorities growing concern about the deterioration in the fiscal outlook. Earlier in February, the finance minister, Awad Ahmed al-Jaz, declared that Sudan's ‘era of oil dependency’ was over. Mr Jaz said that the 2009 budget was calculated on the basis of an expected average oil price of US\$50/barrel.” [114a]

- 2.03 Explaining the operation of the country's exchange rate, the Economist Intelligence Unit (EIU) recorded in its February 2009 monthly review that:

“The central bank operates a managed float of the pound through foreign currency purchases and daily limits on the trading band although the authorities sometimes intervene directly to smooth out short-term volatility related to oil production and foreign direct investment flows. This is in contrast to the policy in place for much of 2007, when maintaining a de facto peg to the dollar at around SP2.01: US\$1 reduced foreign-exchange reserves to very low levels (an estimated 1.2 months of import cover at end-March 2008). The loosened constraints allowed the pound to fall steadily to SP2.08: US\$1 at the end of August and then more rapidly as the dollar strengthened against other major currencies and we expect further depreciation over the outlook period, as the dollar continues to appreciate and rising fiscal pressures and political concerns weigh on the Sudanese currency. The pound is therefore projected to depreciate to an average of about SP2.28: US\$1 in 2009 and SP2.42: US\$1 in 2010.” [114a]

- 2.04 On the website rates.cx, last updated 2 June 2009, provided exchange rate data, currency converters and calculators. Details for Sudan as follows:

1 Sudanese Pound = 0.430700 US Dollar
 1 US Dollar (USD) = 2.3218 Sudanese Pound (SDG)
 1 Sudanese Pound = 0.263780 British Pound Sterling
 1 British Pound Sterling (GBP) = 2.3218 Sudanese Pound (SDG) [112a]

- 2.05 Freedom House reported in its 2009 World Country Report for Sudan, released July 2009, that:

“Sudan’s relatively weak economy, which had benefited from high oil prices in recent years, slowed in 2008 due to a drop in prices late in the year and declining production in the country’s older fields. The United States and many of its allies have imposed sanctions on Sudanese companies and officials due to the Darfur conflict, but China, one of Sudan’s main trading partners, continues to violate a UN arms embargo by supplying the government with military equipment and training.” [53b]

- 2.06 In relation to the economy, Reuters on 12 May 2009 reported:

“Sudan expects its economy to grow by up to 6 percent this year, helped by increasing revenues from the export of livestock and related products, the country’s finance minister said. Sudan, a modest oil producer, had recorded GDP growth of 8-9 percent last year, Finance and National Economy Minister Awad Ahmed al-Jaz told Reuters in an interview on Sunday. The central bank recently revised down its growth forecast to 5 percent because of the global financial crisis and falling oil prices. ‘We are estimating that we will achieve 6 percent growth, even though others are reporting negative and zero growth, we are comfortable with 4-6 percent growth and that is versus 8-9 percent in 2008.’ [70c]

- 2.07 The CIA World Fact book, updated 21 July 2009, stated:

“Until the second half of 2008, Sudan’s economy boomed on the back of increases in oil production, high oil prices, and large inflows of foreign direct investment. GDP growth registered more than 10% per year in 2006 and 2007. From 1997 to date, Sudan has been working with the IMF to implement macroeconomic reforms, including a managed float of the exchange rate. Sudan began exporting crude oil in the last quarter of 1999. Agricultural production remains important, because it employs 80% of the work force and contributes a third of GDP. The Darfur conflict, the aftermath of two decades of civil war in the south, the lack of basic infrastructure in large areas, and a reliance by much of the population on subsistence agriculture ensure much of the population will remain at or below the poverty line for years despite rapid rises in average per capita income. In January 2007, the government introduced a new currency, the Sudanese Pound, at an initial exchange rate of \$1.00 equals 2 Sudanese Pounds.” [2a] (Economy overview)

- 2.08 Europa World Online, accessed 22 July 2009, recorded the inflation rate at 8%. (annual average, 2007) [1b] (Finance)

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3. HISTORY

- 3.01 Europa World (accessed 22 July 2009) noted that Sudan achieved independence from the UK on 1 January 1956. This was followed shortly afterwards by a military coup in November 1958 which established the Supreme Council of the Armed Forces. This Council ruled until October 1964, when it was overthrown in a civilian revolution. In May 1969 power was seized by a group of officers, led by Col Gaafar Muhammad Nimeri, who proclaimed the Democratic Republic of The Sudan, having abolished all existing political institutions. In October 1971 Nimeri was confirmed President by referendum and the Sudanese Socialist Union (SSU) was recognised as the only political party. [1b] (History)
- 3.02 The Canadian International Development Agency (CIDA) in its country profile for Sudan, reported on 2 June 2009, that there have been three conflicts in Sudan: between the north and south Sudan, east Sudan, and in Darfur. These conflicts have created rising instability in the country despite the signing of three peace agreements since January 2005 for Darfur, east Sudan, and the north and south conflict. [11b]
- 3.03 Reporting in more detail on the three conflicts, the CIDA report noted the following:
- “A north-south civil war between the Sudan People's Liberation Movement/Army and the Government of Sudan caused approximately two million deaths and displaced more than four million people from 1983 until the signing of a peace accord in January 2005. The end of hostilities opened the door for millions to return to their homes in south Sudan. ...
- “In February 2003, conflict in the Darfur region of north-western Sudan flared up between nomadic tribes and settled northerners on the issue of land use, and between rebel factions on the issue of wealth redistribution. The conflict in Darfur has resulted in the displacement of over four million people and the death of two hundred thousand people. Many internally displaced people in Sudan have regularly been exposed to gross violations of fundamental human rights and the laws of war. Following the signing of a ceasefire agreement in 2004, the African Union deployed its peacekeeping mission. This mission was subsequently transformed into a United Nations mission. The security conditions and humanitarian situation remain unstable despite the signing of the Darfur Peace Agreement in May 2006.
- “In eastern Sudan, there was a relatively low-intensity conflict between the government and the Eastern Front. The Front was created in February 2005 as an alliance between two eastern tribal rebel groups, the Rashaida tribe's Free Lions and the Beja Congress. The rebels' gravest threat was to block the flow of oil through Port Sudan. The Eastern Front demanded that power and wealth be shared more equitably within Sudan, including eastern Sudan.” [11b]
- 3.04 Jane's Sentinel's, Executive Summary of Sudan, updated on 6 June 2009, provided the following overview on the history of Sudan:

“The Republic of the Sudan, the largest country in Africa, has been ravaged by civil war since it gained independence in 1956. The traditional view of the war as a north-versus-south conflict caused by irreconcilable ethnic and religious differences between Arabian and African legacies is an oversimplification, as authoritarian government policies have provoked a more widespread rebellion since the mid-1990s. In 1995, northern opposition groups joined the southern rebel Sudan People's Liberation Movement/Army (SPLM/A) to form the umbrella National Democratic Alliance (NDA) to fight against President Omar al-Bashir's Islamic-military government, which seized power in 1989. Thereafter a variety of armed groups from Sudan became arrayed against the government, with a major insurgency also developing in the western Darfur region. In the east of the country, another insurgency, albeit low-level, had also been waged over perceived marginalisation. The discovery of significant quantities of oil further complicated the conflicts. Under extreme pressure from the US, prospects for north-south peace were advanced in July 2002, when the government and the SPLM/A signed the Machakos Protocol. This framework agreement outlined a peace deal under which the south would become a self-administering part of Sudan for a six-year period; a referendum would then be held to determine its final status. Negotiations in Kenya resolved outstanding issues on 26 May 2004 and a Comprehensive Peace Agreement (CPA) was finally concluded on 9 January 2005. However, implementation of the deal has proved more problematic, with both the SPLM and the National Congress Party (NCP)-led government accusing the other of causing delays. Elections due in 2009 have now been set for February 2010. The slow implementation of the peace accord is a clear threat to its long-term survival. Ongoing tensions over the CPA's implementation also have the potential to undermine peace efforts in Darfur. At present, prospects for meaningful peace negotiations with the fragmented Darfur rebel groups continue to look slim.” [116a]

The BBC Country Profile last updated 29 July 2009 also provided an overview of Sudan. Full details can be accessed via the following link: http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/820864.stm

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THE AL-BASHIR REGIME

3.05 The FCO's country profile, last updated on 6 November 2007, stated:

“On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair.” [4a] (History)

3.06 Throughout al-Bashir's rule, conflict between the north-central Arab-led government and the disenfranchised, marginalised areas of the south, and

later west and east Sudan has been continuous. (Europa World Online, accessed 22 July 2009 – Recent History) [1b]

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PEACE AND CONFLICT IN SUDAN

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

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

- 3.08 The FCO's Country Profile on Sudan, updated on 6 November 2007, also noted that: "The two sides established a Government of National Unity (GNU). The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang (leader of the SPLM/A) and Vice President Taha, was sworn in on 9 July 2005. The National Assembly met on 1 September 2005 and the formation of the GNU was announced on 20 September 2005". The GNU includes Ministers from the National Congress Party (NCP), the SPLM, the National Democratic Association (NDA) primarily the Democratic Unionist Party (DUP), Umma Party Reform and Renewal (UP R&R), the Umma Party Collective Leadership (UP CL), Democratic Unionist Party (Registered - DUP-R), United Sudanese African Parties (USAP), the United Democratic Salvation Front (UDSF), South Sudan Democratic Forum, and Ansar al-Sunnah. The CPA provided for a devolved Government of Southern Sudan (GoSS). [4a] (Southern Sudan)

- 3.09 The same FCO report noted that Dr John Garang, the original head and lead negotiator for the SPLM/A, was killed in a helicopter accident in Southern Sudan on 30 July 2005 shortly after the CPA's signing. Though there were rumours of sabotage, an international commission of enquiry found no evidence of wrongdoing. Garang was succeeded by Lt. Gen. Salva Kiir Mayardit, as First Vice President and President of the GoSS and President of the SPLM.

"The GNU functioned until October 2007 when Kiir announced the suspension of GoSS from the GNU, citing several CPA provisions that had not been implemented on schedule. Both sides remain in dialogue to resolve the political impasse and have re-affirmed their commitment to the full implementation of the CPA. In spite of the political difficulties, there has not been a return to armed conflict between the North and South." [4a] (Southern Sudan)

- 3.10 The report further added:

"Despite the CPA, peace in southern Sudan remains fragile. The timetable for implementation of the CPA is beginning to slip. Northern troops have not withdrawn from all parts of the South as envisaged in the CPA, and troops loyal to the Khartoum government remain around some of the economically important oil fields. Preparations for a new census, an important pre-requisite

for successful elections, are also behind. While the CPA's security arrangements are making progress in parts of the South, the presence of other armed groups such as the Lord's Resistance Army remains a threat to maintaining peace". [4a] (Southern Sudan)

3.11 The International Crisis Group reported on 13 March 2008 that:

"On 11 October 2007, the Sudan Peoples Liberation Movement (SPLM) announced it was suspending participation in the Government of National Unity because the National Congress Party (NCP) was not implementing key aspects of the 2005 Comprehensive Peace Agreement (CPA) that ended the generation-long, primarily North-South conflict. After months of high-level meetings, military posturing and increasingly aggressive rhetoric, the parties agreed on a series of measures and drew back from the brink. The SPLM rejoined the government, which includes a reorganised cabinet, on 27 December. The immediate crisis has been defused, but underlying difficulties remain, and the risk of significant new fighting is growing in the Abyei area. Both parties must re-commit to full CPA implementation if peace is to hold, and the international community must re-engage robustly in support of the still shaky peace deal and recognise that CPA implementation would create the best environment for peace in Darfur and beyond." [14a]

See also [Implementation of the Comprehensive Peace Agreement; Government of Southern Sudan \(GoSS\)](#); [Security situation](#) and [Annex B](#)

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THE DARFUR CONFLICT

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

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

The Darfur Peace Agreement (DPA): 5 May 2006

3.13 "The African Union (AU) brokered Darfur Peace Agreement (DPA) was signed on 5 May 2006 between the Government of Sudan and the Minni Minawi

faction of the SLM. The DPA gives the rebels a say in government at the national and regional levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to show good faith in the Agreement, particularly by disarming the Janjaweed Arab militias.” (FCO Country Profile, 6 November 2007) [4a] (Darfur Peace Agreement)

- 3.14 Implementation of the DPA “...has been slow, held back by the refusal of other rebel factions to sign it.” The conflict in Darfur has continued. [4a] (FCO Country Profile, 6 November 2007 – Darfur Peace Agreement) With the displacement of around 2 million people (one third of the population) and over 3.5 million in need of humanitarian assistance, the situation has attracted world wide attention. Attacks have continued, including targeted attacks on aid workers, and the humanitarian and security situation has greatly deteriorated in the troubled western region. [8a] (DfID, 3 December 2007)

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

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

- 3.16 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide.” [3a] (p1)

See also [Latest news](#), [Implementation of other peace processes](#); [Security situation](#); [Armed opposition factions: West Sudan \(Darfur\)](#) and [Annex B](#)

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CONFLICT IN EASTERN SUDAN

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

“Eastern Sudan, a vast sun-blasted land of some 300,000 square kilometers, is home to an estimated three to four million of Sudan’s poorest people. The region is made up of three states: Red Sea, Gadaref and Kassala. In each of

these states the living conditions are so harsh that the local population has been facing acute poverty, persistent drought and famine, a lack of adequate access to healthcare and education, high levels of unemployment in addition to land degradation and shrinking pasture areas, for a very long time. This state of affairs led to a low-intensity rebel insurgency over the past eleven years that was settled with the signing of the Eastern Sudan Peace Agreement (ESPA) in October 2006, between the Government of Sudan and the Eastern Front.

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

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

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

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

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

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

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

See also [Implementation of other peace processes](#); [Security situation](#); [Armed opposition factions: East Sudan](#) and [Annex B](#)

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4. RECENT DEVELOPMENTS

GENERAL

- 4.01 The United Nations Development Programme (UNDP) reported on 8 January 2009 that the Japanese government had signed an agreement with UNDP to provide 1.575 billion yen (about \$17 million) in grant assistance to the Disarmament and Demobilization and Reintegration (DDR) programme in Sudan.
- “The Disarmament, Demobilization and Reintegration programme will ensure the fundamentals of peace and stability in Sudan, and pave the way to sustainable development across the country’, said Ambassador Ishii. ‘With this contribution from the people of Japan, we strongly hope that all parties will make further efforts to overcome challenges and implement the programme in a timely and smooth manner’.” [98b]
- 4.02 Médecins Sans Frontières (MSF) and Care International amongst many other sources reported on 6 March 2009 that on 3 and 4 March, the Sudanese government ordered a number of relief organisations to stop all their medical relief programs. This will have serious medical and humanitarian consequences for the population of Darfur the reports stated. An example of which is the meningitis outbreak in Kalma camp where an estimated 121,000 people who are in urgent need of vaccination will no longer receive help. [41e] [117a]
- 4.03 The *Sudan Tribune* reported on 12 March 2009 that the aid organisations CARE and Doctors Without Borders (Médecins Sans Frontières), recently expelled from Sudan, expressed their ‘deep concern’ for the humanitarian situation in Darfur and warned of outbreaks of disease epidemics and a spill-over of refugees into Chad. [12bg]
- 4.04 The *Sudan Tribune* also on 12 March 2009 reported that three Médecins Sans Frontières aid workers were reportedly kidnapped on 11 March 2009 in Darfur. [12bh]
- 4.05 The *Sudan Tribune* reported on 15 March that China had refused to endorse a draft UN statement calling for the government of Sudan to back down on its expulsion of 13 humanitarian aid organisations from Darfur. China is the largest foreign investor in Sudan, which supplies about 7% of China’s oil, and has a vested interest that the “Sudanese government is not a subject to punitive measures.” [12bj]
- 4.06 The *Sudan Tribune* reported on 21 June 2009 that: “The Sudanese government today [21 June 2009] inaugurated a project to build new village complexes in the Southern state of Jonglei, according to the state agency. The village will be named after the late chairman of Sudan People Liberation John Garang who was killed in a helicopter crash in 2005.” [12s]
- 4.07 The *Sudan Tribune* reported on 4 July 2009 that the government of Southern Sudan had rejected the 2008 population census results, saying it should not be used as the basis for allocating wealth and power sharings in the region. However, the Elections Commission had already allotted the constituencies

based on the results stating the Presidency had already approved the results. [12q]

4.08 The Sudan Tribune reported on 5 July 2009 that:

“The Embassy of the United States of America in Khartoum will resume in the coming months the visa issuance for Sudanese after more than a decade.

“Holders of Sudanese passports have to file their visa application to the US consular service in Cairo, Egypt. Also an American consular officer visits the US embassy in Khartoum about once per month to deliver visa for Sudanese officials or other special cases.

“Washington closed the consular service at the US embassy in Sudan in 1998 after the bombing of Ashifa pharmaceutical plant which the United States claimed was helping Ussama bin Laden after attacks against its diplomatic missions in Kenya and Tanzania.” [12e]

4.09 The International Criminal Court (ICC) report dated 17 July 2009 recorded that:

“The International Criminal Court (ICC) arrest warrant against President Bashir for atrocity crimes in Darfur has brought Sudan to a new decision point. The long ruling National Congress Party (NCP) has defied the court, gained African Union (AU) and Arab League pressure on the Security Council to suspend the case and restricted humanitarian aid in Darfur, putting several million internally displaced persons (IDPs) and others at risk. Darfur rebels have been emboldened, reducing prospects for diplomatic progress.” [137a]

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POLITICAL DEVELOPMENTS

4.10 The *Sudan Tribune* reported on 4 January 2009 that the proposed elections scheduled to take place towards the end of the year are key prerequisites of the Comprehensive Peace Agreement (CPA), which was concluded on January 9, 2005, between the Government of the Sudan (GOS), represented by the National Congress Party (NCP), and the Sudan People's Liberation Movement and Army (SPLM/A) that ended a 22-year civil war. It is hoped that the elections would be followed quickly by a self-determination referendum for the south. [12ap]

4.11 The same source added: “The elections, thus, serve as a mechanism for democratic transformation after almost two decades (1989-2005) of monopolizing state power by one party, as well as provide a political space for making unity ‘attractive’ by persuading southerners to vote for unity in the upcoming referendum.” [12ap]

4.12 Amnesty International (AI) reported on 15 January 2009 that: “Hassan Al Turabi, leader of the opposition group Popular Congress Party (PCP), was arrested on 14 January by armed agents of the Sudanese National Intelligence and Security Services (NISS), at his home in the capital, Khartoum. He has been held incommunicado, without charge, since then, and has had no access to medical treatment.” [16e]

- 4.13 The *Gurtong* reported on 16 January 2009 that the SPLA Bill was passed by Parliament on 4 January 2009. "The South Sudan Legislative Assembly on Wednesday passed the Sudan People's Liberation Army (SPLA) 2009 Bill." The report added that the spokesperson of the South Sudan Legislative Assembly, Honourable James Wani Igga, said that all army authorities would have to respect the law once the Bill was passed and appealed to all the SPLA members to follow the law in order for peace and order to prevail. He further added that no one was above the law and that soldiers who commit crimes as indicated in chapter eight of the SPLA 2009 Bill would be punished as a method of sustaining the law and maintaining order in South Sudan. [18n]
- 4.14 The *Sudan Tribune* reported on 2 February 2009 that the ex-rebels of the Sudan People's Liberation Movement (SPLM) were scheduled to discuss preparations for the upcoming general elections. This is because the ruling party, the National Congress Party (NCP) and the SPLM have failed to agree on National Security Law, Press Law, Land Commission and Human Rights Commission.
- "The independent Al-Sahafa daily quoted the SPLM deputy Secretary General Yasir Arman as saying that the National Assembly needs to pass a number of 'crucial' laws before the elections." Further more: "Arman said that any delay in passing the laws 'will harm the elections and the chances that they will be held on time. This will make the [Sudanese] constitution hanging in the air' he said." [12ar]
- 4.15 The *Sudan Tribune* reported on 10 February 2009 that:
- "Several Arab countries are contemplating an offer of refuge for the Sudanese president Omer Hassan Al-Bashir following a likely decision by the International Criminal Court (ICC) judges to issue an arrest warrant for him. The ICC expected to release a decision within days agreeing to issue an arrest warrant for Bashir at the request of its prosecutor Luis Moreno-Ocampo who accused Al-Bashir of masterminding a campaign to get rid of the African tribes in Darfur; Fur, Masalit and Zaghawa." [12ax]
- 4.16 The report added: "... unspecified number of Arab countries are working on creating an acceptable offer to Bashir that would convince him to be hosted by them in return for protection from judicial prosecution." Stressing that an offer would only be extended "if the need arises". [12ax]
- 4.17 The *Telegraph* reported on 12 February 2009 that a warrant for the arrest of the Sudanese President over alleged Darfur genocide was to be issued by the International Criminal Court. Noting that this was the first time the tribunal had sought the detention of a sitting head of state in its seven years of operating. [108a]
- 4.18 The *Sudan Tribune* reported on 18 February 2009 that the Sudanese government and the rebel Justice and Equality Movement (JEM) had signed an agreement of good intentions following one week of meeting in the Qatari capital, pledging to negotiate a peaceful settlement to the six-year conflict in the western Sudan region of Darfur. "... According to the signed document the two warring parties declared 'their intention to join forces in order to end the

conflict' peacefully. They also agreed to adopt a 'comprehensive approach' and to address the 'root causes' of the crisis." [12be]

- 4.19 The BBC and UN reported on 4 March 2009 that the International Criminal Court (ICC) had issued an arrest warrant for Sudan's President, Omar al-Bashir, on charges of war crimes and crimes against humanity in Darfur. The President denies the charges and has dismissed any ruling by the court as worthless. [9g] [6h]
- 4.20 *Times* online reported on 9 March 2009 that Hassan al-Turabi, the 76 year old Islamist opposition leader was freed from prison in Port Sudan in the early hours, two months after his detention for calling on President Al-Bashir to surrender to the International Criminal Court. [95b]
- 4.21 Swiss Agency for Development and Cooperation (SDC), accessed via ReliefWeb reported on 9 March 2009 that the Swiss foreign ministry expressed concern over the expulsion of humanitarian organisations operating in Darfur. The expulsions followed the decision of the International Criminal Court on 4 March 2009 to issue an international arrest warrant for the Sudanese president as reported above. [68i]
- 4.22 The *Sudan Tribune* reported on 15 March 2009 that China, one of the Five Veto waving Permanent Members of the United Nations Security Council (UNSC), has refused to endorse the draft statement calling for the government of Sudan (GoS) to back down on its expulsion of 13 humanitarian aid organisations from Darfur. This decision was reported as having a huge impact on the suffering of the people of Sudan in Darfur. [12bk]
- 4.23 UN Multimedia on 30 June 2009 and the *Sudan Tribune* on 2 July 2009 both reported that a number of Darfur rebel groups in Sudan had agreed to resume peace talks with the Sudanese Government. The Joint AU-UN Chief Mediator met with some of the rebel leaders on Monday, 29 June 2009 at a meeting in Tripoli, Libya, to discuss the Doha process of negotiations and define how the rebels can effectively participate in a resolution to the Darfur crisis. [6i] [12i] "In a statement issued by his office, Mr. Bassolé said that 'at the end of frank and constructive exchanges, the movements declared themselves ready to engage in a constructive dialogue with the Government of National Unity' in Sudan." [6i]
- 4.24 The Economist Intelligence Unit (EIU) noted in its Sudan report for 2009 that: "Sudan faces significant challenges, including elections in February 2010, tensions in Darfur and the diplomatic difficulties caused by the arrest warrant issued against the president, Omar al-Bashir, by the International Criminal Court (ICC) for war crimes in Darfur."

"The north-south Comprehensive Peace Agreement (CPA) will be put under growing strain by the elections in 2010, disputes in the run-up to the planned referendum on southern independence in 2011 and the fiscal crisis caused by falling oil revenue. Progress with economic reform will be limited, as the government is preoccupied with the political situation and unwilling to risk losing support from key constituencies. The fiscal deficit will average 3.6% of GDP in 2009-10." [114b]

- 4.25 However, News 24 reported that the proposed elections, scheduled to take place in February 2009, has been delayed to April 2009 stating: “The National Elections Commission has been deliberating and observing the circumstances relating to the national elections and has decided on the modification of the previous timeframe’.” [101c]
- 4.26 A UN Security Council Report of the Secretary-General of the United Nations Mission in Sudan, dated 14 July 2009, reported that:
- “Preparations for the elections began to dominate the political scene after the National Elections Commission announced February 2010 as the polling date in a proposed schedule for the electoral process. The National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM), as well as the majority of the other political parties, have publicly accepted this timetable. Due to delays in the process, the Commission released a revised timetable on 1 July with polling to take place in April 2010.” [6q]
- 4.27 The *Sudan Tribune* reported on 21 August 2009 that the Political Parties Affairs Council permitted the registration of the south Sudanese United Democratic Front for the forthcoming national elections after the party removed ‘southern Sudan independence’ from its constitution and replacing it with ‘right of self-determination for southern Sudan’, in order to match with the Sudanese constitution and 2005 peace agreement. [12o]
- 4.28 The *Sudan Tribune* also reported on 21 August 2009 that the rebel Sudan People Liberation Movement (SPLM) announced that two of its members, Ghazi Suleiman and Manawa Aligo, had been expelled and were no longer part of the organisation. [12u]

IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

- 4.29 Reporting on the implementation of the Comprehensive Peace Agreement in relation to Abyei, the UN Security Council Report of the Secretary-General on the United Nations Mission in Sudan, dated 14 July 2009, noted:
- “The security situation in Abyei remains volatile and requires constant attention in light of the upcoming Permanent Court of Arbitration decision expected by 22 July. The Misseriya seasonal migration sparked a significant number of security incidents over the course of the reporting period. Reportedly, cattle raiding took place and a number of armed Misseriya nomads crossed into disputed areas inhabited by the Dinka Ngok. Villagers in Noong, 15 kilometres east of Abyei, reported that some families had left for Abyei as a precautionary measure until the Misseryia leave the area. With a view towards strengthening protection capacity, UNMIS conducted two protection training workshops during the reporting period for members of the local Joint Integrated Unit and Joint Integrated Police Unit. The Mission has also supported the convening of direct meetings between Dinka and Misseriya leaders and government officials in Abyei and Muglad, which focused on security after the Court decision and on longer-term issues.” [6q]

See also: [The north-south Comprehensive Peace Agreement \(CPA\)](#)

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IMPLEMENTATION OF OTHER PEACE PROCESSES

- 4.30 The Economist Intelligence Unit (EIU) reported in its February 2009 monthly review that:

“On February 10th talks began between the Sudanese government and the Darfur rebel group the Justice and Equality Movement (JEM) in Doha, Qatar. These are the first direct talks between the Sudanese government and the JEM since the ill-fated talks in Abuja, Nigeria, in 2006, and as such they are a small step forward. The JEM has developed into the most significant fighting force in Darfur, eclipsing the military capacity (but not the popularity) of the mainstream factions of the Sudan Liberation Movement (SLM).” [114a]

- 4.31 The report added: “The glacial progress towards a peaceful political settlement to the Darfur conflict is disappointing but not surprising. Mediation efforts for Darfur have long been muddled by regional rivalries and conflicting offers to mediate.” [114a]

- 4.32 A UN Security Council Report, dated 14 July 2009, noted:

“The political and security situation in eastern Sudan during the reporting period has been relatively calm. Progress has been achieved in the implementation of the Eastern Sudan Peace Agreement including on the disarmament, demobilization and reintegration process, the flow of requisite funds from the Eastern Sudan Reconstruction Fund and implementation of a number of recovery and development projects in the three eastern states. However, a number of issues have not been fully addressed, including growing poverty and economic marginalization, as well as security vulnerabilities resulting from the long porous Sudanese coastline. Of particular concern is the break-up of the Eastern Front, a party to the Eastern Sudan Peace Agreement, and its split into three different political parties, namely the Beja Congress, the Free Lions and the Eastern Democratic Party, which could paralyse further implementation of the benchmarks contained in the Peace Agreement given the lack of one counterpart for the Government of National Unity.” [6q]

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5. CONSTITUTION

- 5.01 The CIA World Fact book, last updated 21 July 2009, recorded that the Interim National Constitution was ratified 5 July 2005 under the Comprehensive Peace Agreement (CPA), and that the Constitution of Southern Sudan was signed December 2005. [2a] (Government)
- 5.02 South Sudan.Net, accessed 11 June 2009 reported that Sudan is split in two because of the civil war between the North and the South. The CPA created an autonomous South Sudan government and gained the right for its people to vote for full independence in a referendum planned for March 2011. The constitution of South Sudan is based on customary laws and values – the constitution of the north is based on Islamic sharia law. [125a]
- 5.03 There are two constitutions in Sudan. The Interim National Constitution (INC) that was signed on 9 July 2005 and the interim Constitution of Southern Sudan (ICSS) that was adopted in December 2005 which gives Southern Sudan a large degree of autonomy. [9a]

INTERIM NATIONAL CONSTITUTION OF SUDAN (INC)

- 5.04 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text is available via the Max Planck Institute for Comparative Public Law and International Law website. [94a]

The Interim National Constitution of the Republic of the Sudan, 2005
http://www.mpil.de/shared/data/pdf/inc_official_electronic_version.pdf

- 5.05 Article 4 of the INC records the fundamental basis of the Constitution:
- “This Constitution is predicated upon and guided by the following principles:
- (a) the unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,
 - (b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,
 - (c) the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division,
 - (d) the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.” [94a] (p3-4)
- 5.06 The INC provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [94a] (p13-18)

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INTERIM CONSTITUTION OF SOUTHERN SUDAN (ICSS)

- 5.07 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 3 of the ICSS records the supremacy of the Constitution as follows:

“Without prejudice to Article 3 of the Interim National Constitution, this Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan. The interim constitutions and laws of the States of Southern Sudan shall comply with this Constitution and the Interim National Constitution.” [94b] (p2-3)

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

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

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

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

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

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6. POLITICAL SYSTEM

- 6.01 The Economist Intelligence Unit's (EIU) Country Profile of Sudan, dated 4 March 2009 reported that:

"Sudan's current political system is laid out in the 2005 Interim National Constitution, which itself is based largely on the CPA. The president must rule in conjunction with two vice-presidents and is required to receive approval from the first vice-president over issues such as the appointment of senior judges, the suspension of parliament or declarations of war. If the president is a northerner, as is the case in the GNU [Government of National Unity] under Mr Bashir, the president of Southern Sudan—currently Salva Kiir, the head of the SPLM—is guaranteed the position of first vice-president. The GOSS [Government of South Sudan] receives 50% of revenue from oil fields in the south (after 2% is set aside for the oil-producing states), has tax-raising powers and is responsible for the allocation of funds for Southern Sudan's development. In addition to the national government and GOSS political institutions in Khartoum, each of Sudan's provinces has its own legislature and executive. Elections at all levels of government must be held no later than July 2009, the end of the fourth year of the interim period." [114c]

- 6.02 The same source noted:

"According to the interim constitution, Sudan is a 'decentralised' country, divided into 26 states, with parliamentary seats and official posts split between the NCP, the SPLM and other parties. Since 2006 the government has substantially increased budgetary allocations to the state governments, which are now responsible for implementing policy and providing public services at the local level. Nevertheless, despite the federal structure, Sudan remains a highly centralised polity, as evidenced by widespread discontent in outlying regions over economic marginalisation and a lack of effective political representation." [114c]

- 6.03 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

"The Interim National Constitution established a three-member presidency to head the government, consisting of a president, Omar Hassan al-Bashir (NCP); a first vice President, Salva Kiir Mayardit (SPLM), the president of the GOSS; and a vice president, Ali Osman Taha (NCP), who was formerly the country's first vice president. The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group SLA/Minawi. Minawi returned to his troops in Darfur in July, citing lack of progress on DPA implementation, although he did not officially withdraw from the GNU; he returned to his position in Khartoum by year's end." [3a] (Section 3)

- 6.04 The report added: "A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties." [3a] (Section 3)

6.05 Furthermore:

“GNU members took office in 2005, and in October of that year Salva Kiir Mayardit, the country's first vice president and president of the GOSS, appointed the GOSS cabinet. At the same time, Kiir appointed governors of the 10 states of Southern Sudan, and each southern state also formed its legislative assembly with 48 members allocated proportionally as stipulated in the CPA: 70 percent to the SPLM, 15 percent to the NCP, and 15 percent to other southern political groups. Southern Sudan's legislative assembly approved an interim constitution in 2005, which President Kiir signed in December of that year.” [3a] (Section 3)

6.06 The report stated further that: “Although the Interim National Constitution provides citizens the right to change their government peacefully, the CPA established an interim government; under the CPA, national elections are scheduled for 2009.” Additionally: “The law permits the existence of political parties, but prohibits parties linked to armed opposition to the government, and the government routinely denied permission for, or disrupted, gatherings viewed as politically oriented.” [3a] (Section 3)

6.07 The USSD Background Note: Sudan, updated in March 2009, stated that the provisional government was:

“... established by the Comprehensive Peace Agreement (CPA) signed in January 2005 that provides for power sharing pending national elections. The CPA stipulates that national elections are to occur no later than July 2009...executive authority is held by the president, who also is the prime minister, head of state, head of government, and commander in chief of the armed forces; effective July 9, 2005, the executive branch includes a first vice president and a vice president. As stipulated by the Comprehensive Peace Agreement, the first vice president position is held by a person selected by the Sudan People's Liberation Movement (SPLM)... The National Assembly, the lower house, has 450 members with a power-sharing formula which allows the ruling National Congress Party to get 52%; the SPLM, 28%; other northern and southern parties, 14% and 6% respectively. There is also an upper house, the Council of States, which is composed of two representatives from each of the nation's 26 states, including two observers from Abyei.” [3j]

6.08 The EIU ranked Sudan 146th (out of 167 countries) in its democracy index:

“This puts it above a number of Arab and African countries, including Saudi Arabia and Eritrea, but well below neighbours such as Egypt, Uganda and Ethiopia. It scores poorly in the categories of electoral process (elections since the 1989 coup have not been free and fair), political participation (a small elite dominates politics) and government functioning (there are systemic problems with both central and regional governance). It scores higher in the political culture category, because a relatively wide range of political positions are now part of the national discourse. Although respect for civil liberties is generally poor, it is, outside of conflict zones such as Darfur, still slightly better than in many other countries in the region.” [114c]

See also [Interim National Constitution of Sudan \(INC\)](#)

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POLITICAL PARTIES

6.09 The USSD Report 2008 noted that:

“The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits political parties linked to armed opposition to the government. The government continued to harass some opposition leaders who spoke with foreign organizations or embassies.” [3a] (Section 2b)

6.10 The Economist Intelligence Unit (EIU) recorded the main political groups in its February 2009 Sudan profile as below:

“The Government of National Unity consists primarily of the National Congress Party (NCP; until 1998 the National Islamic Front) and the Sudan People's Liberation Movement (SPLM), with representation from the National Democratic Alliance (NDA), an umbrella group. The Democratic Unionist Party (DUP), the Umma Party and the Popular Congress are northern opposition groups. The Eastern Front (EF) is an opposition movement in the east of the country, and the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) have been fighting a guerrilla war in Darfur, in the west.” [114a]

6.11 Jane's Sentinel Country Risk Assessment: for Sudan, dated 3 June 2009, noted that of all the above mentioned political groups, there were two main Sudanese political movements - the National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM).

“The vague 1998 law of political associations allowed for the formation of political parties with the government's consent. Under interim constitutional measures following the 2005 Comprehensive Peace Agreement (CPA), a new Political Parties Act was passed in 2007. Although parties registered under an earlier Political Parties and Organisations Act of 2001 can continue to exist, the new act also sets out that a party's manifesto is not to contradict the CPA or interim 2005 constitution. Parties that have been formed in the past have presented little threat or challenge to the ruling National Congress (National Islamic Front: NIF) party, with the main opposition political movements generally either remaining outside the official political system or being directly involved in military rebellion.” [116c] (Internal Affairs)

6.12 Regarding the National Congress Party (NCP), Jane's Sentinel stated:

“The ruling party has its roots in Hassan el-Turabi's National Islamic Front (NIF), the political wing of the Muslim Brotherhood, which achieved significant success in pushing for the implementation of sharia during the Jaafar Muhammad el-Nemeiri regime. Although Turabi was temporarily arrested in the wake of Bashir's coup, the NIF provided the political support and ideological base for Bashir's regime. The NIF, operating as the National Congress, is widely considered to exercise pervasive control over the official government and Turabi was seen to be the real power behind Bashir's presidency. This, however, proved an underestimation of the president's political capabilities. Turabi's ambitions to formalise his power at the expense of the presidency were met with decisive

action. Turabi was steadily marginalised from December 1999, losing his positions as speaker of parliament and secretary general of the party. Only two ministers followed him when he formed the opposition Popular National Congress party.

“The National Congress Party is one of the main players in the Government of National Unity following the peace agreement of January 2005, the other being the Sudan People’s Liberation Movement (SPLM).” [116c] (Internal Affairs)

See also [Political affiliation](#); [Annex B](#) and [Annex C](#)

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Political parties in southern Sudan

- 6.13 *Gurtong’s website*, last updated 9 June 2008, noted the following, concerning the opposition parties in south Sudan:

“The signing of the Comprehensive Peace Agreement (CPA) saw the coming together of several military factions that are now being transformed in to political entities in South Sudan. At present, the Sudan People’s Liberation Movement (SPLM) has the largest known membership. However, the composition of the South Sudan legislative assembly comprises of several political parties.

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

- 6.14 *Jane’s Sentinel Country Risk Assessment*, dated 3 June 2009, recorded the following regarding the Sudanese People’s Liberation Movement (SPLM):

“The SPLM is the political movement of the Sudanese People’s Liberation Army (SPLA), which was formed by the rebel officer John Garang in 1983 when he led a mutiny against the Khartoum government. As the principal southern resistance movement, the SPLM/A advocated greater autonomy, rather than independence, for the Christian/Animist south. Although the organisation liked to stress its broad ethnic membership, it was dominated by the Dinka, Sudan’s largest non-Arab ethnic group, and this created friction with other groups, especially the Nuer. This rivalry led to a damaging split in 1991 when Riek Machar, the leader of the SPLA’s Nuer forces, split with the organisation to form the South Sudan Independence Movement/Army (SSIM/A). Despite having the stated objective of complete independence rather than regional autonomy, Machar was brought into the government’s camp and became minister of the southern states. Apparently disillusioned with the government, he quit his ministerial position in January 2000 and reconciled with Garang’s SPLM in 2002.

“Following the signing of the CPA in January 2005, the SPLM and NCP formed the core of the Government of National Unity. Garang was appointed first vice-

president of Sudan, in accordance with the peace agreement, but died shortly thereafter in a helicopter crash. He was succeeded by Salva Kiir Mayardit. Machar was appointed vice-president of southern Sudan.” [116c] (Internal Affairs)

See also [Political affiliation](#); [Annex B](#) and [Annex C](#)

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HUMAN RIGHTS

7. INTRODUCTION

- 7.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) summarised the human rights situation in Sudan as:

“The government's human rights record remained poor, and there were numerous serious abuses, including: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; disappearances, including of hundreds of Darfuris in Omdurman and Khartoum following the May 10 JEM attack; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of the delivery of humanitarian assistance; restrictions on privacy; restrictions on freedom of speech; increased restrictions on the press, including direct censorship; restrictions on freedoms of assembly, association, religion, and movement; harassment of IDPs and of local and international human rights and humanitarian organizations; violence and discrimination against women, including female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; preventing international human rights observers from travelling to/within Sudan; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced and child labor.” [3a] (section1)

- 7.02 Human Rights Watch (HRW) in its 2009 World Report, chapter on Sudan, released on 14 January 2009, summarised the human rights situation in 2008 as follows:

“With war continuing in the west and a fragile peace in the south, the dynamics of respect for human rights remain complex and the challenges severe. In Darfur hundreds of thousands remain internally displaced as the Sudanese government uses indiscriminate bombings and attacks on civilians by ground forces and allied Janjaweed militias in counterinsurgency. Throughout Sudan delay in implementing the Comprehensive Peace Agreement (CPA), signed in 2005 by the National Congress Party (NCP) government and the Sudan Peoples' Liberation Movement (SPLM), is straining relations between the parties, threatening the CPA itself.” [19f] (p121)

- 7.03 Concerning the call for the arrest of the President, on accounts of war crimes, the same report noted:

“In July [2008] the International Criminal Court (ICC) prosecutor requested an arrest warrant for President Omar al-Bashir on 10 counts of war crimes, crimes against humanity, and genocide relating to Darfur. Khartoum threatened that this would lead to violence in Darfur; and, according to many observers, aiming to secure diplomatic support for suspension of the ICC investigation, Khartoum made minor concessions to UNAMID and ostensible overtures towards peace. Meanwhile, Sudan continued to refuse to hand over

Ahmed Haroun, minister of state for humanitarian affairs, and Ali Kosheib, who have been subject to ICC warrants since 2007.” [19f] (p121)

- 7.04 The Office for the High Commissioner on Human Rights 2008-2009 report on the situation in Sudan stated that: “Serious violations of human rights continue in varying forms in different parts of the Sudan. While the situation in Darfur is well known to the international community, violations also occur in northern, eastern, and southern Sudan and in the Transitional Areas.” [6i] While the UN’s Special Rapporteur unedited report on the human rights situation in Sudan, dated June 2009, observed: “Despite some positive legislative developments, the human rights situation in the Sudan remains critical, with daunting challenges in terms of securing, in particular, the rights to life and security of the person, and the effective administration of justice.” [6p] (p3)

Further information can be accessed via the following weblink:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.14.AUV.pdf>

- 7.05 The International Federation for Human Rights and the Sudan Organisation Against Torture (FIDH) in its annual report 2009 recorded:

“This year was marked by the attack on Khartoum launched on May 10, 2008 by members of the Darfurian Justice and Equality Movement (JEM). This was the first time a Darfur-based armed opposition group had reached the capital since the start of the conflict in 2003. The fighting that took place entailed violations of international human rights and humanitarian law reportedly committed by both sides. The Government’s response in the weeks after the attack entailed serious violations of civil and political rights, including a broad wave of arrest of people perceived as belonging to political parties sympathetic to JEM, including some human rights defenders.” [38a]

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8. SECURITY SITUATION

- 8.01 UN News Centre reported on 28 January 2009 that Darfur remains tense following the recent eruption of fighting in the Darfur region.

“The situation on the ground is still very fluid and very confusing’, Assistant Secretary-General for Peacekeeping Operations Edmond Mulet told reporters. ‘You have actions from the JEM [the rebel Justice and Equality Movement], you have actions from SLA/MM [Sudan Liberation Army/ Minni Minawi – another rebel group], you have actions from the Government, fighting each other, so it is very complex’.” [6w]

“The problem here is that they have chosen right now to follow the path of confrontation and war instead of negotiations’,” he said of the conflict between rebels and the Government and allied Janjaweed militiamen that has led to an estimated 300,000 deaths since 2003 and forced 2.7 million people to flee their homes. ‘We do hope that the Council will call on all parties to stop these military actions and to abide by the respect of humanitarian laws and the respect of civilians who have been the recent victims again of this fighting’, he added.” [6w]

- 8.02 UN News Centre reported on 1 February 2009 that a Senior United Nations (UN) official had appealed to all the militia rebel groups in Darfur to end fighting and begin talks. Adding that since the appointment of Mr. Bassolé in June 2008, he had consulted with all parties in an effort to resolve the conflict that had been raging between rebels, government forces and the Janjaweed.

“The chief of the joint United Nations-African Union effort to bring peace to Darfur today urged all armed forces in the region to put down their weapons and engage in peace negotiations. Djibril Yipènè Bassolé, the Joint Chief Mediator for Darfur, called on rival factions on the western flank of the Sudan ‘to consult each other and to work together to create the conditions for peace negotiations, to help resolve the crisis and alleviate the suffering of Darfurians’.” [6x]

- 8.03 The same UN News report added: “Over the past five years in Darfur around 300,000 people are estimated to have been killed, either through direct combat or a result of disease, malnutrition or reduced life expectancy, while 2.7 million others have had to flee their homes.” [6x]

- 8.04 AllAfrica reported on 3 February 2009 that a UN human rights official had asked for the fighting in a town in South Darfur to stop immediately for the sake of the civilians.

“The top United Nations human rights official today voiced her alarm at reports of the worsening conditions for civilians in the South Darfur town of Muhajeria, where fighting between Sudanese Government forces and rebels has led to at least 30 deaths and uprooted some 30,000 people. ‘I’m extremely concerned at the impact the fighting is having on the already dire humanitarian situation in Muhajeria’, said High Commissioner for Human Rights Navi Pillay.” [97c]

- 8.05 Afrol reported on 5 February 2009 that the government had ordered the United Nations peacekeeping mission (UNAMID) to leave Muhajiriya as it moved

ahead to launch an attack against the JEM. "... 'The Sudanese army is moving tanks to Muhageriya; this move indicates that they are intending to bomb the town. This intention is confirmed by the demand of UNAMID pullout', said a rebel spokesman, JEM Legislative Council Speaker Tahir Al-Faki." [87b]

- 8.06 However, on 5 February 2009 Afrol reported that Darfur rebels, the Justice and Equality Movement (JEM) had threatened to recapture Muhajiriya town.

"The Justice and Equality Movement (JEM) has warned that it will advance to reclaim a major town of Muhajiriya in southern Darfur that witnessed heavy fighting over the last few days. The Sudanese army has announced taking control of the strategic Darfur town after three weeks of clashes with rebels that have left more than 30 people dead and displaced thousands. However, the rebel leader has claimed that their forces were pulled back some 50-60 kilometres away, to avoid more bloodshed in the region." [87c]

- 8.07 In the UN Security Council's monthly report for February 2009 the key recent developments in Darfur were summarised as:

"The situation in Darfur remains dire, with more than 2.5 million people living in internally displaced person (IDP) camps dependent on humanitarian assistance. Attacks against aid workers and their property reached unprecedented levels in 2008. These attacks were mainly attributed to rebel movements, but many incidents also occurred in areas under government control." [102b]

- 8.08 The report added that: "UNAMID has now lost 22 personnel, including a peacekeeper that died on 29 December. Violence and ongoing clashes continues to limit UNAMID and humanitarian access to affected populations. Despite the unilateral declaration of a ceasefire on 12 November by the Government of Sudan, bombing attacks against rebels continue." [102b]

- 8.09 Reuters Alert Net reported on 23 February 2009 that gunmen had shot dead two people working for a French aid group in an ambush in south Darfur. The two Sudanese staff from Aide Médicale Internationale were attacked in the evening on Saturday, 14 February 2009 as they drove in a remote area where fighting had increased between government forces and rebels.

"... Investigations suggested the gunmen, who rode camels and horses, were bandits, a spokesman for the joint U.N./African Union UNAMID peacekeeping force said. But the killings took place at a time of growing fears of targeted attacks on foreign aid groups in the war-torn region. Tensions have mounted in Darfur in the countdown to an expected decision from judges from the International Criminal Court on whether to issue an arrest warrant for Sudan's president on charges he orchestrated war crimes in the region." [70h]

- 8.10 The Sudan Tribune reported on 16 March 2009 that around a dozen students were wounded (three of them seriously) by government para-military troops at Deling University in southern Kordofan. The students were at a meeting organised by the United Democratic Front to express support for the issuance of an arrest warrant by the International Criminal Court for Sudanese president, Omar al-Bashir. [12b]

8.11 The International Federation for Human Rights and the Sudan Organisation Against Torture (FIDH) reported on 2 December 2008, that claims by the Sudanese government that the situation in Darfur was improving had not been borne out in reality. "In stark contrast to Khartoum's claims, the 22 page report, 'Rhetoric vs. Reality—the Situation in Darfur', prepared by a coalition of nongovernmental organizations – including the Save Darfur Coalition, Human Rights First and Human Rights Watch – documents the lack of progress in Darfur in recent months regarding security, the humanitarian situation, the deployment of peacekeepers and domestic justice." [38b]

8.12 The *Sudan Tribune* reported on 17 July 2009 that UN officials had expressed concern over the security situation in the Abyei region in relation to the potential aftermath of the Abyei ruling.

"UN leaders voiced concern at the volatile security situation in the oil-rich Abyei region ahead of an arbitration ruling meant to settle the boundary dispute between the two dominant parties of the Sudan, the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM). ... 'The security situation in Abyei remains volatile and requires constant attention in light of the upcoming Permanent Court of Arbitration decision expected by 22 July', the UN Secretary-General said in a recent report to the Security Council." [12m]

8.13 Contrary to the statement above by the FIDH, a recent report by the *Sudan Tribune* on 23 July 2009 stated that the security situation in Darfur has improved significantly since 31 December 2007 when UNAMID took over responsibility for Darfur. [12n]

8.14 This was also supported by a BBC news report which stated that the former Force Commander for the Joint African Union/United Nations Hybrid Operation in Darfur (UNAMID), who stood down from office at the end of August 2009, had said the six-year war between government and rebels in Darfur had "effectively ended". "Gen Agwai, who led a joint UN and African Union peacekeeping force known as Unamid, said the region now suffered more from 'security issues' than full-blown conflict. 'Banditry, localised issues, people trying to resolve issues over water and land at a local level. But real war as such, I think we are over that,' he said". [9j]

8.15 In response to the General Agwai's comments, Nicole Widdersheim, Head of Oxfam International in New York stated, "While large-scale fighting and insecurity in Darfur has decreased, it has certainly not stopped. There continue to be recent reports of bombings and fighting between rebel groups and the government". [97d]

8.16 Similarly Reuters reported on 28 August 2009 in a Question & Answer article entitled, 'Is Sudan's Darfur no longer at war?'

"The levels of violence and attacks in Darfur have fallen since the mass killings of 2003 and 2004. But that does not mean the conflict is over. Since January, the rebel Justice and Equality Movement (JEM) clashed with Sudan's army in and around the southern town of Muhajiriya in February; in settlements close to North Darfur's border with Chad in May; and most recently around Darfur's eastern boundary in early August. Sudan's government maintains its military presence; JEM has heavily armed forces, while other rebel groups, predominantly factions of the insurgent Sudan

Liberation Army (SLA), continue to hold territory in Darfur. The Darfur crisis still had a serious impact on people on the ground. The United Nations says 137,819 people were driven from their homes by fighting in Darfur in the first six months of this year, on top of the 2.7 million already in camps.”[70i]

See also [Events in Sudan from 29 August 2009 to 14 October 2009](#) for the latest information on the security situation in Darfur

See also [Peace and conflict in Sudan](#)

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9. CRIME

- 9.01 The Overseas Security Advisory Council's (OSAC), Crime & Safety Report 2009, dated 24 March 2009, reported:

"Sudan continues to be a country of contrasts when it comes to crime. North and central Sudan, including Khartoum, experience relatively low crime rates compared to other capital cities in Sub-Saharan Africa. The U.S. Embassy has almost no reports of crime against Americans in Khartoum and north/central Sudan. However, carjacking of international non-governmental organization (INGO) and United Nations (UN) vehicles by irregular militia groups occurred daily throughout Darfur until many of the UN and INGO workers discontinued use of pick-up trucks and 4 x 4 sport utility vehicles in late 2008." [128a]

- 9.02 However, the US Travel State Department, on its website last updated 26 May 2009, stated that crime was increasing in Sudan and warned visitors to take additional care in securing their property whilst in the country.

"Crime is on the increase throughout Sudan. Additional security measures should be taken at places of residence to protect life and property. Anti-American sentiments can be found throughout the country. Americans should exercise caution by avoiding crowded public areas and public gatherings. Americans should avoid travelling alone. Report all instances of anti-American acts and crime targeting westerners to the American Embassy, and report incidents of crime to the Sudanese Police. ..." [3b]

CRIME: SOUTH SUDAN

- 9.03 The same US Travel State Department report last updated 26 May 2009, stated that

"Carjacking and armed robbery occur in western and southern Sudan. Sexual assault is more prevalent in the areas of armed conflict. Travellers who do not use the services of reputable travel firms or knowledgeable guides or drivers are especially at risk. Travel outside of Khartoum should be undertaken with a minimum of two vehicles so that there is a backup in case of mechanical failure or other emergency. Solo camping is always risky." [3b]

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10. SECURITY FORCES

- 10.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "Several government entities have responsibility for internal security including the police, the NISS [National Intelligence Security Service], the Ministry of Interior, and the Ministry of Defense; all had active security forces. Government security forces committed serious and widespread abuses against civilians with impunity, including in connection with the conflict in Darfur." [3a] (Section 1c)
- 10.02 The report added: "The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict government forces, rebel groups, and tribal factions committed torture and abuse. SPLA forces sometimes abused persons in the south." [3a] (Section 1c) Also that: "Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes." [3a] (Section 1f)
- 10.03 The report further added that security forces arrested, detained, and abused political opponents. They also beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. [3a] (Section 1c) Furthermore, conflicts between different government security forces resulted in civilian casualties. [3a] (Section 1g)
- 10.04 The following incidents were observed:
- "On May 11, NISS officers arrested Abdelaziz Sam, Secretary of Legal Affairs for the Transitional Darfur Regional Authority (TDRA), and three members of his family. The men were bound together and beaten for five hours, then later released without charge." [3a] (Section 1c)
- "On May 18, NISS officers arrested Al-Ghali Shegifat, journalist for the independent Rai Al-shaab newspaper and head of the Darfur Journalist Association; he was detained for 60 days without charge, during which time he was regularly beaten." [3a] (Section 1c)
- "On November 24, the NISS detained human rights activists Abdel Moniem El Gak, Osman Hummaida, and Amir Suleiman. Suleiman was released the same day. El Gak was released on November 26, after having been released and detained again on November 25. Hummaida was released on November 28. Security forces physically abused El Gak and Hummaida, and threatened Suleiman that he would be tortured. El Gak and Suleiman fled the country following their release." [3a] (Section 1c)
- 10.05 Furthermore: "Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari'a." Also that: "Women in Southern Sudan were frequently arrested and detained on suspicion of adultery." [3a] (Section 1d)
- 10.06 The United Nations Office in Geneva reported on 23 January 2009 that the UN High Commissioner for Human Rights (OHCHR) and the United Nations-

African Union Mission in Darfur (UNAMID) had issued a joint report on the disastrous results of a law enforcement operation on 25 August 2008, at the Kalma camp for internally displaced persons, in which 33 civilians died and 108 others were injured.

“Sudanese forces violated international human rights law by using lethal force in ‘an unnecessary, disproportionate and therefore unlawful manner’, when they fired on a crowd in a displaced persons camp in Darfur last August, killing 33 civilians, states a new United Nations report. The report, issued today [23 January 2009] by the UN High Commissioner for Human Rights (OHCHR) and the UN–African Union Mission in Darfur (UNAMID), is the result of an investigation into the 25 August incident at the Kalma camp for internally displaced persons (IDPs) in South Darfur, which also left 108 civilians wounded. Witness testimonies confirmed that security forces shot arbitrarily at a large crowd of IDPs including women and children.” [6an]

10.07 The report added:

“The Sudanese forces had entered the camp, home to about 80,000 IDPs, to execute a search warrant for illegal weapons and drugs. They were confronted by a group of camp residents who tried to stop them from entering the camp. The security forces fired shots in the air, before opening fire on the crowd. According to the report, the 33 people killed included 14 men, ten women and nine children. The casualties include one 75-year-old woman who drowned in a pool of water as she attempted to flee the shooting. The 108 people injured during the incident included 38 children and 25 women.” [6an]

10.08 Amnesty International’s (AI) 2009 Annual Report for Sudan, covering events in 2008, recorded that the security services were responsible for the deaths of numerous civilians, particularly in western Darfur where they are reported to have participated (with the Janjaweed) in the looting and burning of villages. [16a]

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POLICE

10.09 The USSD Report 2008 stated that corruption, impunity, and lack of effectiveness were problems in the police force, and that: “... some police officers supplemented their incomes by extorting bribes”. The report added that “There were reports of retaliation against persons who complained about police abuses.” [3a] (Section 1d)

10.10 The USSD Report 2008, further noted:

“The SPSS [Southern Sudan Police Service] has responsibility for law enforcement in the south under the interim GOSS constitution. The SPSS lacked resources and capacity. Police reports were often incomplete, if used, files frequently misplaced, and suspects frequently detained based on accusations rather than official investigations... Police corruption, impunity, and lack of effectiveness were problems. There were reports of retaliation against persons who complained about police abuses.” [3a] (Section 1d)

- 10.11 The *Sudan Tribune* reported on 4 November 2008 that United Nations (UN) agencies, implementing construction of Jonglei police and prison stations, had started work at the various sites.

“The project is part of GoSS’ Rule of Law Program which encompasses capacity building and infrastructural development in all states and co-funded by MDT. United Nations Development Program (UNDP) and United Nations Office for Project Services (UNOPS) are the implementers as Everest Ltd and RA International merge as contractors for police headquarters and prison respectively.” [12ay]

- 10.12 The report added:

“To be relieved is Prison force where inmates are kept in congested-collapsing cells, built quite earlier before Sudan’s independence (around 1940s). Criminals have either been breaking jails or [their] health severely endangered while serving their sentence’, Sgt. Arem Alier, a prison license officer said. He added that many prisoners remain in various Counties of Jonglei state, making trails and court proceeding difficult. ‘This will ease our work and produce change citizens. We shall provide vocational training for inmates in order to opt for better style of maintaining living’, Alier affirmed.” [12ay]

- 10.13 Jane’s Sentinel Country Risk Assessments, Country Report for Sudan (accessed on 24 February 2009) recorded: “Following the signing of the Comprehensive Peace Agreement in January 2005, law enforcement is undergoing restructuring, with the new interim constitution indicating the decentralisation of the police service at national, state and southern Sudanese levels in accordance with the pact.” [116b] (**Security and foreign forces, 4 December 2008**)

“Responsibilities previously falling under the mandate of the United Police Forces (UPF) included responsibility for public order, criminal investigations, civil defence, prisons, passport control, immigration and customs, traffic control and wildlife protection. The UPF was divided into different functional divisions operating within provincial commands. Provincial police commissioners would answer to the director general of police in Khartoum, who in turn answered to the minister of the interior. The sheer size of the country, however, made uniform policing difficult and traditionally tribal sheikhs were allowed to enforce law and order in rural districts, with the police maintaining a presence only in more urbanised areas. The war-torn southern and western areas were previously the responsibility of the military and other security forces.” [116a] (**Security and foreign forces, 4 December 2008**)

- 10.14 A UN Security Council Report, dated 14 July 2009, noted:

“As at 28 June, UNMIS had deployed 90 per cent of its mandated police strength (645 police advisers, including 68 women, out of 715) to 22 sites throughout the Mission area. During the reporting period, UNMIS Police trained 2,856 local police officers, including 317 female officers, in various subjects, including basic training, community policing, gender and child protection, special weapons and tactics, riot control and VIP security.” [6q]

See also [Freedom of religion](#) and [Women](#)

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Arbitrary arrest and detention

The following paragraphs refer to all the security forces, not just the police.

10.15 The USSD Report 2008 noted that:

“Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. Following arrests of an unknown number of Darfuris in Khartoum and Omdurman after the May 10 JEM attack, lawyers belonging to the Darfur Bar Association volunteered to represent the detainees, but authorities severely restricted their access to the detainees and arrested some defense lawyers. Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance. ...

“The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arbitrarily arrest and detain persons, often under the National Security Act. In Southern Sudan, arbitrary arrests and detention were common. While the law does not provide the SPLA with arrest powers, the SPLA arrested and detained persons.” [3a] (Section 1d)

10.16 The same report added that the government routinely mistreated persons in custody, stating: “There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions.” [3a] (Section 1c)

10.17 The Sudan Organisation Against Torture (SOAT) reported on 23 May 2008 that a large number of prisoners have been transferred to East Sudan following mass arrests in and around Khartoum, following the JEM attack on 10 May 2008:

“The Sudan Organisation Against Torture (SOAT) expresses concern about the reported transfers of large numbers of detainees from Khartoum to locations in East Sudan, in the wake of the mass arrests that followed recent attacks launched near the capital by the Darfuri rebel Justice and Equality Movement (JEM). Following the 10 May attacks, hundreds of people were detained in and around Khartoum. The arrests appeared to be extremely arbitrary, targeting Darfuris, especially those of Zaghawa ethnicity, and individuals who simply bear a physical resemblance to people from the region. SOAT has received credible reports that many of those rounded up in these mass arrests have been subjected to physical abuse in custody. It remains unclear how many are still in detention.” [15a]

10.18 The report added that:

“SOAT has received unconfirmed reports that a group of 70 detainees were transferred from Kobar Prison in Khartoum to Port Sudan Prison, Red Sea State, in the days following the JEM attacks. All were said to have been

sentenced to death and to have been transferred to Port Sudan in order to be executed. Although it could not be independently confirmed that these individuals had been arrested in connection with the JEM attacks, sources noted that they were all of Darfuri origin.” [15a]

10.19 SOAT further added that:

“SOAT also received unconfirmed reports that 65 individuals who were arrested in the wake of the JEM attacks were transferred from Kobar Prison in Khartoum to Suakin Prison, also in Red Sea State, on 20 May. They had reportedly not yet faced trial. There were further unconfirmed reports that this group of 65 detainees were subsequently moved from Suakin to an unknown location on 21 May. ...On the same day, Messrs. Osman Hummaida and Abedlmonim Aljak were also arrested by the NSS at SIHA’s offices and brought to the political department of the NSS offices in Khartoum North. Mr. Abedlmonim Aljak spent the night in the NSS offices and was then released without charge on November 25, 2008 at 6 am.” [15a]

10.20 The International Federation for Human Rights and the Sudan Organisation Against Torture (FIDH) reported on 25 November 2008 of arbitrary arrests as detailed below:

“The Observatory has been informed by reliable sources of the arbitrary arrests of Mr. Amir Mohamed Suliman, Chairperson of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), Mr. Osman Hummaida, human rights researcher and member of OMCT Assembly of Delegates, and Mr. Abedlmonim Aljak, member of the Strategic Initiative for Women in Horn of Africa (SIHA).” [38a]

10.21 The report added: “According to the information received, on November 24, 2008, at noon, a National Security Service police (NSS) officer as well as three policemen arrested Mr. Amir Mohamed Suliman at KCHRED’s offices and took him to the political department of the NSS offices in Khartoum North. He was released the same day at 8 pm without charge.” [38a]

10.22 UN News Centre reported on 28 November 2008 that “Arbitrary arrest and detention are rife in many parts of Sudan, and are often linked to further serious violations such as torture.” [6ax] Furthermore: “... intelligence and security services, police, and the Sudan Armed Forces (SAF), as well as the Sudan People’s Liberation Army (SPLA) in the country’s south, have all committed violations of Sudanese and international law in the form of arbitrary arrests of civilians, in the length and manner of their detention, and in the physical treatment of detainees.” [6ax]

10.23 Additionally:

“‘In Khartoum and other parts of northern Sudan, the National Intelligence and Security Services (NISS) systematically use arbitrary arrest and detention against political dissidents’, states the report. The NISS has reportedly been responsible for a large number of cases involving ill-treatment and torture, including attempts to intimidate detainees, punish them, extract information or force them to incriminate themselves or others’.” [6ax]

- 10.24 The International Secretariat of the World Organisation Against Torture (OMCT) reported on 16 January 2009 about the arbitrary and incommunicado detention of Dr. Hassan Al Turabi, the 76-year-old leader of the opposition group Popular Congress Party (PCP), and Dr. Bashir Adam Rahama, political officer of the PCP. The two were being detained in Kober Prison, the report added.

“According to the information received, Dr. Hassan Al Turabi and Dr. Bashir Adam Rahama were arrested by agents of the Sudanese National Intelligence and Security Services (NISS) on 14 January 2009 in Khartoum. Since then, they have been refused access to their families and legal representation. Both individuals reportedly suffer from high blood pressure and Dr. Hassan Al Turabi’s family was not allowed to give him his medicine. Furthermore, till now, no charges were brought against them and the exact reasons of their arrest remain unclear.” [55e]

- 10.25 The same report recorded that:

“... The International Secretariat of OMCT is gravely concern for the safety of Dr. Hassan Al Turabi and Dr. Bashir Adam Rahama, being at particular risk of torture and other forms of ill-treatment due to their conditions of detention. OMCT is further concerned with regard to their detention, which, according to the information received, seemed to be based solely for the peaceful exercise of their rights to freedom of expression. OMCT recalls to Sudan that according to article 9 1) of the International Covenant on Civil and Political Rights (ICCPR) ‘no one shall be subjected to arbitrary arrest or detention’. OMCT has been informed of an increase in incidents of enforced censorship, arbitrary detention and interrogation since the ICC Prosecutor asked the pre-trial judges to indict President Al-Bashir for genocide, war crimes and crimes against humanity.” [55e]

- 10.26 Amnesty International’s (AI) 2009 Annual Report for Sudan, covering events in 2008, recorded that:

“The JEM attack on Omdurman on 10 May [2008], which was repulsed by government forces, caused more than 220 casualties, according to officials. Government forces then combed Omdurman, arresting and detaining any individual – man, woman or child – of Darfuri appearance, those suspected of supporting opposition groups, and especially Zaghawas. Hundreds of civilians were arrested in the aftermath, with reports of extrajudicial executions, torture and other forms of ill-treatment. Many people were held incommunicado in unofficial places of detention. The youngest victim of such detention was a nine-month-old infant who was held with his mother underground in a detention centre for two months. At least one individual died as a result of ill-treatment in detention during the first two weeks after the arrests.

“In the aftermath of the attack, the government announced on national television that it was detaining in a social rehabilitation centre more than 80 children who had been arrested during the security crackdown on Omdurman. The government alleged that the children, some as young as 11, were found wearing uniforms and holding weapons. The children were reportedly ill-treated during the first days of their detention, but were allowed visits and were later released by the government.

“Although many of the arrested individuals were released, many remained unaccounted for, their whereabouts and fate unknown.” [16a]

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Torture

10.27 The USSD Report 2008 recorded that: “Government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charges.” [3a] (Section 1c)

10.28 Africa Files reported on 18 July 2009 that Darfuris risked torture whilst being held in detention. The report noted the recent use of torture to extract confessions, with an example of such confessions having been used to legitimise the execution of nine men accused of killing a journalist in 2006.

“Ibrahim Abakar Ibrahim Adam was arrested on 14 April, along with a group of other Darfuri people, after protests against the execution of nine Darfuri men. They are now known to be still in custody and are at risk of torture.

“The nine Darfuri men were hanged on 13 April for the killing of journalist Mohammed Taha, who was kidnapped and decapitated in September 2006. The nine men were executed after unfair trials that started in 2007, where they were convicted on the basis of confessions made under duress. They were kept incommunicado during the entire time they spent in jail, until a few hours before their execution, when, according to local press, they were able to meet with their families, and told them they were ‘innocent and were going to be martyrs for the cause of Darfur’.” [132a]

10.29 *Human Rights Today*, noted on 15 July 2009, the flogging of Christian girls by the Sudanese police:

“International Christian Concern (ICC) has learned that Sudanese officials flogged several Christian women for wearing pants [trousers]. The Sudanese public order police arrested the girls last week at a ballroom in Khartoum, the capital city of Sudan.

“According to the *Sudan Tribune*, ten girls, including several Christians, each received 10 lashes and was fined 250 Sudanese pounds (\$179). Three of the Christian girls are under eighteen years of age. The police accused them of wearing ‘gross clothing’ in violation of the Criminal Penal Code of Sudan. The Sudanese penal code based on Islamic laws which discriminate against religious minorities and women.” [131a]

See also [Arrest and detention – Legal rights](#) and [Prisons and Prison Conditions](#)

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Extra-judicial killings

10.30 The USSD Report 2008 reported that:

“There were numerous reports that the government and its agents committed arbitrary and unlawful killings. Government forces, government-aligned militias, and rebels killed civilians in connection with the conflict in Darfur. Civilians were also killed in connection to conflict in Abyei. Fighting between government forces and JEM rebels killed civilians during the May 10 JEM attack on Omdurman. A UN report cited the government as asserting that 57 civilians were killed, but the actual number of civilian casualties was believed to be far higher.” [3a] (section1a)

10.31 The report further added: “In the aftermath of the May 10 JEM attack, National Intelligence and Security Services (NISS) forces committed three confirmed extrajudicial killings in Khartoum and Omdurman. NISS forces killed one woman as she tried to prevent the arrest of her brother; one Darfuri student; and beat one man who later died of his injuries.” [3a] (section1a)

10.32 The report continued:

“Civilians were killed and injured as a result of fighting between the SPLA and civilians during a GOSS disarmament campaign. On June 5, in Ioli and Loguruny villages in Eastern Equatoria, eight civilians were killed and an estimated 1,410 persons displaced by fighting; the incident was not under investigation by year's end. On September 8, the SPLA injured persons during a disarmament activity in Rumbek.” [3a] (section1a)

ARMED FORCES

10.33 Jane's Sentinel Country Report for Sudan (updated 6 February 2009) recorded:

“The supreme commander of the armed forces holds the positions of president of Sudan and commander in chief of the Sudan Armed Forces (SAF) and of the Popular Defence Force (PDF). ... The army is of primary importance as a defensive force around Khartoum and garrison towns, as is the air force as a provider of battlefield air support. From a territorial point of view, the army is organised on the basis of a number of military regions, with the commander of each region exercising operational control over the division and brigade commanders in his region. ... Informal forces operate in parallel to the regular armed forces and are considered to be both more brutal and closer to the key figures in the National Islamic Front (NIF) regime. The Popular Defence Force (PDF) was formed by the NIF soon after it took power in 1989 and can be considered a loose amalgamation of various local defence forces and militias that was rapidly organised to relieve the army of local defence duties and allow it to concentrate on its primary duty of defending major garrisons against the SPLA. It is believed that the PDF incorporates or co-ordinates at least some of Sudan's Arab-based regional militias that have been accused, inter alia, of slave-raiding and genocide. Such forces outnumber the regular armed forces and conduct the bulk of offensive actions (essentially raids) with the army and air force providing fire support.” [116a] (Armed Forces)

10.34 Jane's Sentinel Country Report for Sudan dated 6 February 2009 recorded:

"Sudan has been seeking to enhance the capabilities of the armed forces by procuring modern weapons systems. Historically, Sudan's military forces were handicapped by limited and outdated equipment. The Sudanese Government was assisted by the US during the 1980s to upgrade the forces' equipment, with a particular emphasis on airlift capabilities and logistics. However, following the military coup of 1989, US military assistance came to an end and Sudan looked to other suppliers." [116e]

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Arbitrary arrest and detention

The following paragraphs should be read in conjunction with the section on the police above.

10.35 The USSD Report 2008 reported that government forces, and other government-aligned groups, were responsible for the "... arbitrary arrest and detention, incommunicado detention of suspected government opponents ..." [3a] (Introduction) Amnesty International (AI) noted on 23 May 2008 that Sudanese armed forces and police were responsible for arbitrary arrests and extra-judicial executions. [16c]

10.36 AI reported on 21 April 2009 of the release without charge of the Director of the North Darfur branch of the Amel Centre for Medical Treatment and Rehabilitation of Victims of Torture, who had been detained incommunicado since 11 April 2009.

"Mr. Mohamed Al Mahgoub was released on April 17, 2009 without charge. He had been arbitrarily arrested on April 11, 2009 by the National Intelligence State Security (NISS) in his house in Al Fashir, and detained incommunicado in the Al Fashir NISS premises, with no access to his lawyers or family.

"On March 5, 2009, Mr. Al Mahgoub had been ordered by the NISS not to leave Al Fashir, on the basis of the National Security Forces Act 1999." [16d]

Torture

10.37 An Amnesty International USA report on incommunicado detention and risk of torture dated 24 July 2009 stated that:

"Torture or other ill-treatment of detainees by the NISS is rife, especially when detainees are held incommunicado and especially when they are of Darfuri origin. Darfuri students studying in Khartoum are often harassed by the NISS, often during or after protests and political rallies. Although Sudan's Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. This increases the likelihood of torture.

“Journalist Mohamed Taha had angered Islamists when he published an article discussing the ancestry of the Prophet Mohammed, after which he was arrested. He had also written articles attacking Darfuris.” [16b]

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

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

- 10.39 Amnesty International’s 2008 report on Sudan stated that:

“The national intelligence and security service (NISS), military intelligence and police continued to commit human rights violations, including arbitrary arrests, torture and ill-treatment, and use of excessive force. Political detainees, criminal suspects, Darfuris and others from marginalized areas, and students in Khartoum were routinely subjected to torture and ill-treatment. Floggings continued to be imposed for a variety of public order offences including unlawful sexual intercourse and trading in alcohol. Demonstrations were frequently repressed using excessive force.” [16g]

Extra-judicial killings

- 10.40 The USSD Report 2008 recorded that: “...there were numerous serious abuses, including: abridgement of citizens’ right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country.” [3a]

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PRO GOVERNMENT MILITIAS

- 10.41 The USSD Report 2008 stated: “There were numerous reports that the government and its agents committed arbitrary and unlawful killings....In Darfur, government forces, government-aligned militias, rebel groups, and tribal factions killed, injured, and raped civilians... and continued to attack villages.” [3a]
- 10.42 A report by IRIN News entitled: “In-Depth: ‘Sudan: A future without War?’-IRIN In-Depth on the prospects of peace in Sudan” provided details of the pro-government armed groups, stating that there were two main branches, northern and southern. 21 August 2009) [10a]
- 10.43 Jane’s Sentinel Country Risk Assessments, Country Report for Sudan (accessed on 24 February 2009) recorded:

“The Popular Defence Force (PDF) was formed by the government soon after it took power in 1989. The PDF could be considered as a loose amalgamation of various local defence forces and militias that was rapidly organised to relieve the army of local defence duties and allow it to concentrate on its primary duties of holding major garrisons and offensive action.

“The PDF has also been described as the armed or paramilitary wing of the National Islamic Front (NIF) regime. In reality, it is likely that the PDF was a relatively disparate organisation that included all these different sorts of militias. Operationally it appeared that the PDF militias were responsible for local defence, including roadblocks, and are mobilised on a larger scale for dry season offensives.” (Security and foreign forces, 4 December 2008) [116a]

SECURITY FORCES: SOUTH SUDAN

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

- “(1) There shall be established a police service to be known as the Police of Southern Sudan which shall be a decentralized professional service force whose mission is to prevent, combat and investigate crime, maintain law and public order, protect the people of Southern Sudan and their properties, and uphold and enforce this Constitution and the law,
- (2) The Police Service shall be organized at the level of Southern Sudan and states of Southern Sudan; its organization, structure, functions, powers and terms of service shall be regulated by law,
- (3) The police service shall be headed by an Inspector-General of Police to be appointed by the President of the Government of Southern Sudan on the recommendations of the minister in charge and approval of the Council of Ministers,
- (4) The Police of Southern Sudan shall be governed by this Constitution and the law. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights.” [94b] (p63)

10.45 The Police Act stated that:

“The Police shall be deployed for the prevention and detection of crime and prosecution of offenders on behalf of the Attorney General and shall report back to the same on all steps taken in that regard. The Police shall also be responsible for apprehension of offenders, maintenance of public order and public security, safety of persons and property, fulfillment [sic] of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties.” (Police Act: Chapter 3, Section 10) [18e]

10.46 The Police Act also records the duties and expectations of officers of the law, whilst the Police General Regulation Act details the organisation, titles and seniority within the force, and other aspects such as training and recruitment. (Police Act) [18f] (Police General Regulation Act) [18e]

10.47 Human Rights Watch, reported by Reuters on 12 February 2009, stated that activists gave an account of killings, torture and arbitrary arrests by members of South Sudan's government armed forces. “... southern soldiers had been allowed to operate in an ‘environment of impunity’ and called on the authorities

do more to protect civilians.” The report accused the southern government of failing to control its troops and security forces or enforce the law when they committed crimes and noted that Southern government has struggled to find new roles for the tens of thousands of soldiers that fought on its side as members of the then rebel Sudan People's Liberation Army. [70a]

- 10.48 A UN Security Council Report, dated 14 July 2009, noted that the Southern Sudan Police Service have implemented training procedures aimed at improving the “... awareness of human rights, gender issues and community policing ...” However, there were “significant remaining challenges” including poor literacy skills, and limited organisational and management capacity. [6q]
- 10.49 The *Sudan Tribune* reported on 24 July 2009 that Mr. Gier Chuang Aluong, the newly appointed minister of internal affairs for south Sudan, vowed to reform security forces in the semi-autonomous region. “... ‘Our main priority is to gradually re-establish capable security forces that can provide service with respect and dignity’,” noted the report. [12g]

See also [Arrest and detention – Legal rights: South Sudan](#) and [Prisons and Prison Conditions – South Sudan](#)

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11. MILITARY SERVICE

- 11.01 The Coalition to Stop the Use of Child Soldiers 'Child Soldiers Global Report 2008, Sudan released on 20 May 2008 recorded that:

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

- 11.02 Jane's Sentinel Country Report for Sudan, dated 12 May 2009, recorded:

"Over the years the Sudanese Army has been beset by recruitment problems as northern Sudanese became increasingly reluctant to fight in the civil war in the south of the country. The ranks of the army are believed to have been swelled with southerners pressed into service. Soldiers have also protested over delays in pay. The army has also been weakened by political purges, internal divisions and widespread corruption. President Bashir, a former army officer, is generally assumed to command the army's loyalty, and there appears to have been significant investment with regards to procurement provided by the expanding oil industry." [116e]

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CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

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

RECRUITMENT/CONSCRIPTION

- 11.04 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that: "Some three years ago the government stopped rounding up young men in the cities to conscript them into National Service. Students are now required to undergo 45 days to 2 months military training prior to entering University and then serve one year National service upon graduation. National service can be in the army or in governmental institutions depending on profession and state of health." [20a] (p4)

- 11.05 Child Soldiers Global Report 2008 noted: "Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south." [42a] (also see 20.29)
- 11.06 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "A 2007 UN report cited the SAF, police including the CRP, janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad." [3a] (Section 1g)
- 11.07 The USSD Report 2008 stated that the forcible recruitment of persons into armed groups continued. [3a] (Section 6c) Also that children were used as soldiers in armed groups. [3a] (Section 5)

See also [Children - Forced conscription](#)

SOUTH SUDAN

- 11.08 Article 45 of the Interim Constitution of Southern Sudan (ICSS) states that: "(1) Defence of Southern Sudan in particular, is an honour and duty of every citizen in Southern Sudan without prejudice to Article 18 of the Interim National Constitution. (2) The law shall provide for the combatants, the wounded, the families of martyrs and those missing in action." [94b] (p16)
- 11.09 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan SPLA (Sudan People's Liberation Army) Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also notes that: "The laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of Legal Affairs and Constitutional Development." [20a] (p3)
- 11.10 The SPLA Act, 2003 describes the structure of the force:
- “(1) The SPLA shall comprise of:
- (a) The Forces known as the SPLA immediately before the commencement of this Act;
- (b) Any person enrolled or enlisted under this Act;
- (c) Reserves.
- “(2) The SPLA shall be divided into:
- (a) An Active List;
- (b) A Reserve List.” (SPLA Act: Chapter I, Section 4) [18g]
- 11.11 Chapter II of the Act contains the provisions for commissioning, enrolment, enlistment, appointments and transfers, whilst Chapter III describes the provisions for dismissal and discharge from the SPLA. (SPLA Act: Chapters II & III, Sections 7-15) [18g] Chapters IV and V refer to the offences members of

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

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

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

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

See also [Children - Forced conscription](#)

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12. ABUSES BY NON-GOVERNMENT FORCES

12.01 The USSD Report 2008 recorded:

“In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued during the year, and insecurity increased. The government and government-aligned militias continued to attack villages; aerial bombardment of villages by the government continued. Humanitarian access was restricted by the government, and rebels attacked and abducted humanitarian workers. On May 10, JEM rebels attacked Omdurman, near Khartoum. On November 12, President Bashir announced a cease-fire in Darfur; however, government and rebel attacks continued. Intertribal violence also continued.” [3a] (Section 1g)

12.02 The report added that: “Attacks and other acts of violence by all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread.” [3a] (Section 1g)

12.03 Amnesty International USA, in an undated report accessed 24 July 2009, stated: “Arms, ammunition and related equipment are still being transferred to Darfur in the west of Sudan for military operations in which extremely serious violations and abuse of human rights and international humanitarian law are committed by the Sudanese government, the government-backed Janjawid militias and armed opposition groups.” [16h]

12.04 The report added:

“Despite assertions to the contrary by the Sudanese government, armed attacks on civilians by the Sudanese armed forces and allied Janjawid militias are ongoing in Darfur and now the conflict in Darfur has spread beyond Sudan's borders. Civilians in eastern Chad are now also being attacked by Sudanese Janjawid militias and their local Chadian allies, who plunder and kill with impunity. UN and African Union (AU) officials have reported numerous indiscriminate aerial bombings and attacks on villages and incidents of forced displacement, as well as summary executions, ‘disappearances’, looting and destruction of property. Descriptions of these attacks to the UN indicate that tactics used have been very similar to those used during the height of the war in Darfur in late 2003 and 2004, characterized by coordination of operations between the Sudanese armed forces and government-supported militia, failure to respect the principles of distinction and proportionality, and grave violations of international human rights and humanitarian law. Rape, sexual violence, and other forms of gender based violence continue to be committed in Darfur by Janjawid militias as well as by Sudanese armed forces and armed opposition groups, including against children.” [16h]

12.05 Freedom House reported in Freedom in the World 2009 – Sudan, released 16 July 2009, that:

“Despite peace efforts, violence escalated in Darfur during 2008. Between January and May, the military and allied militias carried out air and ground attacks against suspected rebel strongholds. Human rights groups contended that the attacks were indiscriminate and destroyed entire villages, killing hundreds of people and displacing over 30,000. On May 10, members of the

JEM launched an attack on Khartoum that was intended to oust al-Bashir, but it was repulsed on the city's outskirts. In response to the threat, the government established special courts to try suspected rebel supporters, and as many as 38 people received death sentences in allegedly flawed trials. Meanwhile, heavy fighting continued in Darfur. In July, ICC prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court's judges had yet to rule on the request at year's end. According to UN sources, as many as 300,000 people had died in Darfur over the previous five years, from fighting as well as disease and hunger." [53b]

12.06 The same report added that: "It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have also gathered a great deal of evidence on the widespread use of rape in the conflict." [53b]

12.07 UN News Centre reported on 15 June 2009 that:

"Secretary-General Ban Ki-moon has voiced concern over the deterioration in relations between Chad and Sudan, further destabilizing the already volatile Darfur region. Despite the agreement signed by the two countries in early May, Mr. Ban said that the previous two months in Darfur were characterized by an escalation of violence along the border with Chad, and an incursion by Chadian national forces into the area.

"This escalation of violence is particularly troubling as it followed the renewed commitments by both States to seek dialogue and re-establish diplomatic ties', he wrote in his latest report on the joint UN-African Union operation in Darfur (UNAMID)." [6d]

See also [Peace and conflict in Sudan](#); [Security](#) and [Security situation](#)

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13. JUDICIARY

- 13.01 Jane's Sentinel Security Assessment for Sudan, updated 6 June 2009, recorded that:

"The legal system is based on sharia (Islamic law). According to the constitution, the judiciary is an independent authority comprising courts with separate hierarchies for civil and for criminal matters. The lowest courts are known as Town Benches, the judgements of which may be appealed to District Courts. Province Courts with jurisdiction to hear cases concerning commercial issues and personal status cases for non-Muslims, also hear appeals on decisions rendered by the District Courts. Each provincial capital has a Court of Appeal, with the Supreme Court or Court of Cassation serving as the final court of appeal and sitting at the apex of the judicial structure. The High Council of the Judiciary exercises the administrative authority of the judiciary.

"A Constitutional Court, separate from the judicial structure, was established in 1998 and consists of members appointed by the president with the approval of the National Assembly. Its role is to judge the constitutionality of laws, hear cases relating to the infringement of constitutionally guaranteed individual rights and to arbitrate between lower courts when there are jurisdictional conflicts." [116f] (Internal affairs)

NORTH SUDAN (GOVERNMENT OF UNITY)

- 13.02 Article 34 of the Interim National Constitution (INC) states that:

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

A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] (p14)

- 13.03 Article 123 of the INC records that:

- "(1) The National judicial authority in the Republic of the Sudan shall be vested in the National Judiciary.

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

- 13.04 The USSD Report 2008 also recorded that: “In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order.” [3a] (Section 1d)

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ORGANISATION

- 13.05 Article 124 of the INC records that: “The National Judiciary shall be structured as follows: (a) A National Supreme Court, (b) National Courts of Appeal, (c) Other national courts or tribunals as deemed necessary to be established by law.” [94a] (p48) Article 130 of the INC states that:

“(1) Having regard to competence, integrity and credibility, the Chief Justice of the Republic of the Sudan, his/her deputies, Justices and Judges shall be appointed by the President of the Republic in accordance with Article 58 (2) (c) herein, where applicable, and upon the recommendation of the National Judicial Service Commission. (2) The law shall determine the terms of service, discipline and immunities of Justices and Judges. (3) Southern Sudan shall be adequately represented in the National Supreme Court and other national courts that are situated in the National Capital.” [94a] (p50)

- 13.06 The USSD Report 2008 recorded that:

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

- 13.07 The report added:

“In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. Under the Interim National

Constitution, the government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol." [3a] (Section 1c)

- 13.08 Article 156 of the INC states, with regard to the National Capital, Khartoum, that: "(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply according to law." [94a] (p62)

- 13.09 Article 157 continues:

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

- 13.10 The USSD Report 2008 stated that: "The Special Courts Act created special three person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security related cases. [3a] (Section 1e)

- 13.11 The FCO's travel advice on Sudan, updated 5 March 2009, noted that:

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

- 13.12 In a report dated 25 June 2008, Human Rights Watch stated: "The Anti-Terrorism Special Courts set up by the government of Sudan to try individuals accused of participating in the May 10, 2008 attack on the capital by a Darfur rebel group do not meet minimum international fair trial standards...". The report noted that the trials of 36 individuals began simultaneously in three Special Courts in Omdurman, Khartoum North, and Khartoum on 18 June 2008, however, lawyers reported that for some of the defendants had restricted or no access to their clients and described the court proceeding as arbitrary, forcing some of the defense lawyers to withdraw. [19g]

INDEPENDENCE AND FAIR TRIAL

- 13.13 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "Although the Interim National Constitution and the law provide for an independent

judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. The judiciary was inefficient and subject to corruption.” [3a] (Section 1e) The report added: “An executive-level judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court’s seven members. On occasion courts displayed a degree of independence. However, political interference with the courts was commonplace” [3a] (Section 1e)

13.14 The report added:

“The Interim National Constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this was often not respected. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally has the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. Defendants and their attorneys generally had the right to present evidence and witnesses; to be present in court; to confront accusers; and had access to government-held evidence relevant to their cases. However, there were reports that defendants frequently did not receive legal counsel, and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes did not allow the calling of defense witnesses. Defendants have a right to appeal, except in military trials, where there is no appeal.” [3a] (Section 1e)

13.15 The same source also noted that: “Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession whom it considered political opponents, and did not allow the Darfur Bar Association to register as an NGO.” [3a] (Section 1e) Furthermore: “In both the north and south, women were usually not allowed to testify as witnesses without the backing of three men.” [3a] (Section 1e) Additionally, “Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court.” [3a] (Section 1d)

13.16 The USSD Report 2008 noted that: “In August the Ministry of Justice appointed a special prosecutor for crimes in Darfur, Nimr Ibrahim Mohamed. Human rights observers asserted that the special prosecutor was biased in favor of the ruling party, and that the process was not credible. The special prosecutor did not begin judicial proceedings against any persons for crimes in Darfur by year’s end.” [3a] (Section 1e)

13.17 The report added: “Antiterrorism courts were set up to try persons arrested in connection with the May 10 JEM attack on Omdurman. Persons tried under these courts did not have the same rights as those tried in regular courts.” [3a] (Section 1e) Furthermore Shari’a law is applied in the north, but not in the south, under the Interim National Constitution. [3a] (Section 1e)

13.18 The European Country of Origin Information Network (ECOI) reported on its website on 24 June 2008 that: “The Anti-Terrorism Special Courts set up by the government of Sudan to try individuals accused of participating in the May

10, 2008 attack on the capital by a Darfur rebel group do not meet minimum international fair trial standards.” [113a]

13.19 Human Rights Watch reported on 24 June 2009 that:

“On June 18, 2008, the trials of 36 individuals began simultaneously in three Special Courts in Omdurman, Khartoum North, and Khartoum. The Special Courts were created shortly after the May attacks under Sudan’s 2001 Anti-Terrorism Law specifically to try individuals accused of participating in the attack on Omdurman by the rebel Justice and Equality Movement (JEM). Lawyers for some of the 36 defendants told Human Rights Watch that they had limited or no access to their clients and described the court proceeding as arbitrary, forcing some defense lawyers to withdraw. Under Sudanese law, a defendant can be convicted on the basis of a confession made while in incommunicado detention or during coerced interrogations.” [19g]

13.20 The report added: “The Sudanese authorities should stop denying defendants their right to a fair trial, otherwise the trials are no more than a show. The authorities should allow the defendants full access to their lawyers.” [19g]

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SOUTH SUDAN

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

13.22 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. Article 23 of the ICSS states that:

- “(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.
- (2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.
- (3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.
- (4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.
- (5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.
- (6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences.” [94b] (p8-9)

- 13.23 The Laws of the New Sudan Judiciary Act, 2003 stated that: “Judicial powers in the New Sudan shall be vested in an independent body to be known as ‘The Judiciary’ and shall in the discharge of its duties be directly responsible to the Chairman [of the SPLM and Civil Authority of the New Sudan (CANS)].” (Judiciary Act: Chapter 1, Section 4) [18d] As to the Powers and jurisdiction of the Courts:
- “1) Court shall have powers to determine all the disputes and try all the cases other than those excepted by law.
 - 2) Every Court shall have the power to determine matters submitted to it in accordance with the Law.
 - 3) Courts shall not directly or indirectly adjudicate upon acts of sovereignty.” (Judiciary Act: Chapter 1, Section 6) [18d]
- 13.24 The USSD Report 2008 stated:
- “In the south the GOSS employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the south, including domestic matters and criminal cases.” [3a] (Section 1e)
- 13.25 The report added that delays in trial also resulted in unreasonably lengthy pretrial detentions, and persons were not provided prompt access to lawyers. [3a] (Section 1d) Also that some judges in the south reportedly continued to follow Shari'a legal procedures and that in the south, traditional or customary law was often used. [3a] (Section 1e)
- 13.26 The report continued: “Shari'a is applied in the north, but not in the south, under the Interim National Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In the south, traditional or customary law was often used.” Also that: In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation.” [3a] (Section 1e) Furthermore: “In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order.” [3a] (Section 1e)
- 13.27 Additionally:
- “In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. Under the Interim National Constitution, the government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.” [3a] (Section 1c)

- 13.28 Jane's Sentinel Security Assessment for Sudan, updated 6 June 2009, recorded: "In terms of the CPA, the southern Sudan judiciary will comprise a Supreme Court, a Court of Appeal and any other courts and tribunals deemed necessary under the southern Sudan constitution." [116f]

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ARREST AND DETENTION – LEGAL RIGHTS

- 14.01 Article 29 of the Interim National Constitution (INC) states that: “Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law.” [94a] (p13) While Article 34 states: “(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her.” [94a] (p14)
- 14.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “Individuals were arbitrarily arrested and detained. The NISS committed numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer.” [3a] (Section 1d)
- 14.03 The report further noted that:
- “Warrants are not required for an arrest. The Criminal Code permits authorities to detain individuals for three days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which superseded the Criminal Code, an individual accused of violating national security may be detained for three months without charge, and the director of security may extend this period for another three months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.” [3a] (Section 1d)
- 14.04 The USSD Report 2008 also noted that: “The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system in the north. Southern Sudan had no functioning bail system; suspects granted bail in exceptional cases were generally required to post exorbitant amounts as bond.” [3a] (Section 1d)

ARREST AND DETENTION – LEGAL RIGHTS: SOUTH SUDAN

- 14.05 The USSD Report 2008 recorded that: “Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. ... Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance.” [3a] (Section 1d)

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15. PRISON CONDITIONS

- 15.01 Kings College, London website last updated 1 September 2008 recorded the following prison brief for Sudan:

Country	SUDAN
Ministry responsible	Ministry of the Interior
Prison administration	Department of Prisons
Contact address	PO Box 551, Khartoum, Sudan
Telephone/fax/website	tel: +249 11 772 451 or 771 319 or 331 890 fax: +249 11 770 280
Head of prison administration (and title)	Moi-ed-den Awad Head of prison administration
Prison population total (including pre-trial detainees / remand prisoners)	c.12,000 at March 2003 (national prison administration)
Prison population rate (per 100,000 of national population)	c.36 based on an estimated national population of 33.2 million at March 2003 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	c.10% (March 2003)
Female prisoners (percentage of prison population)	c.2% (March 2003)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	c.2% (March 2003)
Foreign prisoners (percentage of prison population)	c.1% (March 2003)
Number of establishments / institutions	125 (August 2002 - 4 federal prisons, 26 local government prisons, 46 provincial prisons, 45 open and semi-open prisons, 4 reformatory centres for juveniles)
Occupancy level (based on official capacity)	*(Prisons were overcrowded in 2006 - U.S. State Department Human Rights Report.)

[115a]

- 15.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

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

15.03 Furthermore: “Unlike the previous year, the government allowed some restricted visits to prisons by human rights observers in the north. The International Committee of the Red Cross (ICRC) had limited access to government prisons during the year; however, released prisoners reported that officials hid high-profile detainees during visits.” [3a] (Section 1c)

15.04 The *Sudan Tribune* reported on 23 May 2008 that the Darfur rebels who are being detained by the Sudanese government for the Justice and Equality Movement (JEM) attacks on Khartoum on 10 May 2008 are being held in very poor prison conditions. The report stated that the rebel fighters are locked up in Omdurman military prison which has reached ‘life-threatening proportions’ for them.

“Once in the military prison, up to 250 individuals were held in each 50 meter square room. They were held in this condition for five days pending interrogation by the security forces. Most were been beaten, abused and provided no food or water,” the report added. [12p]

CHILDREN IN PRISON

15.05 The USSD Report 2008 further noted that:

“Government authorities detained 109 children in connection with the May 10 JEM attack. Most of the children were sent to a detention facility for children after having been initially held with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and remained detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.” [3a] (Section 1c)

The report added that Juveniles often were held with adults in the north. [3a] (Section 1c)

See also [Children](#)

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SOUTH SUDAN

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

“The United Nations Office on Drugs and Crime (UNODC) has begun assisting the Government of South Sudan in its prison reform process in the agency’s first project in the region as it emerges from a decades-long civil war. The project, funded by Canada and undertaken in cooperation with the International Centre for Criminal Law Reform and Criminal Justice Policy and the UN Mission in Sudan (UNMIS), will boost the prison system’s capabilities in the areas of information management, staffing, policy development and regulations, according to information released today by UNODC.” [68g] [100a]

- 15.07 The report added “This includes enhancing the capacity of the Southern Sudan Prison Service to respond more effectively to the needs and circumstances of children, women and other groups with special needs in prison,’ said Mark Shaw, UNODC Inter-Regional Adviser, who leads UNODC’s work in Sudan’.” [68g] [100a]
- 15.08 The USSD Report 2008 recorded that: “Prisons in Southern Sudan provided inmates with at least one meal per day. The Prisons Directorate of Southern Sudan (SSPD) provided separate quarters for male and female prisoners and usually housed juveniles in separate cells. Prison labor was used for the construction of private residences for SPLM officials.” [3a] (section 1c)
- 15.09 The USSD Report 2008 report added: “Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centres in Southern Sudan were under the control of local tribal or state authorities, and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate.” [3a] (section 1c)
- 15.10 The United Nations reported on 18 November 2008 that Corrections Advisers together with the United Nations Mission in Sudan (UNMIS) are working in close collaboration with the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) to lead the process of prison reform in Southern Sudan. Since December 2007, UN Corrections Advisers have been working to strengthen the capacity of prison management by training prison staff to work with prisoners with special needs, particularly women and children, prisoners with mental illness and those suffering from HIV/AIDS. Prison staff are also being trained in information management, human resources and policy development. [6am]
- 15.11 The *Sudan Tribune* reported on 4 November 2008 that UN agencies, implementing construction of Jonglei police and prison stations, had started work at the various sites. [12ay]
- 15.12 The United Nations Office on Drugs and Crime (UNODC) reported on its undated website of the hard labour that women in south Sudan have to endure in prison. The report noted:
- “The women in the female prison work very hard each day preparing food for more than 600 male prisoners. The work involves heavy physical labour causing many women to suffer from exhaustion and other related illnesses. One of the female prisoners at Juba Women’s prison suffered a miscarriage at three months due to excessive physical labour endured in cooking in the prison. While the prisoner was taken to a clinic for a surgical procedure, she was returned to prison immediately after the procedure where no pain relief medication was available and consequently the prisoner spent many days in severe pain. Women prisoners prepare all the food for both the women’s and men’s prison.” [100b]
- 15.13 The same report noted the details of a 15 year old boy who had been imprisoned for 7 months for committing a minor theft crime.

“He has been already in prison for 7 months without a trial and is yet to be given even an indication of when his trial will be heard. He has not seen or heard from his family since being imprisoned as his community is in a far off State outside Juba. In prison there is no access to education, except for basic literacy lessons provided by convicted prisoners to juveniles. He is also not able to work in the prison farms as this is only available to convicted prisoners and until he receives a trial he remains a remand prisoner.” [100b]

- 15.14 The report added: “In answering questions for the mental health assessment the boy replied, ‘who would not be suffering from some mental sickness when locked in here with nothing to do, nothing to keep the mind active and no idea how long I will be in prison as I don’t know how long the sentence to be served is, or even when I will have a date for a trial’.” [100b]

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DEATH PENALTY

- 16.01 Article 36 of the Interim National Constitution (INC) states that:

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

A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] (p15)

- 16.02 Amnesty International's (AI) 2009 Annual Report, covering events in 2008, and released on 28 May 2009, recorded that: “The death penalty continued to be imposed, and courts passed death sentences on men, women and children under the age of 18.” [16a] This was confirmed by a number of other sources who reported that the Sudanese government continued to imposed the death penalty, including against minors and the mentally unwell. The sentence of death is usually carried out by hanging. (The World Organisation Against Torture, 12 August 2008) [55f] (USSD 2008, 25 February 2009) [3a] (Section 1d)
- 16.03 The World Organisation Against Torture, noted on 12 August 2008, its concerns that individuals in Sudan were sentenced to death following trials that often failed to meet international standards for fairness. The source noted that juveniles were sometimes referred to juvenile courts [55f]
- 16.04 Hands Off Cain reported on 16 April 2009 that the Sudan Human Rights Organisation (SHRO) had criticised Sudanese courts for continually inflicting death sentences in seriously flawed cases. The report noted that some trials which had been brought to court were based on political reasons alone, and trials could be negatively influenced by the government, media and security pressures. [127a]

See also [Independence and fair trial](#) and [Penal code](#)

- 16.05 The European Country of Origin Information Network (ECOI) reported on its website, last updated in November 2008, that the Penal Code links criminal responsibility to attaining puberty and therefore the death penalty applies to persons under the age of 18 years.

“The 2004 Child Law applicable in all parts of Sudan states that as a matter of principle courts should not sentence children to death, and sets a maximum sentence of ten years' detention in a juvenile reformatory for capital offenses committed by persons age 15 to 18. However, the Child Law also specifies that a child is someone under age 18, ‘unless the applicable law stipulates that the child has reached maturity’.” [123a] (Death penalty)

“This raises the possibility that a person under 18 could still be sentenced to death under the 1991 Penal Code.

“Article 9 of the Penal Code links criminal responsibility to attaining puberty, and article 3 defines an adult as ‘a person whose puberty has been established by definite natural features and who has completed 15 years of age ... [or] attained 18 years of age ... even if the features of puberty do not appear’.” [123a] (Death penalty)

See also [Children](#)

- 16.06 Hands off Cain on 1 January 2009, reported of crimes, punishable by death in Sudan:

“The crimes punishable by death are murder, armed robbery, weapons possession and smuggling, treason, acts which may endanger the independence or unity of the state, waging war against the state, apostasy and prostitution. In accordance with Shari’a law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion – in this case the public display of a body after execution.” [127d]

See also [Independence and fair trial](#)

SOUTH SUDAN

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

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

- 16.08 The USSD Report 2008 stated that: “In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation.” [3a] (Section 1e)

- 16.09 The European Country of Origin Information Network (ECOI) noted on its website, last update November 2008, that: “The 2005 Interim Constitution of Southern Sudan banned the death penalty for persons under 18 without resolving the contradiction with the juvenile death penalty provision in the Interim National Constitution. The Southern Sudan Legislative Assembly has yet to finalize a draft Child Code that would ban the juvenile death penalty.” [123a] (Death penalty)

See also [Children](#)

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POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC states that:

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

17.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “Although the Interim National Constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced.” [3a] (Section 2b Freedom of Assembly)

17.03 The USSD Report 2008 stated that:

“Police use of excessive force to disperse demonstrators resulted in deaths and injuries. On May 21, SAF soldiers shot student protestors, killing two and injuring 15, at Ed Damazin SAF training camp, On July 27, police killed two demonstrators in White Nile [and] on November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released.” [3a] (Section 2b)

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POLITICAL ACTIVISTS

17.04 The USSD Report 2008 stated that:

“The government held an undetermined number of political detainees. Security forces detained without charge, abused, and held incommunicado political opponents. Detentions of such persons often were prolonged. The NISS arrested and detained large numbers of Darfuris in May and June following the May 10 JEM attack on Omdurman. Human rights organizations claimed that

while most of the detainees were released, the government continued to hold several hundred detainees without charges at year's end." [3a] (Section 1d)

- 17.05 The USSD Report 2008 added that: "Several members of SLA/Minni Minawi were arrested at their homes, beaten, and detained overnight following the May 10 JEM attack. Hassan al Turabi, leader of the Popular Congress Party (PCP), was also arrested and detained for 12 hours after the attack." [3a] (Section 1d)
- 17.06 Furthermore: "PCP members were detained for short periods of time; members arrested in previous years remained in detention. Journalists and lawyers active in the PCP were also detained." [3a] (Section 1d) The report also added that the government did not permit international humanitarian organisations to have access to political detainees. [3a] (Section 1d)

Student activists

- 17.07 SOAT reported on 22 May 2008 that the organisation condemns the recent abduction and torture of a member of a student political group in Port Sudan, Red Sea State. "Ahmed Mohamed Abdu Hassan (25 years old, student at the Economics Faculty of al-Bahr al-Ahmar University, member of the Democratic Union) was abducted at 3pm on 13 May 2008 from a location near the university. He was taken away in a car belonging to the Military Service Department, with the license plate number 1007.
- 17.08 The report added:
- "His abductors took him to a deserted area known as Kilo 7, where he was tortured in an effort to force him to reveal the whereabouts of another political activist in Port Sudan. This included kicking him and beating him with hands, a water hose and metal bars. Ahmed Mohamed Abdu Hassan also reported that his abductors injected him twice with unknown liquids. After he lost consciousness, they abandoned him at the site. He was discovered at around 6pm on the same day by the driver of a passing vehicle belonging to al-Naser company. He subsequently filed a complaint about the incident at the Port Sudan Central Police Station." [15b]
- 17.09 The USSD Report 2008 reported incidents concerning student demonstrations.
- "Police and NISS officers forcibly dispersed student protestors, which resulted in serious injuries. On June 12, at the University of Khartoum, police forcibly dispersed Darfuri students who were peacefully protesting the arrest of a fellow student the previous day. NISS officers followed the students to their dormitory, where they beat several of them and threw two students from windows, severely injuring them." [3a] (Section 1c)

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

- 17.10 BBC News on 15 January 2009 provided a profile of Sudan's Islamist leader, Hassan al Turabi and noted that he created the Popular National Congress (PNC), a new political party in May 2000." [9h]
- 17.11 International Commission of Jurists (ICJ) also noted that: "The Parliamentary speaker, Hassan al-Turabi, an Islamist hardliner who helped then-General al-Bashir to assume power in 1989, created a new political party in May 2000, the Popular National Congress (PNC)." [138a]

THE UMMA/UMMAH PARTY (UP)

- 17.12 "The Sudanese Patriots who established Umma Party in Feb 1945 as the first Popular Political Party, aimed at attaining the country's independence from the Condominium Reign. The Umma Party is the Party of Sudanese Independence. It championed that cause until it became the basis for Sudanese consensus in 1955. (The country's Independence was announced in 1st Jan 1956)" (umma.org website, 6 February 2008) [26a]
- 17.13 The USSD Report 2008 recorded that:
- "Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings." [3a] (Section 2b)

THE SUDANESE COMMUNIST PARTY (SCP)

- 17.14 The *Sudan Tribune* reported on 19 December 2007 that the first-ever meeting between the leaders of the Sudanese communist Party (SCP) and the ruling National Congress Party (NCP) on 12 December 2007 was aimed at building national consensus among major political forces towards democratic transition in the country. It was reported by a member of the SCP Central Committee, Shafee Khidir that the meeting, "... comes in line with SCP strategy to build momentum in democratic process." [12ad]
- "Khidir pointed out that the meeting between president Omer al-Bashir, Chairman of the ruling NCP and Mohamed Ibrahim Nugud, the SCP Secretary General, discussed the implementation of the Comprehensive Peace Agreement (CPA), Cairo agreement, and Eastern Sudan agreement. The two parties also reiterated the need to put an end to the ongoing crisis in Darfur. He also said that the meeting tackled the upcoming 2009 elections and ways to build the best conditions for the success of the first general elections held in the country since 1989 coup d'etat." [12ad]

See also [Annex B](#)

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18. FREEDOM OF SPEECH AND MEDIA

- 18.01 The Freedom House report, Freedom of the Press 2009, Sudan, covering events in 2008, released in 16 July 2009 stated:

“The 2005 interim constitution recognized freedom of the press, and there were some improvements in practice after the signing of the CPA, but the news media continue to face significant obstacles. The 2004 Press and Printed Material Act introduced a number of restrictions that remain in effect. In 2008, the authorities cracked down on private media amid tensions with Chad and the May rebel attack on the capital. The government imposed prepublication censorship for private media in February, following accusations that the government had supported rebels seeking to overthrow the Chadian president. Several journalists were detained during the year, and security officials raided the offices of a number of private papers. Journalists launched a hunger strike in November to protest the rise in censorship.” [53b]

- 18.02 The Freedom House 2009 report continued:

“The National Press Council, which is dominated by government appointees, licenses newspapers and monitors journalists. Numerous privately owned dailies and weeklies reflect a range of views, including those of the opposition and the Southern Sudanese government. The Ministry of Information tightly controls the broadcast media. While some private radio stations operate in Khartoum and the south, the government monitors programming for objectionable material. The state controls the only television broadcaster. Internet penetration is among the highest in sub-Saharan Africa, but is limited to urban areas. The government monitors e-mail messages and blocks sites with pornographic content. Most news sites are not affected, but in August 2008 authorities blocked the You Tube video-sharing service after videos circulated on the site showed abuses by security forces against suspected JEM rebels.” [53b]

- 18.03 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“The Interim National Constitution provides for freedom of thought, expression, and of the press ‘as regulated by law’; however, the government severely restricted these rights in practice. Restrictions on the media increased during the year. The government, through the NISS, continued to censor print and broadcast media, ban the printing of newspapers, and harass vocal critics of the government. The government controlled media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.” [3a] (Section 2a)

- 18.04 The USSD Report 2008 report added: “Individuals who criticized the government publically or privately were subject to reprisal, including arrest. [and also] attempted to impede such criticism, and monitored political meetings. [Additionally], the government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship.” [3a] (Section 2c)

- 18.05 Furthermore:

“The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available. A private FM radio station continued to operate, and UN radio operated throughout the country. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.” [3a] (Section 2c)

- 18.06 Committee to Protect Journalists (CPJ 2008) reported in its Attacks on the Press 2008 report, 10 February 2009, that:

“Sudan's Comprehensive Peace Agreement, which formally ended a decades-long civil war between north and south, officially protects press freedom. However, Sudanese officials ignored these guarantees in practice. In February, the government reinstated formal censorship of the print news media, instructing local editors to submit each issue for pre-approval. Throughout the year, authorities confiscated newspapers and harassed journalists for attempting to report on sensitive topics, such as the conflict in Darfur, the Sudanese security forces, and official censorship itself. The government also used more subtle methods to control content, such as withholding government advertisements and imposing strict licensing that allows for the suspension of critical publications on administrative technicalities.” [28c]

- 18.07 The Human Rights Watch World Report 2009 (HRW 2009) for Sudan, covering events in 2008, released on 14 January 2009, observed:

“The government resumed pre-print censorship on newspapers in 2008, in the wake of a Chadian rebel coup attempt at N'Djamena on February 2-3-which the Chad government said was supported by Khartoum-and again after the JEM attack on Omdurman. Between May and September, NISS media censors removed or partly removed more than 150 articles, 50 of which covered the Darfur conflict.” [19f]

- 18.08 Reuters reported on 8 June 2009 that Sudan had amended its press law, but restrictions remained, noting that:

“Sudan passed an amended version of a media bill that sparked protests in Khartoum last month, but the new version failed to allay the fears of many Sudanese journalists. Dozens of Sudan's laws were to be overhauled under a 2005 north-south peace deal that called for the democratization of the country, but the new Journalism and Press Publications Bill 2009 is one of the few to have reached parliament.” [70b]

- 18.09 The report added that journalists were pleased that a section from earlier drafts that would have allowed a powerful press council to fine journalists or newspapers up to 50,000 Sudanese Pounds (US\$21,000) had been removed, and that in the final version, law courts would decide penalties and can choose how long to suspend newspapers. However, the report noted that the new press bill leaves room for state interference on the grounds of national security or public order, and it remained unclear whether censorship would be reduced. [70b]

- 18.10 A CPJ report on the same press law dated 11 June 2009 stated that it fell short of international standards for freedom of expression.

“After multiple rounds of debate and 15 amendments, parliament passed the controversial bill unanimously, although detailed information about the amendments has not been released. CPJ analysis found numerous shortcomings in the press bill, which was introduced to the Sudanese National Assembly in April. ‘The passage of this press law is a substantial step backward for press freedom in Sudan, despite some last-minute amendments that mitigate some of the more draconian elements of the legislation,’ said Mohamed Abdel Dayem, CPJ program coordinator for the Middle East and North Africa. ‘Under this law, journalists are severely hampered in their work by legal restrictions and censorship. It should be repealed’.” [28d]

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FREEDOM OF SPEECH AND MEDIA: SOUTH SUDAN

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

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

- 18.12 The Freedom House 2009 report noted that:

“Press freedom conditions in autonomous Southern Sudan are generally better than in areas controlled directly by Khartoum, and journalists have more leeway to criticize government policies. Nevertheless, authorities suspended the licenses of two English-language papers based in the south, the Citizen and the Sudan Tribune, which have been critical of the national government. The Tribune’s suspension was eventually lifted.” [53b] (p4)

- 18.13 The USSD Report 2008 noted: “Authorities in Southern Sudan generally respected press freedom, although there were some reports of harassment of journalists. On October 10, in Juba, GOSS authorities arrested Nhial Bol, editor of The Citizen, after he published an article regarding corruption. On October 12, he was released on bail.” [3a] (Section 2a)

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JOURNALISTS

- 18.14 The USSD Report 2008 stated that: “The government directly censored the media and that Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.” The report added that: “The government restricted international media in the north. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates. [3a] (Section 2a)
- 18.15 Reporteurs sans Frontières (RSF) reported on 14 October 2008 that: “Nhial Bol, the editor of the English-language daily The Citizen, was released on 12 October after being held in Malakia police station in the southern capital of Juba for three days. He appears to be accused of libel and publishing false information although no formal charges have so been brought and no date has been set for a trial.” [27c]
- 18.16 CPJ also reported on 14 October 2008 of their concern for the same journalist who had been charged with criminal defamation, noting that he was released on bail on that day:
- “Nhial Bol, editor of The Citizen, told CPJ he is facing a criminal charge for an October 7 article about corruption in the Ministry of Legal Affairs and Constitutional Development of the government of Southern Sudan, he said. Bol said the article had compared the salaries of officials at the ministry to the equivalent salaries in Khartoum, and found that they were higher in the south. of Southern Sudan, for three days. He was released today on bail.” [28b]
- 18.17 The report added: “... ‘We are alarmed that our colleague is facing a criminal charge’, said CPJ Executive Director Joel Simon. ‘The authorities have unjustly gone after an editor who has fairly carried out his job as a journalist. We call on them to drop these overblown charges immediately’.” [28b]
- 18.18 However, the CPJ went on to report on 19 November 2008 that on the previous day, 10 newspapers suspended publication for a day to protest government censorship and the detention of journalists a day earlier. “The journalists protested censorship measures imposed in February and urged legislators to end ‘gross violations of press freedom and freedom of expression in the country’.” [28a]
- 18.19 The report stated further that:
- “Journalists have consistently complained about the sweeping censorship regime, which was imposed after reports in some papers accused the government of backing a failed Chadian coup, according to news reports. Ghali told CPJ that government censors visit his office and those of other newspapers each day and instruct editors as to what can and cannot be published.” [28a]
- 18.20 The USSD Report 2008 recorded that: “In March [2008] the NISS instituted a policy that required newspaper editors to bring their broadsheets to NISS headquarters for review before printing. Censors removed controversial articles before newspapers were printed at a government-controlled printing press.” [3a] (Section 2a) The report also noted that: “In May [2008] three Arabic-language newspapers were shut down for refusing to comply with the NISS

policy. After several days of negotiations, the NISS instituted a new policy requiring newspapers to permit NISS censors to review newspapers each evening in their respective editorial offices. Human rights lawyers estimated that censors removed an average of five press articles each day.” [3a] (Section 2a)

- 18.21 RSF reported on 11 February 2009 of the expulsion of the Canadian-Egyptian journalist Heba Aly, who worked in Khartoum for several international media from June 2008 on 2 February 2009. She told RSF about the latest incident, which was amongst a long series of incidents and about her time in Sudan and her early exit.

“The administrative harassment dealt out to this journalist during the six months she was in Sudan reminds us, if ever it was needed, that obtaining official accreditation in this country amounts to a veritable assault course and that practising journalism there is particularly difficult. Her expulsion is revealing about the government’s desire to strictly control news and the media. We urge the Sudanese authorities to stop using these absurd and pointless procedures’, said Jean-François Julliard, secretary general.” [27e]

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 19.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual violence. The government was generally uncooperative with and unresponsive to domestic human rights groups. Members of local human rights organizations were subject to arrest and detention. Local human rights organizations include the Khartoum Center for Human Rights and the Sudan Development Organization. ... The government did not allow the Darfur Bar Association the right to register as an NGO.” [3a] (Section 4)

- 19.02 The same report added: “... All NGOs must register with the HAC [Humanitarian Aid Commission], the government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year the HAC often changed its rules and regulations without prior notification.” [3a] (Section 4)

- 19.03 Furthermore: “There were no developments in the 2007 case of more than 50 local human rights NGOs suspended by the South Darfur HAC.” Additionally:

“The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, despite the March 2007 Joint Communique between the government and the UN. Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common.” [3a] (Section 4)

- 19.04 Human Rights First 2008 recorded on its website accessed 5 February 2008 by way of a table, regarding the continuing attacks on NGOs, highlighting the constant difficulties they are faced with and the enormity of the problem by demonstrating the volume of incidents and the range of difficulties faced by NGOs. “Since the beginning of 2006, there has been a significant deterioration in the conditions faced by the many Non-Governmental Organizations (NGOs) working to bring relief to the civilian population devastated by the Darfur conflict and to expose violations of human rights.” [91a]

- 19.05 Médecins Sans Frontières (MSF) and Care International amongst many other sources reported on 6 March 2009 that on 3 and 4 March 2009, the Sudanese government ordered a number of relief organisations to stop all their medical relief programs, which would have serious medical and humanitarian consequences for the population of Darfur the reports stated. An example of which is the meningitis outbreak in Kalma camp where an estimated 121,000 people who are in urgent need of vaccination will no longer receive help. [41e], [117a]

- 19.06 Several sources, including the BBC and UN reported on 4 March that the International Criminal Court (ICC) had issued an arrest warrant for Sudan's President, Omar al-Bashir, on charges of war crimes and crimes against humanity in Darfur. The President denied the charges and has dismissed any ruling by the court as worthless. [9g] [6h]

- 19.07 Swiss Agency for Development and Cooperation (SDC), accessed via ReliefWeb reported on 9 March 2009 that the Swiss foreign ministry expressed concern over the expulsion of humanitarian organisations operating in Darfur. The expulsions followed the decision of the International Criminal Court on 4 March 2009 to issue an international arrest warrant for the Sudanese president as reported above. [68i]
- 19.08 The *Sudan Tribune* reported on 12 March 2009 that the aid organisations CARE and Doctors Without Borders (Médecins Sans Frontières), recently expelled from Sudan, expressed their “deep concern” for the humanitarian situation in Darfur and warned of outbreaks of disease epidemics and a spill-over of refugees into Chad. [12bg]
- 19.09 The *Sudan Tribune* also reported on 12 March 2009 that three Médecins Sans Frontières aid workers were reportedly kidnapped on 11 March 2009 in Darfur. [12bh]
- 19.10 The *Sudan Tribune* reported on 15 March that China has refused to endorse a draft UN statement calling for the government of Sudan to back down on its expulsion of 13 humanitarian aid organisations from Darfur. China is the largest foreign investor in Sudan, which supplies about 7% of China’s oil, and has a vested interest that the “Sudanese government is not a subject to punitive measures.” This decision is reported as having a huge impact on the suffering of the people of Sudan in Darfur. [12bj]
- 19.11 The UN Security Council report dated June 2009 recorded that: “In the two months since NGOs were expelled [in March 2009], the UN and the Sudanese government have worked to fill the gaps in services. Nonetheless, with the rainy season fast approaching, it is feared that the humanitarian crisis will continue to worsen.” [102d]

See also [Humanitarian Issues](#)

DARFUR

- 19.12 USSD Report 2008 noted that: “Humanitarian NGOs operating in Darfur continued to face bureaucratic impediments to their work, especially in South Darfur state.” [3a] (Section 4) The report added that:

“The UN continued to investigate the humanitarian situation in Darfur. The UNHCR and the UN special rapporteur on the situation of human rights in Sudan visited the country during the year. The special rapporteur was not permitted access to Northern State. The rapporteur reported to the UN on conditions in the country and concluded that, ‘Despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country.’ UNMIS deployed observers to Darfur to monitor and investigate the human rights situation.” [3a] (Section 4)

See also [Humanitarian Issues – West Sudan \(Darfur\)](#)

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20. CORRUPTION

- 20.01 Freedom House's report 'The Worst of the Worst 2009 – Sudan', dated 3 June 2009, noted that: "Sudan is one of the world's most corrupt states." The report went on to note that general country wide corruption is further compounded by failings in the criminal justice system, with the report stating that: "The judiciary is not independent. Lower courts provide some due process safeguards, but higher courts are subject to political control. Police and security forces practice arbitrary arrest and torture with impunity." [53d]
- 20.02 The *Sudan Tribune* reported on 18 May 2009 that the Eritrean president has accused the SPLM of corruption stating that "corruption in South Sudan is no secret." [12h]
- 20.03 Transparency International ranked Sudan joint 173rd out of 180 countries in its Corruption Perception Index for 2008, released in September 2008. The index "ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians" drawing on data from experts and business surveys.. [139a]

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21. FREEDOM OF RELIGION

LEGAL RIGHTS

21.01 The Interim National Constitution (INC), article five recorded that:

“The State shall respect the following religious rights to:

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

21.02 Article 38 of the INC states that:

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

21.03 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“The Interim National Constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies.” [3a] (Section 2c)

21.04 The report also stated: “Religious organizations, including churches, were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register.” [3a] (Section 2c)

21.05 Furthermore: “While the law permits non Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or

encouraged them to leave the country; however, there were no reports of conversion punished by death.” [3a] (Section 2c)

- 21.06 The same report added that: “There were numerous ongoing disputes between the government and various churches involving confiscated church property. But there were no reports of court-ordered property restitution or compensation.” [3a] (Section 1d)
- 21.07 The USSD report on International Religious Freedom 2008 (US IRF report 2008), stated that:
- “Although the 2005 Interim National Constitution (INC) provides for freedom of religion throughout the entire country, the INC enshrines Shari'a as a source of legislation in the north, and the official laws and policies of the Government favor Islam in the north. The Constitution of Southern Sudan provides for freedom of religion in the south, and other laws and policies of the Government of South Sudan (GoSS) contributed to the generally free practice of religion.” [3h] (p1)
- 21.08 The USSD IRF report 2008, added: “There was some improvement in the status of respect for religious freedom during the reporting period. Restrictions on Christians in the north were relaxed, continuing gains realized with the creation of the Government of National Unity (GNU) in 2005. The GoSS generally respected religious freedom in the ten states of the South.” [3h] (p1)
- 21.09 The same report also noted that:
- “The INC provides for freedom of religion throughout the entire country, but disparities in the legal treatment of religious minorities exist between the north and south. The INC preserves Shari'a as a source of legislation in the north. The Constitution of Southern Sudan provides for freedom of religion, and other laws and policies of the GoSS contributed to the generally free practice of religion. The INC and the Constitution of Southern Sudan both deny recognition to any political party that discriminates on the basis of religion.” [3h] (Section II – Restrictions on Religious Freedom)
- 21.10 Furthermore “There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice, and religious prejudices remained prevalent. Muslims in the north, who express an interest in Christianity or convert to Christianity, faced strong social pressure to recant.” [3h] (p1)

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ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

- 21.11 The USSD Report 2008 stated that: “While the law permits non Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death.” [3a] (Section 2c) The report added: “The punishment for rape under the law varies from 100 lashes to 10 years’

imprisonment to death; however, the government did not effectively enforce these provisions.” [3a] (Section 5)

21.12 The USSD IRF report 2008 stated that:

“Although the Government generally did not vigorously enforce its strictest restrictions on religious freedom, it does not generally respect religious plurality in the north ... The Government favored Muslims over Christians in the north in part by funding the construction of mosques but not churches. Many southern Christians living in the north are economic migrants, and due to many factors, they suffer from social, educational, and job discrimination.” [3h] (Section II – Restrictions on Religious Freedom)

21.13 The report further stated that:

“The National Intelligence and Security Service routinely monitored religious activities at mosques and churches throughout the country, often posing as members of the congregations. Christian leaders acknowledged that they usually refrain from preaching on political or other sensitive topics. Some Muslim imams avoided political topics in their preaching as well. The GoSS did not appear to monitor religious activities at mosques or churches in the South.” [3h] (Section II – Restrictions on Religious Freedom)

21.14 The report continued: “Although there is no penalty for converting from another religion to Islam, converting from Islam to another religion is punishable by imprisonment and even death in the north; however, a death sentence for apostasy has never been carried out by the current Government.” [3h] (Section II – Restrictions on Religious Freedom) Furthermore: “The Government supports Islam by providing funds for mosque construction throughout the north. The Government also exerts influence over the established Muslim hierarchy by retaining the right to appoint and dismiss imams in most mosques in the north.” [3h] (Section II – Restrictions on Religious Freedom)

21.15 The USSD Report 2008 noted that there were no reports of religious leaders being arrested and beaten in 2008, unlike in previous years. [3a] (Section 1d)

VOLUNTARY AND FORCED RELIGIOUS CONVERSION

21.17 The International Religious Freedom Report (US IRF) 2008 stated that:

“Although there was no evidence of forced conversions in the period covered by this report, there is considerable social pressure on non-Muslims in the North to convert to Islam. There were no reports of the forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.” [3h] (Section II – Restrictions on Religious Freedom)

See also [Annex F](#)

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FREEDOM OF RELIGION: SOUTH SUDAN

21.18 The Interim Constitution of Southern Sudan (ICSS),¹ Article 27 of the ICSS stated that:

“The following religious rights are guaranteed by this Constitution:

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

21.19 The USSD Report 2008, stated: “In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely. The GOSS officially favored secular government. Christians dominated the GOSS. Local government authorities often had a close relationship with local Christian religious leaders.” [3a] (Section 2c)

21.20 The US IRF report, 2008 stated that: “Muslim religious leaders in the south reported less inter religious tension during the reporting period.” [3h] (Section II – Restrictions on Religious Freedom)

See also [Annex F](#)

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22. ETHNIC GROUPS

22.01 The Interim National Constitution (INC), article 13 records that:

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

22.02 Article 47 of the INC states that:

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

Article 156 of the INC states that:

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

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

22.03 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab. Interethnic and inter communal fighting in the south continued.” [3a] (Section 5)

22.04 The USSD Report 2008 added:

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

22.05 The report continued: “The government and government supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the

government supported one tribe over another, arming certain tribal militias against other tribes.” [3a] (Section 5)

22.06 The USSD Report 2008 also recorded that:

“Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur. Fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths.” [3a] (Section 1g)

22.07 Furthermore: “In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons. In October, near Abu Dungal village and Muhajerla town, in South Darfur, interethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands.” [3a] (Section 1g)

22.08 The Minority Rights Group International website accessed 13 February 2009 reported the following regarding the current state of minorities and indigenous peoples.

“... More recently, reports have emerged of growing restiveness in the north, among the Nubian and Manassir peoples, as Khartoum presses ahead with unpopular plans to build dams on their traditional lands (ICG, 2007) The hydro-electric dams would cause massive disruption of local communities, and some – particularly among the Nubians – fear that the projects have the covert aim of destroying their ancient traditions and cultures.” [112a]

See also [Annex D](#) and [Annex E](#)

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NORTH SUDAN: NUBIANS

22.09 The Nubians:

“... are a people of north-eastern Sudan ... They constitute the largest ethnic group in the northern part of the country. The Nubians of the Halfa District and Dungulah speak Nubian, although most Nubians speak Arabic. The Nubians, traditionally living in the Nile River valley linking Sudan with Egypt, have always been a settled people, living in towns and villages and cultivating irrigable land. The poverty of their region, however, encouraged them to migrate and they can now be found in all parts of Sudan and Egypt. The Nubians include many subgroups such as the Maha and, further south, the Dongolawin (Dangla). The Gerkid and the Midob of the Darfur area speak Nubian languages.” (The Encyclopaedia of Peoples of the World, 1993) [29a]

22.10 The UN Security Council Report, dated 14 July 2009, stated: “In the north, inter-tribal violence between the Misseriya and Rizeigat clans broke out between 19 and 23 May along the Southern Kordofan-Southern Darfur border. These clashes involved unusually large and heavily armed combatant forces. Large numbers of Central Reserve Police deployed by the Governor of

Southern Kordofan State to prevent further fighting were reportedly also killed.” [6q]

See also [Annex D](#) and [Annex E](#)

EAST SUDAN: BEJA AND RASHAIDA

- 22.11 Save the Children, in a report entitled ‘causes and consequences of underdevelopment and instability in eastern Sudan’, dated September 2005, stated that:

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

“As is the customary right over a piece of land and its resources inherited from the ancestors for the entire lineage; amara is the usufruct right given to non lineage members to use pasture, water and cultivable land on the asl of another lineage against the payment of a tribute called gwadab.” [24b] (p12)

See also [Conflict in Eastern Sudan; Annex D](#) and [Annex E](#)

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WEST SUDAN (DARFUR) – FUR, MASSALEIT AND ZAGHAWA

- 22.12 The USSD Report 2008 recorded that: “The government was responsible for hundreds of politically and ethnically-motivated disappearances, particularly of Zaghawas living in Khartoum and Omdurman.” The report added that following an attack by the Justice and Equality Movement (JEM) on 10 May 2008 the NISS arrested hundreds of Darfuris in May and June, detaining pedestrians and car passengers who appeared to be Zaghawa. [3a] (Section 1b)
- 22.13 The Minority Rights Group International reported the following concerning the minorities in West Sudan in its State of the World's Minorities 2008 report:

“The conflict in Darfur is roughly said to pit ‘African’ farmers (the Fur, Masalit, Zaghawa and other, smaller ethnic groups) against ‘Arab’ nomads. This has always been an overly simplistic explanation, but in 2007 the picture in Darfur darkened even further, as allegiances started to fracture and shift. At the start of the fighting in 2003, there were two main rebel groups. Now, there are over a dozen – some sponsored by regional governments, such as Chad, Eritrea and Libya.” [112b]

- 22.14 Reporting on the Justice and Equality Movement (JEM) attack on Khartoum on 10 May 2008, Amnesty International noted: "The government's response to this military attack has since included hundreds of arbitrary arrests and some cases of extra-judicial executions. These have been carried out by the Sudanese police and National Intelligence and Security Services (NISS) and targeted at Darfuris, particularly from the Zaghawa ethnic tribe." [16c]
- 22.15 The *Sudan Tribune* reported, on 23 July 2009, that the Sudanese president had vowed that include all tribes would be included in the Abyei referendum.
- "The Sudanese president Omer Hassan Al-Bashir today [23 July 2009] declared his party's acceptance of the ruling on Abyei borders rendered yesterday by an arbitration court on the Hague. Sudanese President Omer Hassan al Bashir (AP) Al-Bashir addressing Arab tribe Misseriya representatives in the Sudanese capital said that the tribunal decision is binding because it is a step to bypass war. The Sudanese head of state hailed the role of the Misseriya tribesmen in 'protecting the homeland' referring to the civil war years when they helped fight Sudan People Liberation Army (SPLA)." [12j]

The question of genocide

- 22.16 USSD Report 2008 stated:
- "Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide. Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February, violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad. Darfur rebel groups continued to commit serious abuses." [3a] (p1)
- 22.17 In an article entitled 'the genocide in Darfur - briefing paper, June 2007', the Save Darfur Organisation reported that:
- "No portion of Darfur's civilian population has been spared violence, murder, rape and torture. As one illustration of how Khartoum has waged its war, the Sudanese military paints many of its attack aircraft white - the same color [sic] as UN humanitarian aircraft - a violation of international humanitarian law. When a plane approaches, villagers do not know whether it is on a mission to help them, or to bomb them. Often, it has been the latter." [69a]

Nomadic groups

- 22.18 BBC News reported on 2 March 2008 that nearly 70 armed Arab nomads had been killed in clashes on the border between the north and south of the country.
- "The clashes occurred between Misseriya tribesmen and fighters from the Sudan People's Liberation Movement (SPLM). This is the latest in a series of clashes in the oil-rich Abyei border region, which correspondents say is a potential flashpoint for renewed conflict between the north and south. The

latest clashes took place in the state of Northern Bahr El Ghazal, west of Abyei, said the SPLM, which governs the semi-autonomous south.” [9b]

22.19 News 24 reported on 2 March 2008 that:

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

22.20 Reuters reported on 29 May 2009 of tribal clashes between two tribes, the Misseriya and the Rizeigat had had killed 244 people, including the police.

“Scores of policemen and nearly 200 tribesmen were killed in clashes this week between two pastoralist groups in Sudan's South Kordofan area. ... ‘The death toll is 89 among the Misseriya, 80 among the Rizeigat and 75 policemen’, Hamad told a cabinet meeting in Khartoum. Some 3,000 armed horsemen attacked police positions on Tuesday where the police were trying to provide a buffer between the two tribes who are frequently in conflict, often in cattle raids and over grazing land and water in the semi-arid area.” [70e]

See also [The Darfur Conflict](#); [Annex D](#) and [Annex E](#)

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CENTRAL SUDAN: NUBA

22.21 The USSD Report 2008 stated that: “... Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.” [3a] (Section 2c) The report also stated that “In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order. [3a] (Section 1e)

See also [Peace and conflict in Sudan](#); [Annex D](#) and [Annex E](#)

SOUTH SUDAN: DINKA, NUER AND SHILLUK

22.22 The USSD Report 2008 stated that:

“An estimated 15,000 Dinka women and children were abducted, mainly from 1983 to 1999; thousands of them remained unaccounted for. In contrast to 2007, the government's Committee to Eradicate the Abduction of Women and Children (CEAWC) reportedly returned 228 previously abducted Dinka to their ancestral villages in Southern Sudan during the year. During the year CEAWC received four million Sudanese pounds (approximately \$180 million) in

government funding. The UN Children's Fund (UNICEF) estimated that 4,000 Dinka abductees remain in South Darfur." [3a] (Section 1b)

22.23 The same report added:

"The government's Committee to Eradicate the Abduction of Women and Children (CEAWC) and its 22 joint tribal committees investigated a limited number of abduction cases involving Dinkas abducted by the Misseriya and Rezeigat tribes that dated back to the 1980s and 1990s, and repatriated 228 individuals to their home regions during the year. However, there were problems with the return process, including the insufficient provision of food, water, shelter, and reintegration services to the released abductees; these problems were not resolved by year's end. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation." [3a] (Section 5)

22.24 It was reported by the BBC, and the Foreign and Commonwealth Office (FCO) that, following the Government's announcement of the death of John Garang in an air crash at the end of July 2005, three days of deadly clashes in the capital Khartoum, Juba and other towns between southern African Sudanese and northern Arab Sudanese ensued. (BBC Timeline, 29 July 2009) [9a] (Foreign and Commonwealth Office, 6 November 2007) [4a] Garang was succeeded by Salva Kiir. (BBC Timeline, 29 July 2009) [9a] (p3)

22.25 The *Sudan Tribune* reported on 24 January 2009 that renewed inter-clan fighting had left dozens of people dead in Warrap and Lakes states. [12aw]

22.26 IRIN News also reported on 27 January 2009 of the same ethnic clashes in Southern Sudan between the Dinka and the Apuuk that had left a number of people dead and caused several others to flee their homes.

"Clashes in Southern Sudan's Warrap state have left 41 people dead and displaced hundreds of others from their homes in the past two months. 'The fighting has not stopped', Wol Deng Atak, a deputy chairman of Warrap State parliamentary caucus, told IRIN. 'There is still sporadic fighting all over the state'."

Adding that: "A total of 24 people died in the past week alone, while 17 lost their lives in December. The latest fighting, he added, pitted the Dinka Lou community against the Apuuk. Other clashes occurred at the border between Warrap and Lakes State." [10e]

See also [Peace and conflict in Sudan](#); [Humanitarian Issues](#); [Annex D](#) and [Annex E](#)

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 23.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "The law prohibits homosexuality, but there were no reports of persons being prosecuted on the charge. Societal, but not official, discrimination existed against homosexuals." [3a] (Section 5)
- 23.02 The (ILGA) World Legal Survey, dated May 2009, reported that Sudanese laws prohibiting same sex activity between consenting adults, and recorded that Section 148 of Sudan's Penal Code 1991, concerning sodomy states:
- “(1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permitted another man to insert his penis or its equivalent in his anus is said to have committed Sodomy.
- (2) (a) Whoever commits Sodomy shall be punished with flogging one hundred lashes and he shall also be liable to five years imprisonment.
- (b) If the offender is convicted for the second time he shall be punished with flogging one hundred lashes and imprisonment for a term which may not exceed five years.
- (c) If the offender is convicted for the third time he shall be punished with death or life imprisonment.” [67a] (p39)
- 23.03 The same report noted that Section 151 of penal code stated that: "Whoever commits an act of gross indecency upon the person of another person or any sexual act which does not amount to Zina or Sodomy shall be punished with not more than forty lashes and shall also be liable for imprisonment for a term which may not exceed one year or fine." [67a] (p39)
- 24.04 The survey added: "In 2003 the south parts of Sudan (also known as New Sudan) gained some autonomy, and adopted its own Penal Code the same year. As the federal Penal Code, this Penal Code criminalises sodomy, however with a milder punishment," according to section 318 which refers to unnatural offences:
- “Whoever has carnal intercourse against the order of nature with any person and whoever allows any person to have such intercourse with him commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding ten years and may also be liable to fine; and if such intercourse is done without consent he shall be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine; provided that a consent given by a person below the age of eighteen years to such intercourse shall not be deemed to be a consent within the meaning of this section. Explanation: Penetration is sufficient to constitute the carnal knowledge necessary to the offence described in this section.” [67a] (p39)
- 23.05 Amnesty International's report, Sexual Minorities and the Law: A World Survey, updated July 2006, stated that both female and male same sex-relations were illegal and that the "Death penalty applies under sharia law or 5 years imprisonment." With regard to transgender persons the report observed that there was "No data or legal situation unclear." [16af] (p12)

- 23.06 Amnesty International USA in an extensive report entitled 'Love, hate and the law: decriminalizing homosexuality', dated 24 July 2009, provided a summary of the treatment of transgendered and same sex groups in Sudan, noting the following:

"By institutionalizing discrimination, laws criminalizing homosexuality reinforce systemic disadvantage of lesbians, gay men and bisexual people and against transgender people, who may be heterosexual, and act as an official incitement to or justification for violence against them, whether in custody, in prison, on the street or in the home. These laws allow law enforcement officials to invade the private residences of individuals alleged to be engaging in consensual same-sex sexual relations. They can result in impunity for arbitrary arrests on the basis of allegations about sexual orientation, rumours of sexual behaviour or objection to gender presentation, with few, if any, consequences for torture or other ill-treatment. Homophobic and transphobic individuals or groups take these laws as permission to target lesbian, gay, bisexual and transgender people, organizations and events. Survivors of human rights abuses may have no recourse to justice and be deprived of access to redress. Without the fundamental protection of legality, it is impossible for activists to form organizations and campaign for the right to engage in consensual same-sex practices, or even to meet in public. Even their use of the internet in private can be used in prosecutions against them."

[105a]

- 23.07 The FCO travel advice, last updated on 5 March 2009, noted under local laws and customs, that: "Homosexual practices and extra marital relations are illegal and subject to severe penalties under Islamic Sharia law. Sudanese society is not, therefore, tolerant of homosexual relationships." [4h]

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24. DISABILITY

- 24.01 The *Gurtong* reported on 7 January 2009 concerning the lack of support and financial assistance to the physically disabled people in South Sudan.

“The Minister of Commerce, Trade and Supply, Honourable Anthony Lino Makana, has criticised the South Sudan Legislative Assembly for neglecting the plight of the physically disabled. Speaking during the opening ceremony a new referral rehabilitation centre for the physically disabled in Juba, the minister cited the construction of the assembly that does not favour the physically challenged as it cannot support the use of wheel chairs...’Our Parliament has not made it easy for the disabled persons to access the Parliament offices’ Lino said. He added that there is need to provide the disabled with micro credit facilities and short term loans besides training in entrepreneurship skills in a bid to uplift their living standards.” [18a]

- 24.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that ‘the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society’. The government has not enacted laws or implemented effective programs to ensure access to buildings for persons with disabilities. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day, and mentally disabled prisoners were not exempted from trial.” [3a] (section 5)

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25. WOMEN

OVERVIEW

- 25.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 15 of the INC states that:

- “(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.
- (2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.” [94a] (p8) Article 32 of the INC states that:

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

- 25.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly. To obtain an exit visa, children must receive the permission of their father or a paternal uncle. Women cannot apply for exit visas for their children.” [3a] (Section 5) The same report added:

“A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim). Adding: Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery. ... Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum, persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

“Women experienced economic discrimination in access to employment, credit, and pay for substantially similar work, and owning or managing businesses. Women were accepted in professional roles; more than half the professors at Khartoum University were women.” [3a] (Section 5)

- 25.03 FCO Country Profile, last reviewed in October 2007, stated that:

“A number of constraints continue to challenge the implementation of women’s rights, including patriarchal customs and continuous conflict between written law and customary/religious laws, according to the UN Development Fund for

Women (UNIFEM). In the ongoing Darfur crisis, women and girls remain vulnerable to sexual attacks in remote areas when they go out to fetch water or take their wares to the market, according to Human Rights Watch (HRW)."

Furthermore, Sudan has not ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women, in relation to the protection of women's rights. [4a] (p4)

- 25.04 The FCO recorded on its website on 5 March 2009 that whilst non-Muslim women are not expected to wear a veil or cover their heads, they should dress modestly and respect local customs and sensitivities. [4h]
- 25.05 The International Development Research Centre reported on 31 October 2008 that decentralisation fails women in Sudan. "Decentralization a form of governance required by many donor organizations is intended to disperse power and resources from the central government to each of Sudan's 26 states, for the benefit of all Sudanese.... [but] Power and budgets are still tightly controlled by Khartoum, Unfortunately, health and education services for women have worsened under the decentralization model that Sudan's constitution and a 2005 Comprehensive Peace Agreement dictate." [113a]
- 25.06 Sudan has not signed or ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). (UN Treaty Database, accessed 28 August 2009) [6aaa]

See also [Women in Prison](#) and [Freedom of religion](#)

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POLITICAL RIGHTS

- 25.07 The Freedom House report, Freedom of the Press 2009, Sudan, covering events in 2008, released in 16 July 2009 stated: "Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination." [53b]
- 25.08 The USSD Report 2008 observed

"Women had the right to vote. There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the GNU. The GOSS agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women at all levels of government; however, in practice, there were few women in government in Darfur." [3a] (Section 5).

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SOCIAL AND ECONOMIC RIGHTS

Marriage

- 25.09 The USSD Report 2008 recorded that: “The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem.” [3a] (Section 5)
- 25.10 The same report also stated that: “A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim).” [3a] (Section 5)
- 25.11 The website of the US Embassy in Khartoum (accessed on 28 August 2009) recorded that Sudanese legal requirements governing marriage and divorce do not apply to non-Muslims. Also, in mixed marriages, the marriage contract is drawn up according to the national laws of each spouse. [88b]

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

Forced Marriage

- 25.12 UNICEF reported on 24 July 2009 that: “Early marriage still happens with some regularity in Sudan, most often for girls, who are sometimes as young as 12 when they're married off. Marriage at such an early age can be an obstacle to further education; it can also result in complications should the girl become pregnant before her body is adequately developed.” [40a]
- 25.13 World Plus reported on 9 April 2009 forced marriage was prevalent in Sudan. The report noted the case of a young Sudanese woman aged 17 whose opposition to a forced marriage to an older man resulted in a severe beating and partial loss of her sight [25a]

See also [Children – Forced/customary marriage](#)

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Family Planning

- 25.14 All Africa reported on 11 July 2008 that family planning in south Sudan is in its infancy. In an interview with the Director of Reproductive Health for south Sudan, the report noted the negative impact that 50 years of civil war has had on the country in terms of setting back family planning structures. The report noted that South Sudan's lack of family planning has resulted in the “...

world's worst maternal mortality rate of 2,054 per every 100,000 births - one in fifty women die ..." [97b]

Pregnancy and early pregnancy

25.15 The USSD Report 2008 stated that: "Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for 'illegal pregnancy'. The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery." [3a] (section 5)

25.16 The World Health Organisation (WHO) stated that adolescent pregnancy is a culturally complex issue for a number of countries including Sudan and calls for more education and support to encourage girls to delay motherhood until they are ready. Adding that adolescent pregnancy is a major contributor to both infant and maternal health problems and mortality.

"Adolescents aged less than 16 years face four times the risk of maternal death than women aged in their 20s, and the death rate of their neonates is about 50% higher, according to adolescent health consultant, James E Rosen, who has been conducting a research review for the department of Making Pregnancy Safer at WHO. Health experts agree that pregnant adolescents require special physical and psychological attention during pregnancy, childbirth and the postnatal period for preserving their own health and the health of their babies." [44e]

Prostitution

25.17 The USSD Report 2008 stated that prostitution is illegal but widespread throughout the country. [3a] (Section 5)

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VIOLENCE AGAINST WOMEN

25.18 The USSD Report 2008 stated that:

"The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available. Prostitution is illegal but widespread throughout the country." [3a] (Section 5)

25.19 The USSD Report 2008 added:

"While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics

were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.” [3a] (Section 5)

- 25.20 Human Rights Watch (HRW) in a report entitled: ‘Five years on’, dated 6 April 2008, stated:

“Five years into the armed conflict in Sudan's Darfur region, women and girls living in displaced persons camps, towns, and rural areas remain extremely vulnerable to sexual violence. Sexual violence continues to occur throughout the region, both in the context of continuing attacks on civilians, and during periods of relative calm. Those responsible are usually men from the Sudanese security forces, militias, rebel groups, and former rebel groups, who target women and girls predominantly (but not exclusively) from Fur, Zaghawa, Masalit, Berti, Tunjur, and other non-Arab ethnicities. ...

“The Sudanese government has said it is committed to combating sexual violence in Darfur. In November 2005 it launched a National Action Plan on Combating Violence against Women and in December 2005 the Ministry of Justice created a special Unit to Combat Violence Against Women and Children to oversee the National Action Plan and coordinate activities. The governors of the three Darfur states have each established state-level committees-composed of a cross-section of local authorities-to address violence against women. More recently, the government has deployed more police investigators and prosecutors to Darfur, and has worked with UNICEF to set up Protection Units in police stations to handle cases involving children and women.” [19h]

- 25.21 However the report continued:

“But these measures have so far failed to address root causes of sexual violence, prevent pervasive and persistent incidents of sexual violence throughout Darfur, or reverse the climate of impunity that perpetuates it. The government has not yet made serious efforts to deter or stop soldiers or militia forces from committing sexual violence or ensuring accountability for those who do, and it has done too little to address debilitating weaknesses in the police and justice sectors. Women and girls continue to be brutally beaten and raped. Social stigma and obstacles to justice continue to discourage women and girls from seeking redress, while members of the armed forces remain shielded from prosecution.” [19h]

- 25.22 Amnesty International's (AI) 2009 Annual Report for Sudan, covering events in 2008, noted that:

“Incidents of gender-based violence, including rape and other forms of sexual violence, continued. The operations of a large number of international NGOs committed to addressing violence against women continued being restricted by the government. Interference by the government's Humanitarian Aid Commission, which monitors and co-ordinates humanitarian work in Darfur, was reported to have increased in 2008. Amnesty International also received credible reports that workers from organizations countering gender-based sexual violence were harassed by the NISS over the year. In desperate attempts to free them from the conflict, women and their children continued to be sent by their husbands to the capital, where they ended up living in IDP camps around the city, often in extreme poverty.” [16a]

See also [Trafficking](#)

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Rape

- 25.23 The USSD Report 2008 stated that:
- “The punishment for rape under the law varies from 100 lashes to 10 years’ imprisonment to death; however, the government did not effectively enforce these provisions. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. Spousal rape is not addressed in the law. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.” [3a] (Section 5)
- 25.24 The report also noted that: “Rape of women and girls throughout the country, including systematic rape in Darfur, continued to be a serious problem. Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur.” [3a] (Section 5)
- 25.25 Additionally: “There were continued reports that janjaweed, rebels, and government security forces raped women and children. In 2005 the UN noted the ‘widespread and systematic’ prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by ‘men in uniform’, and their assailants generally beat them and threatened to kill them.” [3a] (Section 1g)
- 25.26 Furthermore: “Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for ‘illegal pregnancy’. The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.” [3a] (Section 5) The report also stated that the authorities often obstructed access to justice for rape victims, and that only one person was convicted of rape in Darfur during the year. [3a] (Section 1g)
- 25.27 Human Rights Watch reported in April 2008 of the sexual violence in Darfur in 2007-2008
- “Rape and other forms of sexual violence remain endemic to the Darfur conflict. As documented extensively, it featured prominently in the government’s ‘ethnic cleansing’ campaign, both during and following displacement to date, sexual violence continues to threaten the safety of women and girls across Darfur in patterns that reflect current conflict dynamics and the breakdown of law and order.” [19i]
- 25.28 AI’s 2009 Report noted that violence against women, including rape and other forms of sexual violence, continued. [16a]

See also [Women: West Sudan \(Darfur\)](#)

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Female genital mutilation (FGM)

25.29 The USSD Report 2008 recorded that:

“Female genital mutilation (FGM) remained widespread, particularly in the north, where a 2005 UNICEF estimate put prevalence at 90 percent. The law does not prohibit FGM. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. The government actively campaigned against it. Several NGOs worked to eradicate FGM.” [3a] (Section 5)

25.30 UNICEF reported on 6 February 2009 that the organisation commended the efforts made by Sudanese government, civil society and local communities to bring an end to the practice of FGM in the country.

“The dangers that female genital mutilation and cutting create for girls and women have been recognized by the government, religious leaders, health professionals, community elders and individual families in Sudan, and we applaud the collective efforts now being taken to eradicate the practice entirely.” It is unacceptable that any girl should face this dangerous and unnecessary violation of her rights,” noted UNICEF Acting Representative Dr. Iyabode Olusanmi.” [40n]

25.31 However, The *Sudan Tribune* reported on 8 February 2009 that Sudanese activists had slammed a decision by the Sudanese cabinet to drop an article banning the practice of female genital cutting in the country. The report stated that the government took its decision in accordance with an Islamic fatwa on the issue.

“The Council of Ministers on February 5 dropped the article (13) of the draft Children’s Act of 2009, which provides for the ban of female genital mutilation as part of other customs and traditions harmful to the health of the child, and after approval of the draft Children’s Act 2009. The cabinet decided to drop the article (13), which deals with female circumcision, taking into account the advisory opinion of the Islamic Fiqh Academy, which distinguish between harmful circumcision or infibulation (Pharaonic circumcision) and the circumcision of Sunna, a less extensive procedure.” [12bf]

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DARFUR

25.32 HRW reported on 22 August 2007 that:

“... Women in Darfur are also at risk of sexual violence outside the context of large attacks. Women risk being raped if they leave their camp for internally displaced people to search for firewood. In some areas, the current African Union Mission in Sudan (AMIS) has provided ‘firewood patrols’ to accompany groups of women once or twice a week as they gather firewood. But these patrols have often been ineffective due to poor organization, lack of resources, and lack of communication with the people who benefit from the patrols. Human Rights Watch welcomed the recent agreement on a proposed AU-UN

hybrid force for Darfur. However, that force will not be on the ground until next year.” [19e]

Furthermore: “In 2005, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC). When serious sexual violence forms part of a widespread or systematic attack against civilians, it can constitute a crime against humanity. In the case of Darfur, such crimes could be prosecuted under the jurisdiction of the ICC.” [19e]

- 25.33 The USSD Report 2008 noted that government forces, government-aligned militias, rebel groups, and tribal factions killed, injured, and raped civilians. [3a] (Section 1c)

See also [The Darfur Conflict](#); [Security](#); [Security situation](#); [Humanitarian issues - West Sudan \(Darfur\)](#); [West Sudan \(Darfur\) and East Sudan](#) and [Internally displaced people \(IDPs\)](#)

SOUTH SUDAN

- 25.34 The USSD Report 2008 stated that: “Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari’a.” [3a] (Section 5)
- 25.35 The report added that security forces frequently arrested and detained women in Southern Sudan on suspicion of adultery. [3a] (Section 5) And that there were cases where Southern Sudan Police Services (SPSS) officers and SPLA officers reportedly raped women, often with impunity. [3a] (Section 1c)

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26. CHILDREN

OVERVIEW

- 26.01 Sudan signed and then ratified the UN Convention on the Rights of the Child in 1990 (UN Treaty Database, updated 28 August 2009) [6aab] In addition, the Interim National Constitution (INC) states in Article 14 that: “(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically; and protect children from moral and physical abuse and abandonment.” [94a] (p7)
- 26.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued.” [3a] (Section 5)
- “Although mandated by the Interim National Constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.” [3a] (Section 6d)
- 26.03 The USSD Report 2008 also recorded that:
- “There were continued reports that janjaweed, rebels, and government security forces raped women and children. In 2005 the UN noted the ‘widespread and systematic’ prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by ‘men in uniform’, and their assailants generally beat them and threatened to kill them.” [3a] (Section 1g)
- 26.04 Furthermore:
- “There were reports that janjaweed raped children during the February 8 SAF attacks in West Darfur. In March, in Nyala, government soldiers raped two 14-year-old girls. On August 19, an IDP spokesman reported that janjaweed raped two girls and one woman after they left the camp to gather firewood. UNAMID reported that armed men in uniform raped two girls, age 11 and 12, in November in North Darfur.” [3a] (Section 1g)
- 26.05 Save the Children reported on 9 January 2008, that, the mortality rate for children is still high in southern Sudan, further warning that three years after the signing of the Comprehensive Peace Agreement between north and south Sudan, thousands of children are still facing death.
- “One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement

promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." [24d]

26.06 The report added that:

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

26.07 The UNICEF Sudan country page, accessed on 1 February 2009 noted

"Despite remarkable progress made for children in Sudan since the signing of the Comprehensive Peace Agreement in 2005, there remain great challenges to development as the country continues to be affected by lack of infrastructure, limited capacity and the ongoing conflict in Darfur, where an estimated 1.8 million children have been affected by armed conflict. Many children have been exposed to brutal violence. Disease, malnutrition and disruptions in essential services like water and education are also leaving their mark." [40d]

26.08 The same source stated

- "Sudanese children suffer an under-five mortality rate of 112 deaths per 1,000 live births, an infant mortality rate of 81 deaths per 1,000 live births and a maternal mortality ratio of 1,107 deaths per 100,000 live births; 68 per cent of children have not been fully immunized.
- 40 per cent of the population does not have access to safe water, with nearly 70 per cent not having access to adequate sanitation.
- Net primary school attendance rates are estimated at 53.7 per cent, and female adult illiteracy is estimated at 62 per cent. Less than 20 per cent of children complete primary education.
- An estimated 10,000 children remain associated with armed forces and groups.
- 36 per cent of girls marry before the age of 18, while female genital mutilation and cutting affects 68 per cent of women and girls - mostly in the north of Sudan.
- Sudan has the highest number of internally displaced persons in the world - an estimated 4 million people are displaced, over 2 million of these in conflict-affected Darfur." [40d]

26.09 [The UNICEF website](#) also provides statistics and detailed information on the basic demographics regarding children. [40c]

26.10 UN News reported on 23 December 2008 that:

"Sudan's military and child welfare authorities have partnered with the United Nations Children's Fund (UNICEF) to protect children's rights and prevent the recruitment of child soldiers in the war-torn African nation. The Sudan Armed

Forces (SAF), Sudan's National Council for Child Welfare (NCWW) and UNICEF signed a memorandum of understanding yesterday to create a Child Rights Unit in the SAF to enforce the 2007 Sudan People's Armed Forces Act, which sets 18 as the minimum age for armed forces recruitment. The Unit will also help SAF educate personnel about the Act and other child protection laws ratified by Sudan. NCCW and UNICEF will give the Unit technical support. UNICEF will also offer more specialized training and funds for the Unit to carry out its work." [6g]

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Basic legal information

- 26.11 The website of the US Embassy in Khartoum (accessed on 29 January 2008) Khartoum US Embassy reported that: "Male applicants [for Civil Marriage] must be at least 18 years old, while females must be at least 16 years old. If an applicant does not meet the age requirements, then he/she must obtain the consent of the parents or the Khartoum Province Judge. "[88a]
- 26.12 The USSD Report 2008 recorded that: "The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem. "[3a] (Section 5)
- 26.13 Child soldiers' global report 2008 recorded the voting age and the age at which boys became liable to do military service as 18 years old. [42a]

See also [Forced/customary marriage](#) and [marriage](#)

JUDICIAL AND PENAL RIGHTS

- 26.14 The Office of High Commissioner for Human Rights reported the following concerning penal rights in Sudan. The March 2007 report has been taken from its global initiative to end all corporate punishment of children. "Corporal punishment is lawful in the home. There is no legislation concerning violence against children in Southern Sudan. Drafting of a children's act was due to begin in April 2005 but we have no further information." [6t]
- 26.15 The report stated that:
- "Corporal punishment of boys is lawful in schools under the School Regulations (1993), and in alternative care settings. In the penal system, corporal punishment is lawful as a sentence for crime. The Sudanese Criminal Code (1991) is partly based on Shari'a law, reinstating hadd offences and the law of qisas and diyat, and allowing for flogging and amputation. Article 47 states that among the measures a court may order is 'flogging as a disciplinary punishment for any person having attained 10 years of age, although not more than 20 lashes of the whip may be administered'. Flogging is a penalty for other offences in the Criminal Code and the Public Order Act (1996), and the manner in which it should be carried out is regulated by the Criminal Procedure Act (1983). Amputation is also a penalty under the Criminal Code, e.g. for armed robbery (article 168). Corporal punishment is also lawful as a disciplinary measure in penal institutions." [6t]

- 26.16 The USSD Report 2008 noted that: "Nine children were tried in the courts: four of them were acquitted and released; the trials of five were ongoing; and one was sentenced to death and had on ongoing appeal." [3a] (Section 1e)

See also [Children in prison](#)

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VIOLENCE AGAINST CHILDREN

- 26.17 The USSD Report 2008 stated that:

"The JEM used child soldiers as part of the May 10 attack. Government authorities detained 109 children in connection with the attack. Most were sent to a detention facility for children after having been initially held along with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and were detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process." [3a] (Section 1g)

See also [Forced conscription - West Sudan \(Darfur\)](#)

- 26.18 The report added: "Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement." [3a] (Section 5)
- 26.19 UNICEF's website, last updated 12 February 2009, reported a study by the UN on violence against children. The report noted that there was evidence that women and girls in camps for displaced people, were often harassed or sexually abused when going about everyday activities, such as collecting wood or water. [40b]
- 26.20 The USSD Report 2008 stated that: "The LRA, which used child soldiers, continued to operate in the south despite its 2006 signing of an agreement to cease hostilities. The LRA abducted adults and children in the south." [3a] (Section 5)

See also [Violence against women](#); [Trafficking](#); [Freedom of Movement – West Sudan \(Darfur\) and East Sudan](#)

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Forced/Customary Marriages

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

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

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

Forced Labour

26.22 The USSD Report 2008 noted that: “The law prohibits forced or compulsory labor, including by children; however, such practices continued. Including abduction, forced labor, and sexual slavery of women and children.” [3a] (Section 6c) The report also noted that many children were abused, abducted, or used as slaves and that child labour remained a problem. [3a] (Section 5)

26.23 The USSD Report 2008 added: “The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective.” Also that: “In the south, child labor laws were rarely enforced.” [3a] (Section 6d) Furthermore:

“Although mandated by the Interim National Constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.” [3a] (Section 6d)

26.24 The report also added that: “A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor.” The report also cited other such incidents involving the SAF and the Popular Defense Forces (PDF). [3a] (Section 1g)

26.25 IRIN News reported on 22 January 2009 that the lack of opportunities in Sudan is forcing children into work.

“Many children are being forced to work as the state, which was badly affected by Sudan's 21 years of conflict, grapples with reconstruction challenges. The state is mainly inhabited by the Nuba (central highland tribes) and Baggara Arabs (the Hawazma and Misseriya). A lack of development has also led to discontent. ‘Signs of insecurity are widespread in the western area where grievances about lack of access to services and employment and the blockage of pastoralist movement towards the South have led a number of Misseriya youth to resort to armed violence’.” Said Sara Pantuliano, a research fellow at the Humanitarian Policy Group of the Overseas Development Institute.” [10g]

26.26 Age Concern, on its website last updated 26 July 2008, reported that: “In Africa, poverty is not the primary reason for forced prostitution of girls, rather girls are kidnapped by soldiers (in Angola, Rwanda, and Liberia), taken as slaves (Sudan), or sexually exploited while employed as household help.” [133a]

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Forced conscription

26.27 The USSD Report 2008 stated that:

“A 2007 UN report cited the SAF [Sudan Alliance Forces], police including the CRP [Central Reserve Police], janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad.” [3a] (Section 1g)

26.28 The USSD Report 2008 continued:

“In June 2007 UNICEF signed an action plan with SLA/Minni Minawi that committed the rebel group to identify locations of child soldiers; however, SLA/Minni Minawi continued to use child soldiers. In August UNAMID officers visited an SLA/Minni Minawi encampment and observed numerous boys bearing arms intermingled with older soldiers.” [3a] (Section 1g)

26.29 The report also noted that: “In Darfur government-aligned militias killed and injured civilians, including during attacks on villages; raped women and children; destroyed and looted civilian property; and used child soldiers.” [3a] (Section 5) Furthermore: “Rebel factions and bandits in Darfur killed and abducted persons, including civilians, humanitarian workers, and United Nations--African Union Mission in Darfur (UNAMID) peacekeeping troops and workers; beat and raped civilians; recruited and used child soldiers; and restricted humanitarian access.” [3a] (Section 5)

26.30 Child soldiers’ global report 2008 stated:

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

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

26.32 The US State Department’s Trafficking in Persons Report, 16 June 2009, noted:

“There were confirmed reports of forcible child recruitment in 2008 by the JEM in several refugee camps in eastern Chad, as well as villages in Darfur. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan’s concluded north-south civil war was previously

commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin. Although the Sudan People's Liberation Army (SPLA) high command committed to preventing recruitment and releasing the remaining children from its ranks, reports suggest some local commanders continue recruiting children. In certain states, the SPLA also persists in using children for military activities, even after these children have been formally identified for demobilization and family reunification." [3f] (p22)

See also [Military Service](#)

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Violence against children in South Sudan

- 26.33 The New Sudan Vision reported, on 22 June 2009, that: "Hundreds of Children gathered at the freedom square on Tuesday, June 16, 2009 in Yambio, to commemorate the day of the African Child and to call for an end to child abductions carried out by Uganda's Lord Resistance Army (LRA) in Western Equatoria State, Southern Sudan.

"The children started the day with a grand march from the county headquarters to the freedom square located at the heart of Yambio town, where leaders delivered keynote speeches to highlight the theme of the day and made pledges to work together for the welfare and survival of the children in Western Equatoria state." [89a]

- 26.34 CBS News reporting a statement by the UN on 8 July 2009 noted that tribal fighting in south Sudan had had a significant and negative impact on women and children, with estimates of approximately 1000 deaths since January 2009. The report went on:

"Fighting between tribes in southern Sudan has increasingly targeted women and children and likely killed more than 1,000 people since January. Sudan's south is still grappling with the legacy of one of Africa's longest and bloodiest civil wars. The two-decade battle between ethnic African southerners and Sudan's Arab-dominated government in the northern capital, Khartoum, killed an estimated 2 million people.

"Tension between heavily armed tribes in the south has grown as competition for scarce water and pasturage has increased. Clashes that began early this year have intensified and gone beyond traditional cattle raids to include attacks on civilians. 'Horrendous' attacks have targeted large numbers of women and children, said David Gressly, the U.N.'s regional coordinator for southern Sudan." [64a]

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CHILDCARE AND PROTECTION

- 26.35 The UN Security Council Report, dated 14 July 2009, noted the following concerning child protection:

"During the inter-tribal clashes between the Murle and Lou Nuer in Jonglei State, more than 200 children were reportedly abducted and unconfirmed numbers

were killed and displaced. In collaboration with local authorities, community leaders and non-governmental organization partners, UNMIS and the United Nations Children's Fund are leading efforts to systematically register missing children. Tribal mediations have not been successful in ensuring the return of abducted children to their communities. The abductions also constitute a violation under the newly promulgated Southern Sudan Child Act.

"Reintegration of children associated with SPLA remains a pressing challenge. The position of SPLA High Command of no longer recruiting children into their forces is not widely implemented by field commanders, who continue to hold boys and girls under 18 in their ranks." [6q]

- 26.36 SOS Children, the world's largest orphan and abandoned children's charity reported on its undated website that: "... The biggest challenge facing governments and NGOs in Sudan is the plight of nearly 2 million refugee children in Darfur. The poor living conditions of children in the refugee camps can only make the incidence of HIV/AIDS rise. Currently (2005) the incidence is relatively low - 2.3%. There is no estimate of the number of AIDS orphans.

"SOS Children, through the SOS Social Centres, has been supporting the local community with health and education programmes. In addition the charity is supporting and implementing the national and regional programme - Unite for Children Unite against HIV/AIDS." [136a]

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Children's homes

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

- 26.38 The report added:

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

- 26.39 The report continued:

"The launch of the initiative coincides with the planned closure of Khartoum's largest orphanage, Maygoma, which in 2004 received nearly 700 new referrals

despite concerns over the quality of care being provided to abandoned children. In the last three years, as the pilot family care programme was developed and non-governmental organizations assisted in the management of the orphanage, more than 2,500 children were moved to the family care system.” [71e]

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EDUCATION

26.40 The USSD Report 2008 reported:

“The law provides for free basic education up to eighth grade; however, students often had to pay school, uniform, and exam fees. In the north the primary school enrolment rate was approximately 68 percent in 2005. Boys and girls generally had equal access to primary education, although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In Darfur information on enrolment rates was unavailable, but few children outside of cities had access to primary education. Primary school enrolment in the south tripled since 2005, according to UNICEF; however, lack of schools remained a serious problem in the south, and girls in the south did not have equal access to education.” [3a] (Section 5)

26.41 The same report also added that: “In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent.” [3a] (Section 5)

26.42 The USSD Report 2008 also noted that: “The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education... There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.” [3a] (Section 5)

26.43 The Department for International Development (DFID) reported on 26 January 2009 that a project, run by Save the Children and funded by DFID had been set up to provide schooling for many disadvantaged children in Sudan. “The project, which is run by the development agency Save the Children and backed by DFID funding, provides school places to children who might otherwise miss out on an education. In this once war-torn region, this means, in particular, girls, disabled children and former child soldiers.” [8d]

26.44 The report added that:

“Two central elements of the project are a drive to train more teachers to a professional standard and an effort to get parents fully behind their children's education. Teacher training has seen thousands of people, women as well as men, acquire the skills to help unschooled children catch up on years of missed lessons. And to change parental attitudes, each participating school has set up special volunteer groups. These go out into local communities, spreading the message about how life-changing an education can be.” [8d]

- 26.45 UNICEF reported on 13 January 2009 that a new curriculum for schools, focusing on the risks from HIV and AIDS, was due to be launched in the northern states of Sudan the next day, as part of the government's efforts to improve knowledge and understanding of the virus amongst young people. "The curriculum, developed by the Ministry of General Education with support from the Sudan National AIDS Control Programme (SNAP) and UNICEF, has been under development for over two years and aims to reduce the risks from HIV and AIDS amongst adolescents." [40k]
- 26.46 The report added that approximately 2.5 million children aged between 10 and 18 years would benefit from the proposed curriculum content which would be introduced in schools throughout primary and secondary schools in the fifteen states in the north of Sudan. [40k]
- 26.47 The Sudanese News agency reported on 20 February 2009 that a joint cooperation plan between Sudan and UNICEF was due to be implemented, covering four areas of basic education expansion, improvement of education quality, support of nomads and girls education. The project would also target ten Sudanese states including the three Darfur states, Southern and Northern Kordofan, Blue Nile, White Nile, Kassala, Gadaref and Khartoum. [68a]

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South Sudan

- 26.48 IRIN News reported on 13 July 2009, that there have been improvements in education in South Sudan, but this has mainly benefited boys. "School enrolment across Southern Sudan has trebled since a 2005 peace agreement ended almost 20 years of war with the north, but the number of girls in class has remained significantly lower than for boys." [10m]
- 26.49 The USSD Report 2008 observed: "In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent." [3a] (Section 5)
- 26.50 Relief Web reported in its weekly humanitarian report (dated 9 July 2009) that the State Ministry of Education had received funds from UNICEF to construct 30 classrooms and to repair a similar number in Kalma camp. [68c]
- 26.51 UNICEF reported on 5 November 2007 of optimism at the progress made by primary school children across southern Sudan during a recent tour by UNICEF's Executive Director gave a glimmer of hope in terms of educational progress in a major part of Sudan. [40b]
- 26.52 The UN refugee Agency (UNHCR) reported, on 6 July 2009, that the organisation sees education as fundamental for south Sudan's reintegration.
- "Providing children with access to education has always been a priority for the UN refugee agency and in South Sudan UNHCR has been making a difference by ensuring schooling for hundreds of young returnees. It's a huge task in a region emerging from more than two decades of civil strife, but every new school or college built is important – and in recent weeks UNHCR has constructed another five community-based primary schools in areas of high return. ...

“The five new schools were built in South Sudan's Eastern Equatoria state with funds donated by the Bill and Melinda Gates Foundation. Of the 330,000 refugees who have returned to South Sudan since 2005, including some 170,000 with UNHCR's help, more than a third have gone to Eastern Equatoria. Some 2 million internally displaced Sudanese have also gone back home. Construction of the schools has been warmly welcomed by the authorities and the local community.” [6m]

- 26.53 ReliefWeb reported in its humanitarian action report on Sudan published 28 August 2007, that:

“In Southern Sudan, estimated Gross Enrolment (GE) in primary schools has reached 1.2 million children, including 400,000 who have enrolled in 2007. Since 01 January, the United Nations Children's Fund (UNICEF) has provided 11,378 student kits, 13,718 teacher kits, and 9 million exercise books, to support the increased demand for primary education. A total of 150 programme trainers and tutors were trained for fast-track training of teachers, 1,300 teachers were trained, and 1,100 teachers also received English language training.” [68k]

- 26.54 Sudan American Foundation for Education (SAFE) was established in 1985 as a non-profit [organisation] by concerned American and Sudanese business persons, academics, and government officials to help improve educational opportunities for Sudanese children and youth. SAFE reported on its website, accessed 13 March 2009 that since the beginning of 2008, the organisation had started accumulating books and educational materials and supplies for delivery to schools, colleges, and universities in the southern region of Sudan. [54a]

Darfur

- 26.55 The United Nations' Office for the Coordination of Humanitarian Affairs (OCHA), accessed via Relief Web reported on 28 May 2009, noted the key overall developments in Sudan. The report noted that education in Darfur has been affected by the expulsions of NGOs in March 2009 but recorded that in agreement with the Ministry of Education in Zalingei, UNICEF would support eight schools in Nertiti area which were previously supported by suspended NGOs. [6f]

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HEALTH AND WELFARE

- 26.56 The USSD Report 2008 recorded that:

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

- 26.57 Additionally: "The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued." (USSD Report 2008) [3a] (Section 5)
- 26.58 UNICEF's humanitarian report for 2008 recorded that:
- "While some recovery and development actions are taking place in Southern Sudan, the area is still thought to have one of the highest, if not the highest, maternal mortality ratio in the world, with only 10 per cent of births assisted by qualified personnel. Over 15 per cent of children under the age of 18 are orphans, with one in five children an orphan in some regions. Infant and neonatal mortality rates are amongst the highest in the world and child malnutrition rates, although not a problem for under-one children, are of major concern. Recurrent drought and chronic food insecurity over the past four decades have contributed to both acute and chronic malnutrition, and stunting in children under the age of 14 is amongst the highest in the world, reflecting inadequate nutrition over a long period of time. Wasting is a major problem, with the worst cases in Western Bahr el Ghazal affecting 9 per cent of under-five children. Water, sanitation and hygiene is a critical issue with only 15 per cent of people drinking treated water and less than 7 per cent having access to a safe means of excreta disposal." [40h] (p148)
- 26.59 Save the Children reported on 9 January 2008 that three years after the Comprehensive Peace Agreement was signed between north and south Sudan, thousands of children are still facing death.
- "One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." [24d]
- 26.60 The report added:
- "The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers,' said Patience Alidri, Save the Children's Southern Sudan Country Director." [24d]
- 26.61 United Nations Children's Fund (UNICEF) in its humanitarian action report 2008 recorded that: "With continued violence, insecurity and increasing fragmentation of the various rebel factions, the situation of children and women remained precarious." [40h] (p148)
- 26.62 UNICEF reported on 19 February 2009 that a new nutrition policy covering the 15 northern states of the country was to be unveiled on Sunday, 22 February

2009 as part of ongoing efforts to improve child health and reduce mortality rates.

“Sudan’s Federal Ministry of Health will unveil a new nutrition policy covering the 15 northern states of the country on Sunday, 22 February, as part of ongoing efforts to improve child health and reduce mortality rates towards attaining the Millennium Development Goals. The new policy, developed with the support of UNICEF, WFP and WHO, sets out the framework through which a range of integrated activities will be undertaken throughout the 15 states to improve the nutritional status of the population. It ensures that standardised and high quality nutrition services can be delivered, backed up by investments in technical capacity to ensure that health professionals have the required skills to implement and monitor nutrition-related activities.” [40m]

- 26.63 The Guardian, dated 24 April 2009, noted in its country profile for Sudan, that: “Outside the major cities healthcare remains basic. The underdeveloped and war-scarred south hosts numerous tropical diseases, from malaria to sleeping sickness. Poor nutrition and access to clean water are major problems. Insecurity in Darfur means that aid agencies still struggle to provide services to hundreds of thousands of people in displaced persons camps.” [90a]

See also [Medical issues](#)

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27. TRAFFICKING

- 27.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“The law does not prohibit all forms of trafficking in persons, but does prohibit abduction, luring, and forced labor. The Interim National Constitution prohibits slavery. The State of Emergency Law prohibits all forms of sexual exploitation, and penalties include fines and imprisonment. However, internal trafficking for the purposes of forced labor, sexual exploitation, and domestic servitude occurred. Women and girls were also possibly trafficked to Middle Eastern countries for domestic servitude. Ethiopian women were trafficked to and through the country for domestic servitude. In the south, intertribal abduction of women and children continued.” [3a] (section 5)

- 27.02 The same report also noted that: there were no reports of children being trafficked for use as camel jockeys, in contrast to previous years. And that there were no informed estimates on the extent of trafficking. [3a] (Section 5)

- 27.03 The US State Department’s Trafficking in Persons Report, dated 16 June 2009, noted that:

“Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. Sudan is also a transit and destination country for Ethiopian women trafficked abroad for domestic servitude. Sudanese women and girls are trafficked within the country for domestic servitude. Local observers report the recruitment – sometimes by force – of Darfuri girls to work in private homes, including those occupied by soldiers from the Sudanese Armed Forces (SAF), as cooks or cleaners; some of these girls are subsequently pressured by male occupants to engage in commercial sexual acts. Sudanese women and girls are trafficked to Middle Eastern countries such as Qatar, for domestic servitude and to European countries, such as Poland, for sexual exploitation. Sudanese children are trafficked through Yemen to Saudi Arabia for forced begging. Sudanese gangs coerce other young Sudanese refugees into prostitution in nightclubs in Egypt. Sudanese children are unlawfully conscripted, at times through abduction, and exploited by armed groups – including the Justice and Equality Movement (JEM), all Sudan Liberation Army (SLA) factions, the Popular Defense Forces, Janjaweed militia, and Chadian opposition forces – in Sudan’s ongoing conflict in Darfur; the Sudanese Armed Forces, associated militias, and the Central Reserve Police also continue to unlawfully recruit children in this region.” [3f] (p22)

See also [Women](#) and [Children](#)

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28. MEDICAL ISSUES

GENERAL

28.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 19 of the INC states that: "The State shall promote public health and guarantee equal access and free primary health care to all citizens." [94a] (p9)

28.02 The CIA World Fact book – Sudan, updated on 21 July 2009 noted that the average life expectancy at birth was:

- total population: 51.42 years.
- the male population: 50.49 years.
- the female population: 52.4 years (2009 est.) [2a] (p4)

28.03 The WHO reported on 5 January 2009 that the organisation together with its partners had signed an agreement to produce a National Health Account to improve the health of women and children in Sudan.

"The Centre Bureau of Statistics, Federal Ministry of Health (FMOH) and the World Health Organization (WHO) in Sudan, signed a Memorandum of Understanding (MoU) to conduct a Household Survey in order to produce National Health Account (NHA) in 15 Northern States. The NHA will provide policy-makers with the evidence to make better and informed decisions on allocation of resources and make sure that spending on health is equitable between all regions and different types of services." [44j]

28.04 The *Gurtong* reported on 12 January 2009 that the Ministry of Health of the Government of Unity State and some NGOs would soon be carrying out the immunization programme for the year 2009. The report added that on the previous day, 11 January 2009, the Director for Immunization programme in Unity State, Dr. Michael Guok Puot, held meetings with the County Commissioners prior to the commencement of the immunization process and together with the health staff met and the Commissioner of Leer County, Koch Guit vaccines were distributed in each County. [18t]

28.05 Further adding: "Many people are refusing to let their children undergo the immunization programme by claiming that the vaccines are laced with dangerous chemicals. This is utterly false and I would encourage every parent to avail their children for this exercise in order to fight the six childhood diseases' said Dr. Guok." [18t]

28.06 Additionally:

"Health has been cited as a major hindrance to development in Unity State with the prevalence of waterborne and other diseases being a major challenge, owing to the State's ill-equipped health facilities. The health department has been given the next priority after education. The lack of a guiding framework has derailed the State's coordinated efforts in combating these kinds of diseases." [18t]

- 28.07 UNICEF reported on 12 February 2009 that: “Renewed efforts are being made to eradicate polio in Sudan, as the first mass immunization campaign of 2009, targeting nine million children, gets underway early next week in the country.” [40i]
- 28.08 The Guardian’s website dated 24 April 2009 in its Country profile for Sudan noted following of the healthcare and diseases in Sudan: “Outside the major cities healthcare remains basic. The underdeveloped and war-scarred south hosts numerous tropical diseases, from malaria to sleeping sickness. Poor nutrition and access to clean water are major problems.” [90a]
- 28.09 The U.S Travel State Department issued the following information on health and medical facilities in Sudan on its website on 26 May 2009:
- “Individuals with medical conditions which may require treatment are strongly discouraged from traveling to Sudan. Medical facilities in Khartoum fall short of U.S. standards; outside the capital, very few facilities exist and hospitals and clinics are poorly equipped. Travelers must pay cash in advance for any medical treatment. Ambulance services are not available. Medicines are available only intermittently; travelers should bring sufficient supplies of needed medicines in clearly-marked containers.
- “Malaria is prevalent in all areas of Sudan. The strain is resistant to chloroquine and can be fatal. Consult a health practitioner before traveling, obtain suitable anti-malarial drugs, and use protective measures, such as insect repellent, protective clothing, and mosquito nets. Travelers who become ill with a fever or a flu-like illness while in Sudan, or within a year after departure, should promptly seek medical care and inform their physician of their travel history and the kind of anti-malarial drugs used. For additional information about malaria and anti-malarial drugs please see the Center for Disease Control information on malaria.” [3b]

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HIV/AIDS - ANTI-RETROVIRAL TREATMENT

- 28.10 The United Nations Development Programme (UNDP) on its website dated 2009 reported the state of HIV/Aids in Sudan and noted that the country is the most severely affected in North Africa and the Middle East, and mostly in need of antiretroviral therapy (ART)
- “According to the national survey conducted by the Sudan National AIDS Programme SNAP in 2002, Sudan is the most severely affected country in North Africa and the Middle East with an estimated 500,000 people living with HIV/AIDS, and mostly in need of antiretroviral therapy (ART). Despite the fact that the epidemiological data is limited, it is believed that the country is in the early stages of a generalized HIV/AIDS epidemic, with an almost exclusively heterosexual transmission pattern. The adult prevalence rate of HIV/AIDS has been estimated at 1.6%, with specific population group prevalence rates ranging from 0.5% to 2.5% in the northern part of the country.” [98d]

- 28.11 The report added that: "To address the HIV/AIDS situation in Sudan, UNDP, with the support of the Global Fund to Fight AIDS Tuberculosis and Malaria (GFATM), launched in April 2005 Fighting HIV/AIDS in Sudan project." Adding that the ultimate objective, of the project's aim is to contribute to reducing HIV/AIDS transmission and mortality in Sudan. [98d] With regard to available drug treatment for HIV/AIDS, UNAIDS Epidemiological Fact Sheet on HIV and AIDS, updated in September 2008, reported that there were 27 sites offering Anti-Retroviral Therapy (ART) in 2007, with an estimated 1,200 people receiving ART. [140a]
- 28.12 IRIN News reported on 17 June 2009 that there were reports that HIV in the country was on the rise: "Healthcare workers in Yambio, capital of Sudan's Western Equatoria State, have warned that the number of HIV-positive people receiving treatment has risen, and they cannot keep up with the demand for medication.
- "About 700 HIV-positive people are being treated by a local faith-based group, the Christian Brothers. 'The issue of HIV in Yambio is getting bigger and bigger every day; we even find difficulty to provide services due the big numbers of people who are infected with HIV and AIDS', reported a member of the Christian Brothers." [10n]

MENTAL HEALTH

- 28.13 The World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005 reported that most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. [44d] (**Mental Health Resources**) It recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. [44d] (**Psychiatric Beds and Professionals**) It also stated that: "Many mental health professionals including most psychiatrists have left for other countries." [44d] (**Psychiatric Beds and Professionals**) And that: "Sudan has the experience of using traditional healers for provision of mental health services. ... Community care is absent due to the lack of proper transportation, lack of social workers and poor health education." [44d] (**Mental Health Facilities**)

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SOUTH SUDAN

- 28.14 Doctors Without Borders reported on 28 January 2008 that despite the peace agreement between north and south, the people in the region of south Sudan were still struggling for survival: "Despite the signing of a peace agreement between North and South Sudan on January 9, 2005, which ended decades of civil war, medical needs in southern Sudan remain overwhelming. Outbreaks

of disease and violence continue, while many people still do not have access to basic health care, resulting in preventable deaths.” [93a]

- 28.15 IRIN News reported on 30 April 2009 of a cholera outbreak in Jonglei State, Southern Sudan that has killed three people. “Three have died this week from cholera, and a total of 194 are suffering from acute watery diarrhoea, including 110 children below the age of five’, said John Lagu, director of communicable diseases surveillance at the Southern Sudan health ministry.” [10j]

- 28.16 The Medical News reported, on 5 March 2009, that there are still high levels of mental distress in Southern Sudan long after end of conflict: “The first study of mental health in post-conflict Southern Sudan has found high levels of mental distress, and revealed evidence of continued exposure to traumatic events.

“A team led by Bayard Roberts of the London School of Hygiene & Tropical Medicine, in collaboration with the Ministry of Health of the Government of Southern Sudan, sought to measure PTSD and depression in the population in the Juba, the capital town of Southern Sudan, and to investigate the association of demographic, displacement, and past and recent trauma exposure on the outcomes of PTSD and depression. ...1,242 adults aged 18 and over were surveyed. Over a third (36%) of respondents met symptom criteria for PTSD and half (50%) met symptom criteria for depression. Strong associations were found between gender, marital status, forced displacement and trauma exposure and outcomes of PTSD and depression. Men, internally displaced persons, refugees and persons displaced more than once were all significantly more likely to have experienced eight or more traumatic events.” [126a]

- 28.17 The Canadian International Development Agency (CIDA) reported on 22 May 2009 that:

“Government of Canada will be supporting a group of Sudanese-Canadian doctors who will improve the health of up to 500,000 people in war-affected communities in rural south Sudan. ... The Southern Sudanese Healthcare Accessibility, Rehabilitation, and Education Project (SSHARE), aims to increase access to basic community health services for returnees and existing residents in Sudan. The project will support a group of 11 Sudanese-Canadian physicians, rehabilitating and equipping three health facilities, and providing vaccines to children in specific rural communities.” [11c]

See also [Mental health](#)

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

- 28.18 The *Sudan Tribune* reported on 4 April 2009 that funds were now available for HIV/Aids in south Sudan. The south Sudan HIV/Aids Commission (SSAC) concluded a 2 two day workshop for funds availability for implementation of various projects with the announcement.

“All the Non Governmental Organizations’ representatives and the civil society, attending this workshop, have now known and will continue to know that MDTF (Multi-Donor Trust Funds) resources for fighting HIV/Aids are available,’ Dr. Angok Gordon Kuol responded when asked at press conference to unleash the outcomes of the workshop adding ‘and the procedures of obtaining them were shown’.” [121]

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29. HUMANITARIAN ISSUES

GENERAL

- 29.01 International Rivers reported on 1 October 2008 that at least 6,000 families have been forcibly displaced by the Sudanese Government because of flooding by Merowe Dam: "The Sudanese Government has ordered the complete closure of the flood gates at the near-completed Merowe Dam on the river Nile, causing the dam's reservoir to fill. The decision was taken despite the lack of an agreement with affected communities on terms for their resettlement.

"In July-August 2008, more than 3000 families numbering an estimated 15,000 to 16,000 people were made homeless in Berti Island (roughly 20 km upstream from the dam site) and surrounding areas, when waters began to back up behind the dam as a result of the annual flood. On 30 September, the dam authority raised the water level still further by unilaterally closing the dam gates, displacing another 3000 families 100 km upstream from the dam site. The total number of forcibly displaced people now exceeds 30,000." [30a]

- 29.02 The Canadian Red Cross on 24 October 2008 on its website, summarised the humanitarian situation in Sudan as "dire" and provide an account of the assistance the organisation is giving to the Sudanese people as follows:

"The humanitarian situation in Sudan is dire. Millions of people have suffered the devastating consequences of almost relentless conflict that has waged for decades. While a peace agreement brought an official close to North-South fighting in 2005 and the Eastern Sudan Peace Agreement ended fighting in 2006, Sudan continues to face one of the world's greatest humanitarian emergencies. As parts of the country struggle to build peace, the region is continually fraught with natural disasters including severe flooding and drought. Lack of access to health care and food has left many Sudanese facing preventable disease, chronic malnutrition and high infant mortality rates." [111a]

- 29.03 Amnesty International's (AI) 2009 Annual Report for Sudan, covering events in 2008, stated:

"The conflict in Darfur continued unabated with an increase in attacks and violations of international humanitarian law by all parties to the conflict. An attack on Omdurman in May by a Darfur-based armed opposition group precipitated a wave of extrajudicial executions, arbitrary arrests and unlawful detentions, torture and other ill-treatment by the National Intelligence and Security Services (NISS) and the police, mainly targeting Darfuris and members of the Zaghawa ethnic group. Also in May, armed clashes in Abyei, on the border between northern and southern Sudan, led to the displacement of more than 50,000 people and the total destruction of the town." [16a]

- 29.04 The Canadian International Development Agency (CIDA) noted in a report, dated 2 June 2009, the continuing humanitarian problems in Sudan. In relation to insecurity, the report noted:

“At the same time the CPA was signed, civil conflicts in Darfur (western Sudan) and eastern Sudan continued to create instability and humanitarian crises. Since 2003, the conflict in Darfur alone has resulted in the displacement of over four million people and the deaths of two million people. Despite the signing of the Darfur Peace Agreement on May 6, 2006, security conditions have continually deteriorated and rebel groups, Arab militias (janjaweed), and Sudanese forces continue to fight, particularly in northern Darfur. As of early 2008, UN peacekeeping troops in Darfur were struggling to stabilize the situation, which has become increasingly regional in scope and has brought instability to eastern Chad. Sudan also has faced large refugee influxes from neighbouring countries, including Chad.” [11b]

- 29.05 USADIS in its Emergency Complex situation report issued 30 September 2009 stated:

“In 2009, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan’s western region of Darfur has affected more than 4.7 million people, including nearly 2.7 million internally displaced persons (IDPs). In Darfur, conflict continues among armed opposition factions, the Sudanese Armed Forces (SAF), militias, and ethnic groups. According to the U.N., between January and mid-May 2009, violence newly displaced approximately 137,000 individuals in Darfur. Simultaneously, humanitarian agencies have experienced reduced access to affected populations since 2006 due to increased insecurity, targeted attacks against aid workers, and bureaucratic impediments to program implementation.” [46d]

See also [Human Rights Institutions, Organisations and activists](#)

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PEACE AND CONFLICT IN SUDAN

East Sudan

- 29.06 International Crisis Group reported on 16 June 2008 that Sudan was getting closer to collapse as last month saw heavy fighting between government forces and the South over the oil-rich Abyei region, and also an abortive attack by the Justice and Equality Movement (JEM), on Khartoum on 10 May 2008 which the report stated is likely to prompt brutal government retribution. “Against this backdrop, the prosecutor of the International Criminal Court reported to the UN Security Council, pointing out, yet again, that Sudan has flouted its international obligation to co-operate with the court, and criticizing the international community for its shameful silence in the face of Sudan’s wilful defiance.” [14b]
- 29.07 The Canadian Red Cross reported on 24 October 2008 that with the assistance of the Canadian Government and the Canadian public, the organisation together with the Netherlands Red Cross, is supporting the Sudanese Red Crescent in an integrated health, water and sanitation program in Kassala State in East Sudan. “With a focus on community capacity building, the Sudanese Red Crescent is working to dig new wells, rehabilitate old ones, and construct latrines. Solar power is used to fuel pumps, and communities

are learning to run and maintain these wells. Communities themselves will take the leadership in the promotion of hygiene, sanitation and safe water practices.” [111a]

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Conflict and insecurity

29.08 In January 2006 ICG reported that:

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

29.09 “The government has also been supporting the army of Sheikh Suliman Ali Betay, which is larger (some estimate 1,000 to 2,000 armed men on camels) and more formidable than the militias. The Hameshkoreb area belongs to his tribe, the Demelab, and he would like his force to replace the SPLM and the Eastern Front in the area. But Sheikh Suliman also refuses to fight other Beja and recognises that an effort to impose a military solution would only hurt the civilian population.” [14b] (p13)

29.10 The same report also noted that: “Whatever political game the NCP is playing in the East, militarisation of the region persists. Security is tight in the major cities. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea.” [14b] (p13)

29.11 Furthermore:

“The greatest danger is the potential for an armed confrontation between the government and Eastern Front over control of Hameshkoreb and the opposition areas after the SPLM withdraws its troops. If not discussed and settled in formal negotiations soon, this could be the flashpoint that produces all-out war. However, the government still underestimates the level of discontent and overestimates its political control. ‘We have complete control over the religious and tribal leaders in eastern Sudan. We are not concerned about this so-called Eastern Front’, an NCP official claimed confidently. This is a dangerous misreading not unlike that which contributed to the government’s failure to contain the Sudan Liberation Army (SLA) in Darfur.” [14b] (p11)

29.12 “Under the southern deal, the SPLM were supposed to have redeployed from the east to the south within a year, but they said this week they were unable to meet that deadline because of logistical reasons. [U.N. envoy Jan] Pronk said slow withdrawal was a major problem to the peace deal. On Friday he said:

‘This is creating a void with a potential for new armed conflict.’” (Sudan Tribune, 14 January 2006) [12b]

- 29.13 The article continued: “The Sudanese army is supposed to occupy SPLM positions once they have withdrawn. But eastern rebels, also in the same areas, say the government will have to fight them first.” (Sudan Tribune, 14 January 2006) [12b]

The Peace Process

- 29.14 FCO Country Profile, dated 6 November 2007 stated that:

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

See also [The Eastern Peace Agreement \(ESPA\) 14 October 2006 and Implementation of other peace processes](#)

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WEST SUDAN (DARFUR)

- 29.15 UN & Partners Work Plan for Sudan reported in its 2008 Mid-Year Review the following proposals for Darfur:

“The 2008 Work Plan aimed to continue assisting the vulnerable in Darfur, while, where possible, supporting projects that look beyond humanitarian aid to more sustainable solutions. The priority remains unchanged, but the situation on the ground has dictated a continued focus on delivering emergency aid. As the conflict moves into its sixth year and with no political solution in sight, Darfur remains a key challenge as the Work Plan breaches the second half of the year. Deteriorating security and bureaucratic impediments have made it harder to deliver aid; in April alone, the World Food Programme (WFP) reported that it was unable to reach 56,000 people in Western and Southern Darfur. An additional 200,000 people are estimated to have been displaced this year, and the total number of people displaced and vulnerable is around 4.3 million out of a total population estimated at six million.” [6a]

- 29.16 USAID in its report last updated 6 February 2009 noted the following concerning the treatment of aid workers in Darfur.

“Humanitarian staff in Darfur continue to provide essential services for conflict-affected populations despite continuing insecurity and attacks against aid workers. Although security and access deteriorated significantly during 2008 relative to years prior, the security situation in Darfur continued to deteriorate further during January 2009 with a marked increase in attacks against humanitarian staff and assets, as well as increased incidents of insecurity and armed clashes which have fuelled the displacement of thousands of civilians.” [46c]

See also [Security Situation](#)

- 29.17 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“A UN Panel of Experts report found that Chadian armed groups operate openly in Darfur, and are supplied and supported by Sudanese authorities. The panel noted that the NISS reportedly provides vehicles, weapons, and fuel to Chadian rebels and that Chadian rebels receive training in Darfur, including in SAF-controlled areas. Several Chadian rebel groups were observed operating openly in West Darfur. The panel frequently saw vehicles of the Chadian rebel group Union of Forces for Democracy and Development entering and leaving government installations.” [3a] (Section 1g)

- 29.18 International Refugee Rights Initiative (IRRI) reported on 23 April 2009 that:

“It has been just over one month since the expulsion of 13 international humanitarian agencies from Sudan by the Government of Sudan and the suspension of the operations of three leading local organisations which provided protection and humanitarian aid. Along with all well-meaning peoples and entities within and outside Africa, the Consortium remains deeply troubled by the deeply adverse effects that these developments have on the protection of civilians, the humanitarian situation in Darfur, the protection of human rights in Sudan, and the indigenous Sudanese human rights movement more generally.” [135a]

- 29.19 The International Rescue Committee (IRC) reported on 16 May 2009 that the organisation has officially left Darfur, North and East Sudan as part of the Sudanese Government’s exodus of humanitarian workers: “After more than 28 years of providing vital humanitarian assistance in northern Sudan, the International Rescue Committee (IRC) has officially closed out its activities in the wake of mass aid agency expulsions and continuing concerns about the welfare of Sudanese civilians.

“The IRC delivered essential aid to more than 800,000 people in Darfur at the peak of its programming – a leading provider of health, water, sanitation, education, women’s health and protection services. IRC teams also supported more than 1.1 million Sudanese people in North and East Sudan, focusing on essential health care, water, sanitation and livelihoods.” [33a]

- 29.20 The International Committee of the Red Cross (ICRC) annual report 2008 report released on 27 May 2009 reported that Darfur remained volatile, while the eruption of fighting in central Sudan in 2008 underlined north-south tensions over the implementation of the 2005 Comprehensive Peace Agreement (CPA). [22c]

- 29.21 The ICRC annual 2008 report, released on 27 May 2009, noted that:

“In Darfur, thousands more people were killed, wounded or displaced as a result of persistent tribal clashes over territory and resources, widespread lawlessness and sporadic military confrontations. Armed groups continued to splinter, shift alliances and sometimes fight each other. The resulting lack of security plunged communities into deeper poverty and hampered aid delivery. An attack on 10 May on Omdurman, Khartoum’s twin city across the River Nile, was the closest a Darfur armed group had come to the capital during the five-year conflict. Peace initiatives failed to stem the violence.” [22c]

- 29.22 US Aid noted in a report dated 5 June 2009 that: “International humanitarian organizations continue to address gaps due to the GNU-mandated expulsion of 13 international organizations and closure of three national humanitarian agencies. In addition, ongoing fighting in North Darfur and increasing cross-border tensions with Chad have contributed to continuing insecurity in Darfur.” [46b] (p3)

See also [West Sudan \(Darfur\)](#)

- 29.23 Relief Web reported on 9 July 2009 that: “The newly constructed dam by national authorities on the Albel valley recently in February/March 2009 created several concerns expressed by the local authorities. About 700 households (HH) are prone to be affected by flood and 356 HHs will be separated by the Wadi from essential services including health.” [68c]

- 29.24 Freedom House in its 2009 World Country Report for Sudan, released 13 July 2009, recorded:

“Despite peace efforts, violence escalated in Darfur during 2008. Between January and May, the military and allied militias carried out air and ground attacks against suspected rebel strongholds. Human rights groups contended that the attacks were indiscriminate and destroyed entire villages, killing hundreds of people and displacing over 30,000. On May 10, members of the JEM launched an attack on Khartoum that was intended to oust al-Bashir, but it was repulsed on the city’s outskirts. In response to the threat, the government established special courts to try suspected rebel supporters, and as many as 38 people received death sentences in allegedly flawed trials. Meanwhile, heavy fighting continued in Darfur. In July, ICC prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court’s judges had yet to rule on the request at year’s end. According to UN sources, as many as 300,000 people had died in Darfur over the previous five years, from fighting as well as disease and hunger.” [53b]

- 29.25 The *Sudan Tribune* reported, on 17 July 2009, that UN officials have expressed concern over potential aftermath of the Abyei ruling: “UN leaders voiced concern at the volatile security situation in the oil-rich Abyei region ahead of an arbitration ruling meant to settle the boundary dispute between the two dominant parties of the Sudan, the National Congress Party (NCP) and Sudan People’s Liberation Movement (SPLM).
“A five-member Arbitral Tribunal has been constituted by the Permanent Court of Arbitration (PCA) in the Hague in order to make a ruling on the disputed

boundary, in accordance with an arbitration agreement signed between the NCP and SPLM on July 7, 2008.

“The security situation in Abyei remains volatile and requires constant attention in light of the upcoming Permanent Court of Arbitration decision expected by 22 July’, the UN Secretary-General said in a recent report to the Security Council.” [12m]

- 29.26 The USSD Report 2008 reported that: “In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons. In October, near Abu Dungal village and Muhajerla town, in South Darfur, interethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands.” [3a] (Section 1g)
- 29.27 USADIS in its Emergency Complex situation report issued 30 September 2009 recorded the current situation in Darfur as follows: “Insecurity and attacks targeting humanitarian workers continue to hinder the provision of humanitarian assistance to affected populations in Darfur. Relief agencies continue to monitor food security, access to safe drinking water, and population movement throughout Darfur and to provide food and non-food assistance to affected populations.” [46d]

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Conflict and insecurity

- 29.28 Amnesty International reported on 11 February 2008 that thousands of civilians have fled West Darfur’s Sirba region and an unknown number were killed as the Sudan Armed Forces (SAF) accompanied by uniformed Janjaweed militias on horses moved to re-occupy an area, which was occupied by Sudan’s Justice and Equality Movement (JEM) and carried out attacks. [16ae]

“The latest figures indicate that 12,000 people have crossed into Chad, thousands more have gone south to Jeneina and many, especially women and children, are believed to still be sheltering in the bush. Those remaining in the area are vulnerable to attack by militias and others. It is still not known how many civilians died in the attacks. However, around 100 were said to have been killed in the three main villages in the area, Sirba, Abu Suruj and Silea, which were attacked on Friday (8 February).” [16ae]

- 29.29 The International Crisis Group (ICG) warned on 21 October 2008 that there is a risk of Sudan’s Southern Kordofan turning into ‘the Next Darfur’. In an executive summary and recommendation’s report, ICG reported:

“The Comprehensive Peace Agreement (CPA) that ended Sudan’s generation-long North-South civil war in 2005 is at risk in Southern Kordofan state, where many of the same ingredients exist that produced the vicious Darfur conflict. Both parties to that agreement, the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM), who together form the Government of National Unity in Khartoum, have been guilty of mistakes and misjudgements there as they manoeuvre for partisan advantage in advance of national elections scheduled for 2009.” [14e]

29.30 The report added:

“Southern Kordofan is a new state, created by the CPA, in the critical border area between North and South, a zone of ethnic interaction between Arab (mainly Misseriya and Hawazma) and indigenous African (mainly Nuba) tribes. Inadequate implementation of the CPA’s special protocol relating to the region has led to insecurity and growing dissatisfaction. Tribal reconciliation based on negotiation of a common agenda, establishment of an efficient state government administration and adherence to the CPA’s principles of power and wealth sharing have to be fostered from Khartoum and pushed forward by the international guarantors. There has been some limited recent progress, but much more is urgently needed.” [14e]

29.31 The USSD Report 2008 recorded that fighting in Darfur involving the government and various other groups continued during the year, and insecurity increased. [3a] (Section 1g)

“In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued during the year, and insecurity increased. The government and government-aligned militias continued to attack villages; aerial bombardment of villages by the government continued. Humanitarian access was restricted by the government, and rebels attacked and abducted humanitarian workers. On May 10, JEM rebels attacked Omdurman, near Khartoum. On November 12, President Bashir announced a cease-fire in Darfur; however, government and rebel attacks continued. Intertribal violence also continued.” [3a] (Section 1g)

29. 32 The report added that: “Attacks and other acts of violence by all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread.” [3a] (Section 1g)

29.33 The report continued:

“Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian targets, such as homes, schools, and markets. According to several UN reports, the government painted white the aircraft used to conduct bombing raids and transport arms to Darfur, the same color as UN aircraft, in violation of UN Security Council Resolution 1591. The aerial bombardment of villages was often followed by ground attacks by janjaweed and SAF vehicles.” [3a] (Section 1g)

29.34 Additionally:

“The SAF bombed rebel-held villages in West Darfur, displacing tens of thousands of civilians and killing many others. On January 7, 12, and 24, the SAF and supporting militias attacked and burned Seraf Jidad village, killing 26 civilians. On February 8, the SAF bombed the towns of Abu Suruj, Silea, and Sirba--SAF and militia ground attacks followed; at least 115 persons were killed. In Silea attackers also killed two NGO workers. A UN report noted that the SAF and armed militias committed “violations of international humanitarian and human rights law against the civilian populations of Seraf Jidad, Sirba,

Silea, and Abu Suruj." In February the SAF also conducted several aerial bombings of JEM positions in and around Jebel Moon, displacing thousands, including some to Chad, and killing at least 20 civilians." [3a] (Section 1g)

29.35 Also that:

"Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February [2008], violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad." [3a] (p1)

29.36 The UN Security Council report, dated June 2009, recorded that:

"Banditry and clashes continued in Darfur. A UN peacekeeper was killed on 7 May by attackers attempting to steal his car. On 9 May, members of the Justice and Equality Movement claimed to have repulsed an ambush set by Sudanese armed forces and the forces of Minni Minnawi, near Umm Baru. Heavy fighting in that area continued in late May with UNAMID and the Secretary-General issuing statements condemning the violence on 25 May." [102d]

29.37 The Norwegian Refugee Council's Internal Displacement Monitoring Centre website, last updated 26 May 2009, noted on its website a report by the Women's Commission. The report stated:

"The Women's Commission notes that, 'Given the escalating violence and insecurity, it seems unlikely that people will return home in the near future' However, a number of observers have sounded warnings about forcible returns in Darfur. Thus ODI writes: 'The government of Sudan continues to promote return, particularly to central or 'cluster villages', which is in turn actively discouraged by the DPA's non-signatory groups. In eastern West Darfur, where there is a high level of support for the SLA-AW, the very mention of return provoked hostility from camp leaders (Sheikhs)." [48c]

29.38 IRIN News reported on 28 January 2009 that Darfur has suffered the "worst violence in a year" referring to the recent aerial bombardment by the Sudanese security services against the JEM, caused by fighting, which started in mid-January around Muhajiriya in South Darfur.

"The recent aerial bombardment by the Sudanese government and ground offensive against the rebel Justice and Equality Movement (JEM) marks the worst violence in Darfur in a year. 'Sudan is in a state of high tension at the moment, and we face a dangerous month ahead', Sudan expert Alex de Waal, said. 'Parts of Darfur are again in flames, with the worst fighting in the region since the beginning of 2008'." [10d]

20.39 The *Sudan Tribune* reported on 3 February 2009 that with the safety of civilians in the disputed Muhageriya in mind, members of the JEM rebels had offered to pull out of South Darfur town.

"Ahmed Hussein Adam, the official spokesperson of the rebel movement said they are ready to withdraw their troops from Muhageriya provided the town is

declared a demilitarized zone under the control of the hybrid peacekeeping force. He added Sudanese army or the former rebels led by Minni Minniawi should remain away from the town. But the Sudanese government has immediately rejected the offer saying there is 'no room for conditions from JEM'. JEM controls the town since 15 January after driving out the fighters of Minnawi. Since the Sudanese army surrounds the area and bombs the rebels regularly." [12aq]

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The Peace Process

29.40 UN News on 30 June 2008 reported:

"Secretary-General Ban Ki-moon and the African Union Chairperson today appointed an experienced official from Burkina Faso as the new joint AU-UN Chief Mediator for Darfur as they seek new momentum in their efforts to resolve the five-year conflict. Djibril Yipènè Bassolé, who has been Foreign Minister of Burkina Faso since 2007, will conduct the mediation efforts in the new post on a full-time basis from El Fasher, the capital of North Darfur state and the headquarters of the hybrid UN-AU peacekeeping force to the region (UNAMID)." [6c]

See also [The Darfur Peace Agreement \(DPA\) 5 May 2006](#) and [Implementation of other peace processes](#)

SOUTH SUDAN

29.41 VOA News reported on 9 January 2009 that mistrust between the governments in Khartoum and in Juba in South Sudan, is one of the key issues that's hampering the peace process in South Sudan.

"North and South Sudan Friday marked the fourth anniversary of the signing of a peace agreement that ended Africa's longest-running civil war. But core issues remain unresolved and analysts say an external pressure not related to the accord is threatening to derail the agreement and plunge the country into a wider conflict. ... The Nairobi-based Sudan analyst for the International Crisis Group, Fouad Hikmat, says although much has been achieved since 2005, lingering mistrust between the governments in Khartoum and in Juba in South Sudan, among other problems, are preventing the two sides from resolving key issues vital to the full implementation of the peace deal." [120a]

29.42 Médecins Sans Frontières (MSF) reported on the 8 January 2008 that the aftermath of the decades-long civil war between the north and south has left south Sudan in a desperate state.

"Three years after a decades-long civil war between the north and south of Sudan has ended, the population of southern Sudan is still struggling for survival, dying from preventable and curable diseases, and facing outbreaks on regular basis. Maternal mortality rates are amongst the highest in the world and poverty-related diseases such as measles, malaria, tuberculosis and kala azar remain major killers." [41c]

29.43 The report added:

"There [sic] hardly any roads in southern Sudan, almost everything is transported by aircraft. In the Upper Nile state of southern Sudan, MSF maintains a number of projects focusing on primary healthcare. Because of a desperate shortage of infrastructure, reaching much of the region, especially in the rainy season, is particularly onerous and few NGOs are present on the ground. In the Upper Sobat, MSF runs a hospital in the former garrison town of Nasir and four outreach clinics in the northern Upper Nile area, accessible only by boat or air." [41c]

29.44 The New Sudan Vision reported on 30 January 2009 that:

"The underdevelopment in Southern Sudan has been subjected to high levels of corruption which has affected the proposed developmental projects in the entire country. The world now recognized corruption to be one of the world's greatest challenges. It is a major hindrance to sustainable development, with a disproportionate impact on poor communities and is corrosive on the very fabric of society. The impact on the private sector is also considerable - it impedes economic growth, distorts competition and represents serious legal and reputational risks. ... The day when corruption is stopped in Southern Sudan will be the day we shall say goodbye to poverty, conflicts, crimes, etc. The question shall always ring in our minds that if corruption is stopped because the people who are supposed to create awareness on corruption are the people practicing it. The poverty created by corruption in the South has really affected the citizens in one way or another. The dream of achieving the independence of the South shall remain in quotes to its citizen unless civic education is provided in the entire nation." [89b]

29.45 Refugees International, reported on 26 March 2009, that South Sudan is in urgent need of international assistance as it is on the verge of collapse. The report noted:

"International engagement is urgently needed to rescue south Sudan from the brink of an unfolding crisis. The perilous situation is being ignored amid the focus on the indictment of President Al-Bashir by the International Criminal Court. Approximately two million people have returned to south Sudan since 2005 to extreme poverty. Social services and livelihood opportunities for communities remain minimal while tribal tensions and localized conflicts are on the rise. South Sudan is also facing an economic crisis due to the drop in oil prices, creating the potential for new insecurity. If these threats are not addressed, the implosion of the south will shatter any realistic prospect for peace in Sudan as a whole, including the Darfur region." [81b]

29.46 US Aid reported on 5 June 2009, that during 2009, Southern Sudan had experienced a significant increase in inter-ethnic conflict, including inter-ethnic fighting in Jonglei and Southern Kordofan states and continued Lord's Resistance Army (LRA) attacks resulting in widespread displacement. On June 1, the U.N. Special Representative to Sudan indicated that in recent months, violent conflict in Southern Sudan has killed more individuals than violence in Darfur. [46b] (p3)

29.47 A UN Security Council Report, dated 14 July 2009, noted:

“In Southern Sudan, the humanitarian situation deteriorated sharply as a result of increased attacks by the Lord’s Resistance Army (LRA) in Western, Eastern and Central Equatoria States, as well as an upsurge in inter-ethnic violence in Jonglei, Upper Nile, Warrab, Western Bahr el Ghazal and Northern Bahr el Ghazal States. The situation has been compounded by outbreaks of acute watery diarrhoea, cholera, meningitis and malaria in Northern Bahr el Ghazal and Warrab States, and polio in all states. Continued attacks by LRA have displaced 54,000 people within Southern Sudan since December 2008, and 20,000 refugees displaced by LRA violence in the Democratic Republic of the Congo are currently in Southern Sudan.” [6q]

29.48 IRIN News also reported on 22 July 2009 that:

“The boundaries of Sudan’s oil- and pasture-rich Abyei region are finally due to be set on 22 July [2009] when experts in The Hague rule on a dispute that has threatened the country’s 2005 peace accord.

“The Abyei Arbitral Tribunal, sitting at the Permanent Court of Arbitration, will determine whether or not the northern government was correct in claiming that a previous panel, the Abyei Boundaries Commission, exceeded its mandate in its 2005 ruling. The commission had found that Abyei was much larger than Khartoum claimed and that the area included productive oil fields. Under its boundaries, Khartoum will lose the oil revenue if Abyei votes to join Southern Sudan in a 2011 referendum.” [10b]

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Conflict and insecurity

29.49 The USSD Report 2008 stated that: “Intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribe, with most women marrying into, or being forcibly married into, the new tribe; however, other victims were used for labor or sexual purposes.” [3a] (Section 5)

29.50 The USSD Report 2008 also recorded that

“Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur. Fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths.” [3a] (Section 1g)

29.51 Human Rights Watch (HRW) reported on 12 February 2009 of a 44 page report that documents the most pressing human rights challenges facing the Government of Southern Sudan. “The problems include an inability to protect civilians effectively from armed attacks and violence, a failure to address abuses by security forces, and a weak justice system. The report also outlines national legal reforms urgently needed to permit free and fair elections, currently scheduled for mid 2009.” [19b]

- 29.52 The UN Security Council report, dated May 2009, recorded that: "In south Sudan, at least 57 people (including 26 civilians) were killed in late February during clashes between the northern Sudanese Armed Forces (SAF) and the Sudan People's Liberation Movement (SPLM) in Malakal. In early March around 400 were killed in heavy tribal clashes in Jonglei State." [102c]
- 29.53 The June 2009 UN Security Council report stated: "Tribal clashes continued in southern Sudan. Thousands of civilians reportedly fled interethnic fighting between Lou-Nuer and Jikany-Nuer tribes, in Upper Nile State. In response, UNMIS announced on 13 May that it would deploy 120 peacekeepers to assist local communities in restoring dialogue and provide security for aid delivery." [102d]
- 29.54 IRIN News reported on 10 June 2009 that insecurity continued to plague Southern Sudan as ethnic violence and guerrilla attacks left thousands of people at risk.
- "In Mundri, a farming town in Western Equatoria state, many of those displaced earlier this year by rebel Lord's Resistance Army (LRA) fighters are still too scared to return home. According to UN figures, hundreds were killed and some 130,000 in both the Democratic Republic of the Congo (DRC) and Southern Sudan forced to flee their homes as the rebels scattered after attacks on their dense forest bases in December 2008." [10k]
- 29.55 IRIN News, accessed via Reliefweb, reported inter-tribal fighting in Southern Sudan on 14 May 2009, noting that:
- "Thousands of civilians have fled inter-ethnic fighting in Southern Sudan's Upper Nile State, with at least 1,000 on the outskirts of Nasir town, the medical charity Médecins Sans Frontières (MSF) said. The fighting in Torkech village, in Jikmir Payam, Nasir County, on 8 May involved the Lou-Nuer and Jikany-Nuer communities. According to the UN Office in Southern Sudan, 66 people died, including some who drowned as they fled across a river." [10l]
- 29.56 The World Health Organisation (WHO) reported, in a weekly humanitarian action report for southern Sudan dated 25 - 31 May 2009, that: "Fears of LRA attacks continue in Western Equatoria, with reports of LRA movements near Yambio being received this week. There is concern that the security situation will worsen if the Ugandan Peoples Defence Forces (UPDF) withdraw from the area. UPDF are scheduled to leave WES by the end of May." The report added: "The situation in Jonglei remains tense, with shootings reported in Pibor county. Agencies are struggling to meet humanitarian needs in Akobo and Pibor Counties. UNMIS are manning temporary operating bases in Akobo and Pibor." [44a]
- 29.57 A UN Security Council Report, dated 14 July 2009, noted the deteriorating security situation in southern Sudan:
- "On several occasions, long-simmering local conflicts have escalated into alarming waves of violence, at times triggering vicious cycles of attack. Most of the tribal violence occurred in Warrab, Lakes and Upper Nile States. Heavy fighting between the Murle and the Lou Nuer in Akobo County, Jonglei State, on 18 and 19 April, reflected a particularly disturbing development in which villages and their civilian inhabitants, rather than cattle camps, became targets of attack,

resulting in an estimated 195 civilians killed and 70 wounded, including women and children.” [6q]

- 29.58 The World Health Organisation, provided an overview of the humanitarian situation in south Sudan, dated 1 April - 30 June 2009 as follows:

“Humanitarian Context: The humanitarian situation in Southern Sudan during the second quarter of 2009 deteriorated sharply as a result of inter-tribal fighting and violence associated with the Lord’s Resistance Army (LRA). Clashes with the LRA in the Democratic Republic of Congo (DRC) have caused further refugee influxes into Western and Central Equatoria States. Epidemic diseases and the challenge of reintegrating internally displaced persons (IDPs) and refugees returning home to Southern Sudan have also been major humanitarian priorities.” [44f]

Map of inter-tribal fighting in Upper Nile state on 18 May 2009
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/LPAA-7S6BTN?OpenDocument&rc=1&cc=sdn>

Clashes in Jonglei State - Clashes (as of 21 Apr 2009) - Location Map
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/AHAA-7RBRZH?OpenDocument&rc=1&cc=sdn>

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Lord’s Resistance Army (LRA)

- 29.59 AllAfrica reported on 26 February 2008 that the Lord’s Resistance Army (LRA) rebels have killed 11 people, including seven SPLA soldiers, and abducted 27 others in a South Sudanese town near the border with the Central African Republic, according to local authorities.

“On February 19, just hours after the LRA delegation in Juba signed an additional agreement on accountability and reconciliation, a group of about 400 LRA attacked Source Yubu in Western Equatoria. ‘They came from the Central African Republic and attacked the town at around 5:00am’, Joseph Ngere, the deputy governor of Western Equatoria, told The New Vision on satellite phone yesterday. ‘They killed the Ayam administrator, Angelo Pio, along with three other civilians and seven SPLA soldiers. They then looted the town and abducted 27 men, women and children. They have not come back’.” [97a]

- 29.60 The French Internationale’s website, last updated 9 October 2008 that the peace talks is likely to collapse because of LRA attacks on Southern Sudan Army, at Nabanga near the border with the Democratic Republic of Congo, killing 20 people.

“Ugandan insurgents of the Lords Resistance Army (LRA) Thursday [5 June 2008] attacked soldiers of Southern Sudan, near a rebel assembly point earlier set up as part of the peace process. The violence is a major threat to the peace talks between the Uganda government and rebels of the Lord’s Resistance Army. ... The LRA’s elusive leader Joseph Kony called RFI and

claimed that his forces only acted in self-defence after being attacked by what he termed a joint force of Ugandan and Sudanese troops.” [118a]

29.61 The USSD Report 2008 stated that:

“The LRA committed numerous arbitrary killings in Southern Sudan throughout the year. On January 30, in Central Equatoria State, four civilians were killed in an LRA attack. In February an LRA incursion into Western Equatoria resulted in the deaths of 136 persons. On June 5, in Nabanga in Western Equatoria, an LRA attack on an SPLA base killed an estimated 12 civilians. In December the governments of Uganda, the Democratic Republic of Congo, and Southern Sudan began a joint military operation against the LRA.” [3a] (Section 1a)

29.62 The USSD Report 2008 added: “The Lord's Resistance Army (LRA), a rebel movement formerly-based in Uganda, made incursions into Southern Sudan and attacked and killed civilians.” [3a] (Introduction)

29.66 Likewise, News24 (dated 27 February 2008) also reported on the above incident, noting that the attack would not endanger peace talks underway.

“The attack on February 19 saw a group of LRA fighters make an incursion on the Sudanese town of Source Yubu on the border with the Central African Republic, loot the town and abduct mostly women and children”, the government-owned newspaper The New Vision reported. ‘At this point, this single attack alone cannot derail the whole peace process. We strongly condemn the attack which is very untimely’, said military spokesperson Paddy Ankunda, adding that the peace talks committee would investigate. The New Vision reported that about 400 LRA fighters engaged the Sudan People's Liberation Army (SPLA) in the hour-long fight resulting in the death of seven SPLA soldiers and one LRA fighter.” [101a]

29.67 The report added that: “Negotiators in the talks, which have been taking place in south Sudan's regional capital Juba since mid-2006, say that a peace agreement will be signed during the first week of March between the Ugandan government and the LRA.” [101a]

29.68 Child soldiers' global report 2008 reported that:

“The Lord's Resistance Army (LRA), a Ugandan armed opposition group, was present in southern Sudan and attacked and killed civilians. Peace talks between the LRA and the Ugandan government began in July 2006 in Juba and a cessation-of-hostilities agreement was signed in August 2006.⁵¹ The LRA forcibly recruited children from southern Sudan in the first half of 2007.⁵² While the total number of remaining LRA fighters remained unknown, up to 2,000 women and children were believed to remain in LRA camps.” [42a]

29.69 The New vision reported on 16 April 2008 that the main mediator in the peace talks between the Lord's Resistance Army (LRA) rebels and the Government has accused the rebels of recently kidnapping 55 children in South Sudan. “ ... ‘Why do they continue doing this and say they are committed to the peace process?’” [103a]

- 29.70 Relief Web reported on 9 February 2009 that the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes, went to meet victims of the recent attacks by the Lord's Resistance Army in the town of Doruma in Orientale Province.

"The trauma of the attacks was still very much visible in the faces of the population of Doruma, a small border town seven kilometers from Sudan. The Christmas massacres of the Lords Resistance Army (LRA) triggered a wave of displacement from the villages around Doruma, tripling the population to 18,000. Attacks in this area left 364 dead with many more unaccounted for. LRA related deaths in Orientale province are believed to have exceeded 850 since Christmas." [68s]

- 29.71 The report added:

"The LRA has been present in the area around Duru (95 km north of Dungu town) in the district of Haut Uele since 2005, but had mostly refrained from attacks on civilians, particularly while the peace talks continued. However, between December 2007 and August 2008, LRA rebels committed grave attacks on populations in DRC, CAR and South Sudan, including killings, pillaging, rapes, and abductions of adults and children. On 14 December 2008, the governments of DRC, Sudan and Uganda launched joint military operations against the LRA in Haut Uele." [68s]

- 29.72 The UN Security Council report, dated May 2009, recorded that: "Members of the Ugandan Lord's Resistance Army (LRA) continue to attack villages in southern Sudan (and the Democratic Republic of the Congo). More than 36,000 southern Sudanese have been displaced and 16,000 Congolese have fled to southern Sudan. On 13 March, 13 southern Sudanese were killed in an attack by the LRA." [102c]

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The Implementation of the Comprehensive Peace Agreement (CPA)

- 29.73 In July 2005, the ICG released its Report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which stated that:

"The main obstacles [to successfully implementing the CPA] are the old regime's lack of will to embrace genuine power sharing and elections, and ultimately allow a southern self-determination referendum after the six-year interim period and lack of capacity in the South to establish and empower basic structures of governance." [14f] (**Executive Summary and Recommendations**)

- 29.74 The Report continued:

"Most members [National Congress Party (NCP)] recognise the free and fair elections required in 2009 would likely remove them from power. Many also fear the self-determination referendum will produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There are signs the NCP seeks to undercut implementation through its use of the militias (the South Sudan Defence Forces, SSDF), bribery, and through the tactics of

divide and rule. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising that the referendum can be postponed indefinitely without its being blamed.”

[14f] (Executive Summary and Recommendations)

- 29.75 The ICG Report went on to discuss the terms of the CPA; including potential pitfalls in the Agreement itself, the importance of political inclusivity, the role of the SSDF, the SPLM's internal difficulties, and disagreements over oil boundaries and revenues. [14f] (Executive Summary and Recommendations)

See also [The North-South Comprehensive Peace Agreement \(CPA\) and Implementation of the Comprehensive Peace Agreement](#)

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30. FREEDOM OF MOVEMENT

- 30.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 42 of the INC records that: “(1) Every citizen shall have the right to the freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law; (2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law and shall have the right of return;” [94a] (p17)
- 30.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice.” [3a] (Section 2d)
- 30.03 The report added:
- “While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners were required to register with the police on entering the country, obtain permission to move more than 25 kilometers outside of Khartoum and from one city to another, and reregister at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the south, and did not require foreigners to register upon entry.” [3a] (Section 2d)
- 30.04 Furthermore: “The government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs.” [3a] (Section 2d)

PASSPORTS

- 30.05 The Immigration and Refugee Board of Canada published an update on Sudan's passport issuance and renewal procedures on 28 February 2007, stating that:
- “The Sudanese passport, according to the [Sudanese] embassy Official [consulted by the IRB], is another commonly held identity document in Sudan. Issued by the country's Ministry of Interior Affairs, Sudanese passports are valid for ten years, but need to be renewed four times during this period. Passports can be renewed within Sudan through the Ministry of Interior Affairs or outside Sudan through one of the country's embassies. A 28 February 2005 letter from the United Kingdom (UK) Foreign Commonwealth Office, cited in a January 2007 UK Home Office report on Sudan, indicates that the Sudanese passport is ‘green, has 64 pages and is initially valid for 2 years’.” [52c]

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WEST SUDAN (DARFUR) AND EAST SUDAN

- 30.06 The USSD Report 2008, noted that: “The government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs.” Also that: “In contrast to previous years, there were no reports that the government detained persons, particularly opposition political figures, at the airport and prevented them from travelling, citing security concerns.” [3a] (Section 2d)

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SOUTH SUDAN

- 30.07 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 31 of the ICSS states that:
- “(1) Every citizen and any person lawfully in the Sudan shall have the right to freedom of movement and the liberty to choose his or her residence in Southern Sudan except for reasons of public health and safety as shall be regulated by law.
 - (2) Every citizen shall have the right to leave and/or return to Southern Sudan.” [94b] (p11)
- 30.08 HRW’s March 2006 Report on ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ states that: “According to residents, since the SPLM’s official appearance in Juba in May 2005, the previous climate of repression of southern culture, religion and everyday life in Juba has loosened. A curfew was lifted and people could move more freely about the town.” [19a] (p9)

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31. INTERNALLY DISPLACED PEOPLE (IDPs)

31.01 UNICEF in its humanitarian action report 2008 recorded that: "Numbers of internally displaced persons (IDPs) continued to rise, with over 240,000 people newly displaced, or re-displaced. By the fourth quarter of 2007 there were an estimated 2.1 million IDPs in Darfur. IDP camps remained full to overflowing and aid agencies struggled to keep up with the needs. After four years of conflict, coping mechanisms have become seriously stretched and, for the first time since 2004, pockets of malnutrition above the emergency threshold have been reported." [40h] (p148)

31.02 Mines Advisory Group reported in its 2008 annual review that the organisation continues to support peace and stability in Sudan, three years on from signing the CPA.

"In 2007, the programme focused on supporting the return and rehabilitation of refugees, internally displaced persons (IDPs) and conflict-affected communities. MAG's response is integrated and involves Community Liaison (CL), Mine Risk Education (MRE), technical survey and minefield marking, manual demining, stockpile destruction and Explosive Ordnance Disposal (EOD). Results have shown a reduction in landmine and UXO accidents, providing safe passage for returnees, releasing safe land for resettlement and development and assisting a return to normal life for excombatants and civilians affected by the conflict." [68l]

31.03 International Committee of the Red Cross (ICRC) reported on 19 May 2008 that the organisation was prolonging its support to approximately 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur until the end of the year its operation to help some 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur. [22b]

31.04 The report added:

"Since the end of last year, an additional 9,000 people have arrived at Gereida. Most had fled their homes because of fighting, lawlessness and insufficient access to drinking water, basic health care and other services. The ICRC is providing the camp's population with food, shelter materials, household items, clean water, sanitation, and health and nutritional care. In addition, ICRC delegates are helping the displaced to contact family members with whom they have lost touch, and are collecting allegations of violations of international humanitarian law in order to discuss them in a confidential dialogue with the parties concerned. To finance its operations at Gereida camp, the ICRC is asking donors for an additional 20 million Swiss francs, bringing its estimated 2008 budget for Sudan to 126 million francs (over 121 million US dollars)." [22b]

31.05 US Aid's report, last update 6 June 2008, gave the following account of the current humanitarian situation in Darfur, reporting on displacements and overcrowding in the camps, the report noted:

"On May 19, OCHA reported that more than 158,000 individuals had been displaced in Darfur since January 2008. Following interethnic clashes and mass displacement in Sania Afandu in South Darfur from mid- to late-April,

humanitarian agencies expressed concerns regarding overcrowding in the local IDP camps. On May 6, the Sudanese government and NGOs assessed El Sereif IDP camp to determine the possibility of re-opening the camp for 441 households from Sania Afandu who were sheltering at Al Salam camp in Nyala, South Darfur. Participants in the assessment mission included the GNU Humanitarian Aid Commission (HAC), the U.N. Children's Fund (UNICEF), OCHA, GNU Office of Water and Environmental Sanitation (WES), CARE, and the Islamic International Relief Organization, the El Sereif camp manager." [3d]

31.06 WHO in its 2008 report noted that:

"An estimated 50-000-60,000 people have been displaced in the last week as a result of outbreak of hostilities in the town of Abyei in central west Sudan according to UN OCHA and UNJLC,. A further 600-2000 people are thought to have been displaced North of Abyei Town though this remains unconfirmed. WHO, as part of a multi agency team assessment involving WFP, UNICEF and other partners, are currently undertaking a rapid emergency assessment of Agok, the main point of displacement for IDPs displaced to south of Abyei. WHO has also dispatched from and prepositioned essential drugs and supplies in Kadugli in preparation for further deployment to affected areas as well as coordinating the health response with all health partners, including UN agencies and NGOs." [44b]

31.07 The report further noted that:

"As well as concern for the health of the population directly affected in the conflict including casualties, WHO is concerned about reported cases of diarrhea and dehydration as well as other immediate risks to health within the displaced population from poor sanitation and access to water, and overcrowding. There is further concern for the nutritional status in the area population which is reported by NGOs to have deteriorated recently and WHO will be working with UNICEF and health partners to address the issue." [44b]

31.08 The Institute of Security Studies reported on 8 June 2008, extensive details of the road map for return of IDPs and implementation of Abyei protocol. The report provided the security arrangements, the timescale for the return of IDPs, the interim arrangements for the administration of the programme and arrangement for the final settlement. [104a]

31.09 Regarding returns, the protocol stated:

- "The civil population shall return to their former homesteads on completion of the above mentioned security arrangements, which are expected to finish before the end of June 2008.
- The GoNU shall take all arrangements for availing the resources for the return programme of the civil population and with the involvement of the relevant international agencies and organisations, which shall be implemented through the Abyei Area Admisntration [sic]." [104a]

31.10 The International Organisation for Migration (IOM) provided an update on the number of returns to and within South Sudan under the Joint Organized Return Programme in its February 2008 Newsletter, noting that:

"In February [2008], IOM assisted 2,167 Internally Displaced Persons (IDPs) return from camps and settlements in and around Khartoum to their homes in Warrap and Unity States in South Sudan as part of the Joint Organized Return Plan, which is coordinated and implemented by the Government of National Unity (GoNU), the Government of Southern Sudan (GoSS), the United Nations Mission in Sudan (UNMIS) and IOM. For the South-South organized IDP return operations, a total of 1,551 persons have been assisted from Nimule in Eastern Equatoria to Central Equatoria since 31 January under the Joint Organized Return Programme. Since Joint Return Operations began on 3 February 2007, IOM has assisted close to 50,000 persons to return to South Sudan." [79e]

- 31.11 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

"According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. Despite the signing of the DPA in May 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in 315,000 new displacements during the year, and some existing IDPs were displaced for the second or third time. Darfur IDPs did not return in any significant numbers to their places of origin, although small-scale spontaneous returns to certain villages occurred." [3a] (Section 1g)

- 31.12 The report added that: "There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes, beatings, and attempts by the government to forcibly return relocated persons to other sites. There were credible reports that the government harassed IDPs in Darfur who spoke with foreign observers." [3a] (Section 1g) "Reports of insecurities in Darfur, especially outside of IDP camps were recorded; freedom of movement to IDPs were restricted and also that women and girls who left the town and camps risked sexual violence." [3a] (Section 1g)

- 31.13 The following incidents were recorded over the year.

"On May 12, the CRP burned the market and several homes in Rwanda IDP Camp, causing camp residents to flee." [3a] (Section 1g)

"Following several days of interethnic clashes inside Kalma IDP Camp, on October 20 the governor of South Darfur announced plans to divide the camp into nine smaller camps. At year's end, approximately 20,000 of the estimated 90,000 residents had left the camp as a result of the clashes. According to the International Organization on Migration, Sudanese security forces and the government's Humanitarian Affairs Commission forcibly relocated approximately 500 IDP households between October 26 and October 28." [3a] (Section 1g)

"Kalma Camp representatives accused the local government of shifting the course of a major river in Nyala, causing it to flow through the camp and displacing thousands of IDPs within the camp." [3a] (Section 1g)

- 31.14 The USSD Report 2008 added:

“There were reports that the government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance later returned to the IDP camps. Government attempts to resettle IDPs were generally unsuccessful. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force.” [3a] (Section 1g)

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

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

- 31.16 Furthermore: “In October government authorities arrested a Khartoum journalist who translated an elderly IDP’s statement from Zaghawa into Arabic for a visiting Qatari envoy; he was later released. International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps, as well as operated back-and-forth across the border with Chad.” [3a] (Section 1g)

- 31.17 USAID’s report last updated 6 February 2009 summarises the humanitarian situation in Sudan as below:

“In 2009, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan’s western region of Darfur has affected more than 4.7 million people, including nearly 2.7 million internally displaced persons (IDPs). In Darfur, fighting among armed opposition factions, the Sudanese Armed Forces (SAF), militias, and ethnic groups continues. According to the U.N., clashes have displaced more than 315,000 individuals within Darfur and to eastern Chad since January 2008.” [46c]

	Estimated Numbers Affected	Source
Internally Displaced People in Sudan	From Southern Sudan: 2.7 million In Darfur: 2.7 million In Eastern Sudan: 168,000	UNHCR (1)- Oct. 2008 OCHA(2) – Oct. 2008 U.N. Sept. 2007
Sudanese Refugees	From Darfur: 250,000 From Southern Sudan: 138,270 Returnees to Southern Sudan: 299,268	UNHCR – June 2008 UNHCR - Feb. 2009 UNHCR - Feb. 2009
Refugees in Sudan	From Eritrea, Ethiopia, Uganda, DRC, and others: 257,980	UNHCR – Dec. 2008

*Humanitarian Funding Provided to Date in (FY 2008 and FY 2009)

USAID/OFDA(3) Assistance to Sudan and Eastern Chad \$148,149,305

USAID/FFP(4) Assistance to Sudan and Eastern Chad \$809,026,100

State/PRM(5) Assistance to Sudan and Eastern Chad \$136,212,456

Total USAID and State Humanitarian Assistance to Sudan and Eastern Chad \$1,174,387,861

[46c]

- 31.18 Relief Web reported on 11 February 2009 that over nine hundred (900) Internally Displaced Persons from Wulu County in lakes state expressed

unwillingness to return back to Wulu until the problem between Agaar Dinka and Jurbel was solved. This was because the area was deemed unsafe to return to and that the IDPs were left behind as they had lost all their properties during the fighting, as reported by the Representative of the IDP's, John Anyuon Abdalla. The IDPs, notably mostly women and children from Jur bel, fled to Wau last January [2008] due to the inter-tribal clashes between Agaar Dinka and Jur bel in Wulu County of lakes state. [68q]

- 31.19 The US State Department's Background Note, updated March 2009 noted the following concerning the humanitarian situation in Sudan.

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

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WEST SUDAN (DARFUR)

- 31.20 The International Crisis Group (ICG) in its report, July 2008 recorded the current situation in the IDP camps:

"The IDP camps are increasingly violent, with residents manipulated by all sides while Khartoum also tries to force them to return to unsafe areas. Inter-Arab dissension has added new volatility to the situation on the ground. Some tribes are trying to solidify land claims as the UN/AU hybrid peacekeeping operation in Darfur (UNAMID) establishes itself. This has led to fighting with other Arab tribes, which have realized the NCP is not a reliable guarantor of their long-term interests and have started to take protection into their own hands. There is now a high risk of an Arab insurgency, as well as potential for alliances with the predominantly non-Arab rebel groups. A spill over of the conflict into Kordofan has also started." [14c]

- 31.21 The USSD Report 2008 recorded that:

"Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February [2008], violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad." [3a] (p1)

- 31.22 The USSD Report 2008 added: "In Darfur, approximately 2.7 million civilians have been internally displaced since the conflict began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to

Chad. Many persons were displaced for the second or third time during the year.” [3a] (section 2d)

- 31.23 The report further added that: “Since 2005 an estimated 2.1 million IDPs and refugees returned to the south. Approximately 28,500 IDPs returned to their places of origin and 62,000 refugees returned during the year either as a part of organized or assisted returns. Fighting in Abyei, intertribal and intercommunal fighting, and LRA attacks displaced persons during the year.” [3a] (section 2d)
- 31.24 Additionally: “In Darfur, throughout the year, government armed forces and aligned militia continued to bomb and burn villages, loot property, and attacked IDPs.” [3a] (section 1f) “On August 25, at Kalma IDP Camp, South Darfur, the CRP killed 33 IDPs and injured 108 IDPs when they opened fire on a group of IDPs assembled to prevent a search of the camp. On October 9, government forces attacked Nertiti IDP Camp, injuring civilians.” [3a] (Section 1d)
- 31.25 The Guardian reported on 24 April 2009 that continued insecurity in Darfur means that aid agencies are still struggling to provide services to hundreds of thousands of people in displaced persons camps. [90a]

See also [Human Rights Institutions, Organisations and activists](#) and [West Sudan \(Darfur\)](#)

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SOUTH SUDAN

- 31.26 Internal Displacement Monitoring Centre, (IDMC) reported on 22 January 2009 that the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes had warned of attacks by the Lord’s Resistance Army (LRA) across communities in Southern Sudan and other neighbouring countries. “... between September and December last year, there had been LRA attacks on 20 locations in Orientale Province, north-eastern DRC, including killings, abductions, rape, torture, looting and destruction of property. He also reported that LRA attacks had internally displaced more than 13,500 people in the Southern Sudanese state of Western Equatoria, and he warned that the number displaced there was rising rapidly.” [48a]
- 31.27 Refugee International reported in its Annual Report 2008, that without the organisation’s drive for more support for the recovery for the people of south Sudan “there can be no peace in Darfur”.
- “Thanks to RI’s efforts, U.S. AID provided \$100 million for a three-year ‘BRIDGE’ program to bolster local governments and help create economic opportunities for people returning home in the south and transitional areas. RI also called on the U.S. Office for Foreign Disaster Assistance (OFDA) to continue responding to ongoing emergency needs. As a result, OFDA reversed course and maintained its humanitarian funding levels for south Sudan.” [81a]

See also [Human Rights Institutions, Organisations and activists](#) and [South Sudan](#)

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RETURNING IDPs

- 31.28 UN News reported on 2 July 2008 that the UN health agency has started preparations for the expected return of tens of thousands of displaced people to their homes in the town of Abyei.

“The World Health Organization (WHO) said in a media statement that it is focusing on restoring basic health services for the returnees and controlling the health risks for both the returnees and the people still displaced after deadly fighting erupted in May. ... Almost 60,000 people fled Abyei, which lies at the centre of an oil-rich area that is still disputed despite the 2005 official end to the long-running north-south civil war in Sudan, as a result of the clashes between Government forces and the Sudan People’s Liberation Movement (SPLM).” [6b]

- 31.29 The UN High Commissioner for Refugees (UNHCR) reported on 10 February 2009 that the number of returnees to South Sudan had now reached over 300,000.

“The number of refugee returns to South Sudan since the signing of a peace accord in 2005 has passed the 300,000 mark, including 143,000 assisted home by the UN refugee agency. The milestone was reached on Saturday when an eight-truck UNHCR convoy carrying 241 Sudanese civilians arrived at the border town of Nimule in Sudan’s Eastern Equatoria state after leaving a refugee camp in northern Uganda’s Adjumani district.” [6z]

- 31.30 In a separate report also on 10 February 2009, UNHCR recorded that, a 72-year-old woman who fled her homeland to neighbouring Uganda in 1991, crossed into Southern Sudan at the Nimule border post on Saturday, 7 February 2009, to become the 300,000th returnee. She had been in exile since the end of the Sudan civil war and the start of UNHCR’s repatriation operation in Southern Sudan in 2005. The report added that approximately 43,000 Southern Sudanese had returned from Uganda since the opening of the Nimule return corridor in August 2007. [6aa]

- 31.31 The *Gurtong* on 11 February 2009 reported that:

“Over 414 internally displaced persons in Wau, most of who are children and women, are seeking a safe return to Lakes State. Their displacement came about as a result of the inter-tribal conflict between the Dinka Agaar of Eastern Rumbek County and Wulu County that was inhabited by the Jur-beli ethnic community early this year and which resulted into the death of at least 10 people, family separation and widespread starvation among.” Adding that the return will be voluntary and that the Government would provide free transport to those willing to move back to Lakes State.” [18i]

- 31.32 The USSD Report 2008 added: “The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the

Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.” [3a] (Section 2d)

- 31.33 The IOM reported on 16 June 2009 that: “An overwhelming majority of the 2 million Internally Displaced Persons (IDPs) who have returned to Southern Sudan and Southern Kordofan since the signing of the Comprehensive Peace Agreement in January 2005 continue to confront many challenges once they have returned to their villages of origin.” [79b]
- 31.34 In its Annual Report for 2008, Refugee International reported that its call for assistance to help return displaced south Sudanese to their homes, and rebuild their lives, had been heeded by the U.S. Agency for International Development by providing \$100 million over three years to strengthen local governments and create economic opportunities for returnees. [81a]

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32. FOREIGN REFUGEES

- 32.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.” [3a] (Section 2d)

- 32.02 The report added: “The government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Government officials reportedly were unresponsive to applications for refugee status.” [3a] (Section 2d) Additionally: “The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol.” [3a] (Section 2d)

- 32.03 Furthermore: “The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations in assisting refugees and asylum seekers in some cases; in others, the government defied agreements and targeted refugees and asylum seekers for abuse.” [3a] (Section 2d)

- 32.04 The report continued:

“Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.” [3a] (Section 2d)

The report also stated that in previous years there were reports of abuses against Ethiopian refugees, although there was no specific information on such actions during the year. [3a] (Section 2d)

- 32.05 The United States Committee for Refugees and Immigrants’ (USCRI) World Report 2009 stated that:

“Sudan hosted around 310,500 refugees from its neighbors [sic], primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 165,800 Eritrean refugees, some 69,400 lived in 12 camps in eastern Sudan. Another 57,000 lived outside the camps operated by the Office of the UN High Commissioner for Refugees (UNHCR). Sudan hosted around 41,200 Chadian refugees and 10,000 Ethiopians.” [50a]

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33. CITIZENSHIP AND NATIONALITY

33.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 7 of the INC records that:

- “(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
- (2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;
- (3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
- (4) A Sudanese national may acquire a nationality of another country as shall be regulated by law.” [94a] (p5)

33.02 The Immigration and Refugee Board of Canada on 28 February 2007 published information on the various identity documents in Sudan and the names of the agencies that issue them. Regarding citizenship identity document the report stated:

“The citizenship identity document, as described by the embassy Official, is a ‘type of certificate’ that contains the holder’s photograph and personal information (Sudan 14 Feb. 2007). The certificate reportedly has a hard, hunter-green cover. According to the Official, the document is carried by persons born in Sudan and by Sudanese persons born abroad. For example, Sudanese nationals who have a child while abroad are able to apply for a citizenship identity document for their child. The citizenship identity document is issued by Sudan’s Ministry of Interior Affairs; however, persons outside of Sudan can apply for this document through an embassy of Sudan.” [52a]

“Like the identity card and the citizenship identity document, the driver’s licence is also reportedly an identity document that is commonly carried in Sudan (Sudan 14 Feb. 2007). The Sudanese driver’s licence is issued by the country’s Ministry of Interior Affairs and can only be obtained within Sudan. The Official at the Embassy of Sudan in Ottawa indicated that the embassy is able to verify the authenticity of Sudanese driver’s licences, but cannot renew or issue new ones.

“Birth certificates, another common identity document in Sudan, are reportedly available through the Department of Statistics of Sudan’s Ministry of Social Affairs (US 13 Nov. 2006). According to the Official at the Embassy of Sudan in Ottawa, birth certificates are issued to most people in Sudan (14 Feb. 2007). The Official noted that even if a person is not born in a hospital, ‘legal doctor assistance’ in the rural villages or towns issue stamped papers, which can be taken to the birth registry (Sudan 14 Feb. 2007).

“According to the Official, however, there are some Sudanese people who were born 30 to 40 years ago who do not have birth certificates because certificates were not available in the rural villages or towns of Sudan at that time. A person without a birth certificate can go to the country’s birth registry to obtain a document certifying that there is no record of his or her birth in the registry’s database (26 Feb. 2007). The birth registry document can then be

taken to the health commission, which is able to issue a 'substitute health document. This substitute document indicates the person's age, but not necessarily where he or she was born (14 Feb. 2007). According to the embassy Official, laboratory tests are conducted by the Commission to estimate the person's age. The date of birth appearing on the substitute health document is generally 1 January with the estimated year of the person's birth. The embassy Official indicated that a birth certificate or a 'substitute health document' is required in order to apply for the identity card, the citizenship paper and the passport." [52a]

SOUTH SUDAN

33.03 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 48 of the ICSS states that:

- “(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
- (2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.
- (3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
- (4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan.” [94b] (p17)

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34. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

- 34.01 The Immigration and Refugee Board of Canada on 26 April 2007 published information on the availability and prevalence of fraudulent identity documents in India (2004 - 2007). Referring to Sudan, the reported noted that:

“In April 2005, three people were arrested for possession of false travel documents at the Begumpet airport; they were accused of affixing their photographs on someone else's passports (The Hindu 14 Apr. 2005). Another article reports the arrest of three people in February 2006 for selling fake visas to travel to Saudi Arabia, Sudan and Afghanistan (The Times of India 5 Feb. 2006).” [52d]

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35. EXIT – ENTRY PROCEDURES

- 30.01 The U.S Travel State Department issued the following travelling information concerning entry/exit requirements on its website on 26 May 2009:

“The Government of Sudan requires all travellers to present a passport and an entry visa. Most travellers must obtain the entry visa before arrival; only American citizens who also possess a Sudanese national identification document (such as a Sudanese passport or national identification card) may apply for an entry visa at Khartoum International Airport. The Government of Sudan routinely denies visas to travellers whose passports contain visas issued by the Government of Israel or other evidence of travel to Israel such as exit or entry stamps. Travellers must obtain an exit visa before departure from Sudan as well as pay any airport departure tax not included in the traveller’s airline ticket.” [3b]

- 30.02 Additionally: “Travel permits issued by the semi-autonomous Government of Southern Sudan (GOSS) or by the South Sudan Relief and Rehabilitation Commission (SSRRC) are not adequate for entry to the country, although travellers may find these documents useful to present to local authorities when in the south.” [3b]

- 30.03 The USSD Report 2008 noted that: “The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens’ travel, the government did deny some humanitarian workers exit visas.” [3a] (Section 2d)

- 35.04 The website of the Embassy of Sudan in South Africa reported that: “Citizens of all countries are welcome to visit Sudan. According to the prevailing laws and regulations, in order to enter or leave the country, a visitor must be in possession of a passport valid for at least two months, and must, in addition, obtain an entry visa.” [130a]

- 35.05 Details of the various entry requirements are as below:

Entry visa

“Entry visa to Sudan is issued at all Sudanese embassies and consulates abroad. Non -Sudanese nationals, except holders of the United Nations laissez-passer, or seamen on duty, should present a valid passport and three passport- size photos. And entry visa application form, stating the essential details of the passport, should be filled out and application dues paid. On certain occasions, the entry visa can be issued at the air port and border stations, provided that the visitor or his/her agent has send an application to the ministry of entry, department of passport and immigration.”

Transit visa

“This visa is valid for seven days for air travels and twenty- one days for land travels. It’s not required for transit passengers, who must leave the country within 24 hours, during which they should stay at the air port.”

Temporary residence in Sudan

“This residence permit allows the holder to enter Sudan and remain for a stated period. Visitors intending to work or study must apply for a temporary residence permit for the required duration, subject to extension, if necessary.

“The documents that are required for the issuance of a temporary residence permit for work are:

- Work permit.
- A letter of recommendation from the employer or work place.
- Two passport-size photos.”

Exit Visa

“An exit visa must be obtained by all Sudanese nationals as well as by foreigners who have resided in Sudan, for longer than three months. (Alien Regulatios [sic]) Upon arrival Sudan, all foreign visitors must register their names at the Alien Department of the ministry of Interior, or at the pertinent departments in other states of Sudan, within a period not exceeding three days after their arrival. They are also required to notify the authorities also in case they move from one locally to another.” [130a]

See also [Freedom of movement](#)

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36. EMPLOYMENT RIGHTS

36.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 29 July 2009) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC records that:

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

36.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:

“Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.” [3a] (Section 6a)

36.03 The report added: “Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.” [3a] (Section 6a)

36.04 The report further added: “Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.” [3a] (Section 2c)

See also [Ethnic groups](#); [Disability](#); [Women - Social and economic rights](#); [Children - Forced labour](#) and [Trafficking](#)

TRADE UNIONS

36.05 USSD Report 2008 stated that:

“Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the

government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.” [3a] (Section 6a)

36.06 The report further stated:

“The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government’s auditor general supervised union funds because they were considered public money. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.” [3a] (Section 6a)

36.07 Additionally: “Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.” Also that: “The law does not prohibit antiunion discrimination by employers.” [3a] (Section 6a)

36.08 The International Confederation of Free Trade Unions’ (ICFTU) Annual Survey of Violations of Trade Union Rights (2007)’ stated:

“There are no trade union rights, as the government controls all union activity and all unions are banned except the government-controlled SWTUF. Collective bargaining is nearly non-existent as salaries are set by a government-appointed and controlled body. Workers live in fear of the severe penalties of violating government labour decrees, for which they could receive the death penalty.” [51a]

36.09 The 2007 Survey also stated that:

“The 1992 Trade Union Act established a trade union monopoly controlled by the government and only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally. All other unions are banned. Labour disputes are adjudicated by the labour courts, but the Minister of Labour then refers them to compulsory arbitration. The ILO has requested the government to amend the law to ensure that it is not compulsory. Strike action requires government approval, which is never given and workers can be dismissed for taking illegal strike action.” [51a]

36.10 Furthermore: “Collective bargaining is nearly non-existent as a government-appointed and controlled tripartite committee of representatives of the government, employers and the SWTUF sets salaries. The current Labour Code, which came into effect in December 2000, continues to deny trade union freedoms and reinforces government control over trade unions.” [51a]

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WAGES AND CONDITIONS

36.11 The USSD Report 2008 noted that:

“The minimum wage was 124 Sudanese pounds (approximately \$62) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid.” [3a] (Section 6e)

36.12 The report added:

“The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime. Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.” [3a] (Section 6e)

36.13 The report further added that: “In the south, the Ministry of Labor and Public Services is responsible for monitoring health and safety standards for workers; however, it did not do so effectively.” [3a] (Section 6e)

See also [Economy](#)

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SLAVERY AND FORCED LABOUR

36.14 Article 30 of the INC recorded that: “(1) Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude. (2) No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law.” [94a] (p13)

36.15 The USSD Report 2008 noted that: “The law prohibits forced or compulsory labor, including by children; however, such practices continued. ... Although the government continued to deny that slavery and forced labor existed in the country, CEAWC acknowledged that abductions had occurred in the 1980s and 1990s, and that not all abductees had since been freed.” [3a] (Section 6c)

The report added that: The forcible recruitment of persons into armed groups continued, also that: “Forced prison labor was used for the construction of private residences for SPLM officials. Furthermore, Abduction, forced labor, and sexual slavery of women and children continued.” [3a] (Section 6c)

See also [Prisons and prison conditions - South Sudan](#); [Women - Social and economic rights](#); [Children - Forced labour and Trafficking](#)

WEST SUDAN (DARFUR)

- 36.16 The USSD Report 2008 recorded that: “Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.” [3a] (Section 2c)

See also [Ethnic groups](#)

SOUTH SUDAN

- 36.17 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 29 of the Interim Constitution of Southern Sudan (ICSS) states that:

- “(1) The right to peaceful assembly is recognized and guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.” [94b] (p10)

- 36.18 The International Labour Organization’s (ILO) last updated on 16 January 2007 recorded the following on its website:

“With the prospect of peace in the horizon, the Government of Sudan (GoS) and the Sudanese Peoples Liberation Movement (SPLM) are gearing up to recovery and reconstruction, in which infrastructure and capacity building are expected to feature prominently. During the years of conflicts, local communities carried out emergency infrastructure rehabilitation activities, with support from among others the World Food Programme through a ‘Food for Work’ approach. The prospects for peace have improved the feasibility of more developmental approach to infrastructure rehabilitation and rehabilitation, which, by using local labour including internally displaced persons (IDPs), will also contribute to peace building. A key priority is the capacity building up of government institutions. ASIST, at the request of the United States Agency for International Development (USAID) and the Sudan Southern Sector, Secretariat for Physical Infrastructure, has carried out an assessment of labour-based training programme for county-based road supervisors.” [73a]

- 36.19 The report added that:

“In 1997, ILO provided technical assistance to the United Nations Capital Development Fund (UNCDF) United Nations Development Programme (UNDP) funded labour-based road project South Darfur State. The project, valued at US\$ 5.5 million over three years sought to construct 86 km of roads and develop a viable local labour-based road contracting capacity within the

private sector, allied with a parallel development of the State Ministry of Engineering Affairs (SMEA) technical staff.” [73a]

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37. SUDANESE REFUGEES IN NEIGHBOURING COUNTRIES

37.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "Approximately 379,000 Sudanese refugees resided in neighboring countries because of the conflicts in the south and Darfur. Some 250,000 refugees from Darfur were in Chad. Others were in countries including Uganda, Kenya, Ethiopia, and Egypt. [3a] (2d)

37.02 Reuters reported on 12 February 2008 that the UN has appealed for \$63 million to help repatriate 80,000 south Sudanese refugees' years after they fled to neighbouring countries to escape Africa's longest civil war.

"The U.N.'s refugee agency the UNHCR said it needed the cash for a programme that has already returned more than 2 million people since Sudan's north-south conflict ended in 2005. The appeal came as campaign group Refugees International called on south Sudan's government to switch millions of dollars of funding towards helping the returnees, many of whom were coming back from exile to find a total lack of basic services." [70d]

37.03 The report added that people were determined to return home, despite the problems with the local economy and the region's weak education and health services. "People are going back with or without our help. They're tired of being refugees", said UNHCR Spokeswoman Fatoumata Kaba'. [70d]

37.04 The report further added that: "The agency said it was hoping this year to return 45,000 Sudanese refugees from Uganda, 17,000 from Kenya, 16,000 from Ethiopia and 2,000 from Egypt - still less than a third of the 260,000 Sudanese refugees remaining outside Sudan's borders." [70d]

37.05 Relief Web reported on 11 February 2009 that at a recent meeting in Juba, Sudan and Uganda had agreed to repatriate 50,000 Sudanese refugees from Uganda in 2009 and 2010. The report noted that new roles had been assigned to both the Sudanese and Ugandan governments in supporting the repatriation process. [68p]

37.06 The report added that the Uganda Minister for Relief and Disaster Preparedness, Ecweru Musa Francis, had acknowledged the support the Ugandan government given in securing the safe return of over 60,000 Sudanese refugees to Sudan adding that a good number were still in Uganda. Further noting that the Sudanese Minister of Interior, Abbas Jumaa, thanked Uganda for providing refuge to over 170,000 Sudanese for the last 19 years, assuring Sudan's commitment to speed up the return of the remaining refugees from Uganda. The report concluded by recording that the United Nations had recently reported that 300,000 refugees had returned to Sudan. [68p]

37.07 Médecins San Frontières (MSF) reported on 23 February 2008 that Sudanese refugees in Chad in the Birak Region are under threat.

"Stuck in a highly volatile security context, Sudanese refugees who have recently arrived just over the border in Birak, Chad, are in an extremely worrying situation. With ongoing combat a few kilometres away from their settlement, the lives of the refugees and those who remain in targeted areas in

Darfur, are still at risk. Insecurity also hampers relief efforts in the area. If refugees do not receive basic assistance in the coming weeks, their health situation could worsen rapidly.” [41a]

37.08 The report continued:

“Following recent bombings and attacks on the area of Seleia, in West Darfur, several thousand people sought refuge in the Birak area of neighboring Chad. MSF teams immediately set out to evaluate the needs of the refugees in Birak. Between 7,000 and 8,000 people have been identified, scattered over several sites in the area. Some have been able to bring belongings, such as animals, or food, and they have received some assistance from the local population. Yet, their situation remains precarious.” [41a]

37.09 The report added:

“Since the Darfur conflict spread across the border into south-eastern Chad in late 2005, about 120,000 Chadians have been internally displaced and 20,000 have sought refuge in Sudan. UNHCR is assisting the Chadian refugees in Um Shalaya and the smaller Mukjar camp in West Darfur, as well as monitoring and providing protection assistance to Chadian refugees along the border. The conflict that flared in the Darfur region in February 2003 has killed some 200,000 people and left at least two million internally displaced. A further 230,000 Sudanese refugees are living in 12 UNHCR-run camps in eastern Chad.” [6ap]

37.10 ReliefWeb reported on 8 January 2008 that the Darfur conflict which has forced more than 200,000 Sudanese to flee into neighbouring countries such as Chad, has put a lot of strain on the small communities in eastern Chad thus making access to health care one of the greatest challenges noted the report. [68m]

37.11 The USSD Report 2008 stated: “According to the UN... approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003 ...” [3a](1g)

37.12 Reuters Net reported on that 12 December 2008 that the United Nations High Commissioner for Refugees (UNHCR) has resumed returning refugees from Kenya to South Sudan.

“UNHCR launched its assisted repatriation programme for South Sudan in December 2005 and an estimated 290,000 people have since returned from Kenya and other neighbouring countries. The refugee agency has helped almost 140,000 of them to return, including 45,000 to Eastern Equatoria. The return rate picked up earlier this year before UNHCR suspended returns in July, when the rainy season began. The operation resumed last month and Lohuyoro was on the second convoy from Kakuma of the 2008-2009 dry season, which will last until June. Many areas are inaccessible during the rains.” [70g]

37.13 Reuters Alert Net reported on 28 January 2009 that the Sudanese local officials had met with refugees in Uganda, to urge them to return home. “The UN refugee agency has been helping local officials in South Sudan reach out to refugees in north-western Uganda who are considering returning home after

years of enforced exile. And it seems to be working, with many of the refugees asking to go back.” [70f]

See also [The north-south Comprehensive Peace Agreement \(CPA\): 9 January 2005](#); [Implementation of the Comprehensive Peace Agreement](#); [Security situation](#); and [Humanitarian issues - South Sudan](#)

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Annex A: Chronology of major events

1989 June: Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. Thirty members of the former government were detained. [1a] (p1090)

For further information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, [Annex I](#) source. [1a]

1991 August: Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. [1a] (p1091)

1992 February: A 300-member transitional National Assembly was created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. [1a] (p1091)

1993 October: The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. [1a] (p1091)

1994 February: Sudan was re-divided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. [1a] (p1091)

1995 June: The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. [1a] (p1092)

1996 March: First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. [1a] (p1092)

1997 April: The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. [1a] (p1093)

1998 May: Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. [1a] (p1093)

1999 January: The Political Association Act came into effect. The voting age was changed from 18 to 17. [1a] (p1093)
On 26 November the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. [1a] (p1093)
On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow. [1a] (p1093)

- 2000** **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. [1a] (p1093)
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. [1a] (p1094) The Government extended the state of emergency from three to twelve months. [1a] (p1093)
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. [1a] (p1094)
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed a new political party called the Popular National Congress. [1a] (p1091)
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. [1a] (p1094)
- 2001** **3 January:** President al-Bashir extended the state of emergency for a further year. [1a] (p1094)
12 February: President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. [1a] (p1094)
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. [1a] (p1097)
- 2002** **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. [1a] (p1094)
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved the peace deal but no agreement was reached regarding a ceasefire. [1a] (p1095)
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. [1a] (p1095)
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. [1a] (p1095)
December: Sudan's Parliament approved the extension of the state of emergency for another year. [1a] (p1094-5)
- 2003** **February:** In the Darfur States, members of the Fur, Zaghawa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. [1a] (p1096)
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. [9a] (p2)
- 2004** **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing hundreds of thousands of refugees to flee to neighbouring Chad. [9a] (p2)

March: A UN official said pro-government Arab '*Janjaweed*' militias were carrying out systematic killings of African villagers in Darfur. [9a] (p2) Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. [9a] (p2)

April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which did not hold, as clashes continued. [1a] (p1096)

2005 9 January: the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. [10ac]

23 February: it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). [12f]

March: The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. [10ac]

June: the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. [9a] Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. [9a]

6 June: Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on 13 June, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. [10ac]

9 July: the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. [9a] (p3)

August: the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese. [9a] (p4) [10ac] Garang was succeeded by Salva Kiir. [9a] (p3) [10ac]

31 August: Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. [10ac]

20 September: Government of National Unity announced. [10ac] [25f]

22 October: Government of Southern Sudan formed. [10ac] [25f]

November: Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. [10ac]

On 29 November the seventh round of the Darfur peace talks opened in Abuja, Nigeria. [4a]

On 5 December the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. [10ac]

2006 January: The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. [13a]

On 5 May the Khartoum government and the SLM/A signed a peace accord. Two smaller rebel groups reject the deal. [9a]

August: Sudan rejects UN Resolution calling for a UN Peacekeeping force in Darfur [9a]

- 2007**
- 14 July:** a former rebel leader Malik Agar was reported as the new governor of Southern Blue Nile state. This will be the first time the SPLM has been in power in Southern Blue Nile state since the peace deal in 2005.
- 31 July:** UNAMID (United Nations-African Union Mission in Darfur) was established for 12 months, and UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with UNAMID.
- August-September** - The worst floods for decades leave more than 250,000 people homeless.
- September** - UN talks on the composition of a Darfur peacekeeping force end without agreement.
- October** - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal.
- November** - A British teacher is sentenced to 15 days in jail for insulting religion after allowing students to name a teddy bear Mohammed. Demonstrators call for her to be shot. She is freed after a presidential pardon.
- December** - SPLM resumes participation in national unity government.
- 2008**
- January:** UN takes over Darfur peace force.
- February** - Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur.
- March:** Russia says it's prepared to provide some of the helicopters urgently needed by UN-African Union peacekeepers.
- Tensions rise over clashes between an Arab militia and SPLM in Abyei area on north-south divide - a key sticking point in 2005 peace accord.
- Presidents of Sudan and Chad sign accord aimed at halting five years of hostilities between their countries.
- April:** Counting begins in national census which is seen as a vital step towards holding democratic elections after the landmark 2005 north-south peace deal.
- UN humanitarian chief John Holmes says 300,000 people may have died in the five-year Darfur conflict.
- May:** Southern defence minister Dominic Dim Deng is killed in a plane crash in the south.
- Tension increases between Sudan and Chad after Darfur rebel group mounts raid on Omdurman, Khartoum's twin city across the Nile. Sudan accuses Chad of involvement and breaks off diplomatic relations.
- Intense fighting breaks out between northern and southern forces in disputed oil-rich town of Abyei.
- June:** President Bashir and southern leader Salva Kiir agree to seek international arbitration to resolve dispute over Abyei.
- July:** The International Criminal Court's top prosecutor calls for the arrest of President Bashir for genocide, crimes against humanity and war crimes in Darfur; the appeal is the first ever request to the ICC for the arrest of a sitting head of state. Sudan rejects the indictment.
- September:** Darfur rebels accuse government forces backed by militias of launching air and ground attacks on two towns in the region.
- October** - Allegations that Ukrainian tanks hijacked off the coast of Somalia were bound for southern Sudan spark fears of an arms race between the North and former rebels in the South.

November: President Bashir announces an immediate ceasefire in Darfur, but the region's two main rebel groups reject the move, saying they will fight on until the government agrees to share power and wealth in the region.

December: The Sudanese army says it has sent more troops to the sensitive oil-rich South Kordofan state, claiming that a Darfur rebel group plans to attack the area.

2009 January: Sudanese Islamist leader Hassan al-Turabi is arrested after saying President Bashir should hand himself in to The Hague to face war crimes charges for the Darfur war.

March: The International Criminal Court in The Hague issues an arrest warrant for President Omar al-Bashir on charges of war crimes and crimes against humanity in Darfur.

May: An estimated 250 people in central Sudan are killed during a week of clashes between nomadic groups fighting over grazing land and cattle in the semi-arid region of Southern Kordofan.

June: The leader of South Sudan and vice-president of the country, Salva Kiir, warned that his armed forces are being re-organised so they are prepared for any return to war with the north. The comments followed accusations from the Khartoum government that the south was supplying arms to ethnic groups in to destabilise the region.

Sudan's presidential election, due to take place in February 2010, was postponed by two months after former rebels in the south disputed new census results.

July: North and south Sudan accepted a ruling by judges in The Hague which gave northern Sudan control of the Abyei region and its oilfields. The region has been a flashpoint during the 22 year war between north and south. President Al-Bashir cancelled plans to travel to Uganda following speculation he could be arrested.

The trial of a Sudanese woman charged with wearing 'indecent' clothing was adjourned, but continued after she decided to waive her immunity (she had immunity as an employee of the UN).

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Annex B: Political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces

Based in Khartoum.

The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. [1a] (p1113)

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

The Danish Fact Finding Report of 2001 stated that: "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." [23b] (p18) The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, as stated by sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. [57] (p3) However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. [57] (p3) Sudan.net also stated that: "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." [57] (p3)

Beja Congress (BC)

The *Sudan Tribune* published a letter in June 2006 from Abu Amna of the Beja Congress; it was addressed to the United Nations Secretary-General Mr. Koffi Annan. Abu Amna described the Beja Congress as a: "Political organization established in 1958 to propagate the plight of the Peoples of Eastern Sudan. Its main aim has always been to struggle for the achievement of democracy, equality and fair distribution of wealth and power as a way of ending marginalization and underdevelopment in the Region." [12k]

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader – Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. [1a] (p1113)

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. [58] (p565) [1a] (p1089) *Political Parties of the World* stated that: "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." [58] (p565)

The Report of the 2001 Danish Fact Finding Mission stated that, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. [23b] (p17)

Democratic Unionist Party (DUP/DUP-Hindi) – (registered)

Leader – Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA.

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. [58] (p565)

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman – Philip Abbas Ghabbush. [1a] (p1113)

Officially registered in April 1999 [58] (p565)

Independent Democrats

Based in Khartoum. Leader – As-Samawitt Husayn Osman Mansur. [1a] (p1113)

Islamic-Christian Solidarity

Based in Khartoum. Founder – Hatim Abdullah az-Zaki Husayn. [1a] (p1113), [58] (p565)

Islamic Revival Movement

Based in Khartoum. Founder – Siddiq al-Haj as-Siddiq. [1a] (p1113), [58] (p565)

Islamic Socialist Party

Based in Khartoum. Leader – Salah al-Musbah. [1a] (p1113)

Islamic Ummah Party (IUP) – (registered)

Officially registered as a political party on 13 April 1999. Leader – Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. [1a] (p1113), [58] (p565)

Justice and Equality Movement (JEM)

The Justice and Equality Movement (JEM), currently reported to be fighting government troops near the capital Khartoum, was founded by Darfuri Muslims loyal to Islamist leader Hassan al-Turabi, whose National Islamic Front (NIF) instigated President Omar al-Bashir's 1989 coup against Sadeq al-Mahdi. Jem is led by a lawyer, Khalil Ibrahim Muhammad, who wrote "The Black Book: Imbalance of Power and Wealth in the Sudan" about the disproportionate numbers of Arabs in powerful positions. [9c]

Darfurian-based political movement/rebel group that emerged in 2001. [6e] (p39) Leader – Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. [6e] (p39) It split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. [6e] (p39)

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government....The message is designed to appeal to all marginalized Sudanese – whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan." [6e] (p39)

The Report continued: “In the field, it is difficult to make a distinction between JEM and SLM/A, as most often reports on actions by rebels do not distinguish between the two. It has been reported that members of the JEM have yellow turbans. It also appears that while SLM/A is the larger military actor of the two, the JEM is more political and has a limited military capacity, in particular following the reported split of the group and the ensuing emergence of the NMRD.” [6e] (p39)

The ICI also stated that: “The Commission obtained very little information about the size and geographic location OF [sic] JEM forces in Darfur. Most of its members appear to belong to the Zaghawa tribe, and most JEM activity is reported in the northern parts of West Darfur.” [6e] (p39)

See also Section 3: [Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [National Movement for Reconstruction/Reform and Development](#) and Annex D: [Black ethnic groups – Darfur](#)

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. [1a] (p1113)

Korbaj (which in Arabic means ‘whip’)

The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. [6e] (p40)

Moderate Trend Party

Based in Khartoum. Leader – Mahmud Jiha. [1a] (p1113)

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. [1a] (p1113), [58] (p565)

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that: “NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N’Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement.” [10dm] The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. [10dm]

The ICI stated that: “On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state.” [6e] (p40)

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [Justice and Equality Movement](#) and Annex D: [Black ethnic groups – Darfur](#)

Nile Valley Conference

Based in Khartoum. Founder – Lt-Gen (ret) Umar Zaruq. [1a] (p1113), [58] (p565)

Popular Masses' Alliance

Based in Khartoum. Founder – Faysal Muhmad Husayn. [1a] (p1113), [58] (p565)

Popular National Congress Party (PNC/PC)

(also referred to as the People's National Congress or Popular Congress)

Founded – June 2000. Founder and leader – Hassan al-Turabi [1a] (p1113), [58] (p565)

Europa's Regional Surveys of the World: Africa South of the Sahara 2005 stated that, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. [1a] (p1094) Al-Turabi was detained on 21 February 2001 and finally released in October 2003. [58] (p565) The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004.

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. [9a]

See also Section 14: [Freedom of assembly and association/Members and supporters of the Popular/People's National Congress \(PNC/PC\)](#); Annex B: [Justice and Equality Movement](#)

Al Shahamah (which in Arabic means 'The Nobility Movement')

The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [6e] (p40) The Report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. [6e] (p40) The ICI continued: "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." [6e] (p40)

Socialist Popular Party

Based in Khartoum. Founder – Sayyid Khalifah Idris Habbani. [1] (p1113), [58] (p565)

Sudanese Central Movement

Based in Khartoum. Founder – Dr Muhammad Abu al-Qasim Haj Hamad. [1] (p1113), [58] (p565)

Sudanese Communist Party

Although some sources suggest that the Party was formed in 1944 the Communist Party of Sudan web pages indicate that the Party was formed in 1946. [57], [59] Leaders – Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

The *Sudan Tribune* reported that: "The Sudanese Communist Party (SCP) founded in 1946, was a major force in Sudanese politics and one of the two most influential, along with the South African Communist Party, until 1971. In 1946 the party was known as the Sudanese Movement for National Liberation (SMNL). It supported the struggle for national independence, gained by the Sudan in 1956, after which the SMNL changed its name into al-Hizb al-Shuyu'i al-Sudani (Sudanese Communist Party)." [12r]

The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. [23b] (p17) The report stated that: “Adlan’s faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces.” [23b] (p17) The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. [57a] (p3) [23b] (p17)

The 2001 Danish Fact Finding Report stated that: “Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime.” [23b] (p17)

Sudanese Green Party

Based in Khartoum. Founder – Professor Zakaraia Bashir Imam. [1a] (p1113), [58] (p565)

Sudanese Initiative Party

Based in Khartoum. Leader – J'afar Karar. [1a] (p1113)

Sudanese Liberation Movement/Army (SLM/A)

Global Security reported on its website that: “The Sudanese Liberation Army is backed by Eritrea. Until 2003, the group was known as the Darfur Liberation Front. Rebels in Darfur emerged in February 2003 under the name of Darfur Liberation Front. The Darfur Liberation Army announced no connection with the southern rebels, but it called in the middle of March 2003 for ‘an understanding’ with the opposition forces which fight the Islamist government in Khartoum. In March 2003 the Darfur Liberation Front announced it had downed a helicopter that was carrying an official in the province. On 14 March 2003 Darfur Liberation Front announced that the movement will be called the Sudan Liberation Movement and the Sudan Liberation Army (SLM/SLA). The Darfur Liberation Front was a secessionist organisation calling for the secession of the area of Darfur from Sudan. The SLA, led by Mini Arkoi Minawi, says it wants to ‘create a united, democratic Sudan’.” [99a]

In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) [13a]

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); and Annex D: [Black ethnic groups – Darfur](#)

Sudan People’s Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed – 1983. [58] Leader – Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. [9a] Now the ruling party in south Sudan and a member of the National Government of Unity. [10i]

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People’s Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. [58] (p565) Rather than ending the mutiny, Garang encouraged other garrisons to rebel. [58] (p565)

South Sudan Independence Movement/Army (SSIM/SSIA)

“Nuer-dominated militia, led by Riek Machar, who split from the SPLM/A in 1991, to form the SPLM/A-Nasir/United. In 1994 Riek became leader of the SSIM/A and Lam Akol took the name of SPLM/A-United for his faction in west-central Upper Nile. In

1995 Riek and Garang signed a ceasefire and agreed to reintegrate their forces, but in April 1996 Machar signed a deal with the government. In 1997, the SSIM/A merged with the other rebel factions which signed the April 1997 Khartoum peace accord to become the SSDF.” (IRIN News) [10dv]

Sudanese National Party (SNP)

Based in Khartoum. Leader – Hasan al-Mahi – participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). [52b]

Umma (Ummah) Party (UP/'mainstream UP')

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman – Dr Umar Nurad Ad-Da'im. Leader – Sadiq al-Mahdi.

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

Information found on sudan.net noted that: “During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989.” [57] (p1) The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. [57] (p1) Institute for Security Studies (ISS) reported of the prospects for a sustainable peace in Sudan on 1 May 2003. [43a]

See also Section 14.01 [Political affiliation: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party \(UP\)](#)

Umma (Ummah) Party (registered)

Breakaway faction of UP-Mainstream, no longer in existence. Leader – Nur Jadayn

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)
A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the formers political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

National Democratic Alliance (NDA)

Asmara-based organisation. Chair – Osman al-Mirghani. Vice Chairman. [60a] (p2), [58] (p565) The opposition movements that are members of the NDA include:

Beja Congress (BC)*

Baa'th Party (pro-Iraq)* [23b]

Baa'th Party (pro-Syria) [23b]

Democratic Unionist Party (DUP – Mirghani faction and its groupings)* [23b]

Legitimate Command (LC)* – formed from dissident military officers from Sudan

Sudan Alliance Forces (SAF)* – founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman.

Sudan African National Union (SANU)* [23b]

Sudanese Communist Party (SCP – Nogud faction)* [23b]

Sudan Federal Democratic Alliance (SFDA)* – founded 1994, Chair – Ahmad Dreige – advocates a decentralised, federal structure for Sudan

The Sudanese National Party (SNP)* [23b]

The Sudan People's Democratic Front (SPDF) [23b]

The Sudan People's Liberation Movement (SPLM)* – Leader – Salva Kiir – now also President of south Sudan and First Vice President of the National Government.

Free Lions Association* – an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. [23b]

Sudan Liberation Movement – The Sudanese Liberation Army is a member of the National Democratic Alliance (NDA), the umbrella opposition organisation grouping. [99a]

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified independent national figures and unidentified representatives of the liberated areas. [60a] (p1)

Political Parties of the World, published in 2005, stated that: "The NDA was formed in the immediate aftermath of the June 1989 military coup as a coalition which linked, somewhat awkwardly, a desperate group of opponents of the Bashir regime including the Sudan People's Liberation Movement/Army and a number of Muslim-based parties, many of which not only supported the imposition Islamic shari'a law on the south, but had also opposed Southern autonomy or secession prior to the coup." [58] (p565) The Alliance's own website stated that the NDA set up its headquarters outside Sudan in Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. [60a] (p1)

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. [10dm]

See also Annex B: [Beja Congress](#)

REBEL GROUPS

There are two main rebel groups in Sudan, the Justice and Equality Movement (JEM) Sudan Liberation Army (SLA). The Sudanese Liberation Army is a member of the National Democratic Alliance (NDA), the umbrella opposition organisation grouping. The Justice and Equality Movement is not. These two groups fighting in Sudan's Darfur region have very different ideological backgrounds. [99a]

See also [Political developments](#)

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Annex C: Prominent people: past and present

The information below has been taken from the Official Government of Sudan website, source [5b] (accessed on 14 October 2006), which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

THE GOVERNMENT

Chief of State

Lt Gen Umar Hassan Ahmad Al-Bashier

First Vice-President

Salva Kiir Mayardit

Second Vice President

Ali Uthman Muhammad Taha

The information below has been taken from the Gurtong Peace Project website, source [18k], which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SOUTH SUDAN

President

H.E Lt. General Salva Kiir Mayardit

Vice-President

H.E Lt. Gen. Dr. Riek Machar Teny

For information on prominent people in opposition parties and rebel groups, see Annex B: Political organisations

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Annex D: Main ethnic groups

This list should not be viewed as exhaustive.

The United States State Department report on Human Rights practices 2006, published on 6 March 2007, stated that: "The population was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." [3a] (p17)

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

ARAB ETHNIC GROUPS (MOSTLY NORTH SUDAN AND PARTS OF CENTRAL AND SOUTHERN SUDAN)

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

The Encyclopaedia Britannica (EB) stated: "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." [62b] (p2) EB also recorded that: "Despite a common language and religion, the 'Arabs' do not constitute a cohesive group: they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers, and pastoral nomads." [62b] (p2)

EB 2004 recorded that:

"The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The tribal system has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels. Each Arab tribe or cluster of tribes is in turn assigned to a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah." [62b] (p2-3)

EB 2004 also recorded that, the Jalayin consisted of the sedentary agriculturalists along the middle Nile, whilst the Juhaynah encompassed the nomadic tribes of western and north-eastern Sudan, although some of them have also settled. [62b] (p3) The website of a photographer, F Jack Jackson, displayed one photograph of a Baggara tribeswoman taken in Sudan prior to the outbreak of the north-south civil war. [66a]

NON-ARAB ETHNIC GROUPS COLLECTIVELY KNOWN AS THE BEJA (NORTH-EAST SUDAN)

Amarar, Beni Amer, Bischarin, Hadendoa [40]

EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) noted that most Beja, pastoral nomads who inhabit the Red Sea Hills and have probably done so since ancient times, speak Arabic as a second language, and Arab influence has led the Beja to adopt Islam. [62b] (p3) [37a] (p4) LoC 1991 stated that the Beja adopted genealogies which link them to Arab ancestors, Arabised their names and included Arabic terms in their language. [37a] (p4) However, EB 2004 and LoC 1991 agreed that the Beja are mostly descended from an indigenous people and have retained their

Bedawiye language. [62b] (p3) [37a] (p4) [LoC's 1991 study stated that: "In the 1990s, most Beja belonged to one of four groups – the Bisharin, the Amara, the Hadendowa and the Bani Amara." [37a] (p4)]

BLACK ETHNIC GROUPS – DARFUR (NORTH-WEST SUDAN)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa [40]

Encyclopaedia Britannica online stated that: "Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west." [62b] (p3) The Library of Congress 1991 study recorded that, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. [37a] (p5) LoC's 1991 Study noted that: "Those [Fur] who acquired a substantial herd of cattle could maintain it only by living like the neighbouring Baqqara Arabs, and those who persisted in this pattern eventually came to be thought of as Baqqara." [37a] (p5)

EB 2004 recorded that, the LoC 1991 study and Ethnologue 2004; on the plateau north of the Fur is the tribe the Arabs call the Zaghawa, who speak Zaghawa and large numbers of whom live in Chad. [62a] [63] (p21) [37a] (p5) The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. [37a] (p5) Ethnologue 2004 recorded, the Zaghawa in Sudan numbered approximately 102,000 in 1982. [63] (p21) The LoC 1991 study stated that although "Herders of cattle, camels, sheep and goats, the Zaghawa also gained a substantial part of their livelihood by gathering wild grains and other products." [37a] (p5) The study also stated that whilst they were "Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation." [37a] (p5)

United Nations Map of tribal locations in Darfur, 3 September 2004

http://www.unsudanig.org/library/mapcatalogue/darfur/data/others/darfur/Map%20SU-DAR-OTH-04_A3_21Oct04_Darfur%20Tribal%20Locations%20Draft.pdf

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBIANS (PARTS OF NORTH SUDAN)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi [40]

Encyclopaedia Britannica 2004 stated that: "Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north." [62b] (p3) EB 2004 and the LoC 1991 study both noted that, the most prominent of these groups, the Nubians, lived along the Nile in the far north and in southern Egypt. [62b] (p3) [37a] (p4) However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. [37a] (p4) EB 2004 and LoC's 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. [62b] (p3) [37a] (p4) LoC 1991 also stated that: "Other, much smaller groups speaking a related language and claiming a link with the Nile Nubians have been given local names, such as the Birqid and the Meidab in Darfur State." [37a] (p4)

See also Section 17:01 [Ethnic groups/Nubians](#)

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBA (CENTRAL SUDAN)

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

Encyclopaedia Britannica (EB) online stated that: "One of the most important non-Muslim peoples in The Sudan is the Nuba, who live in the Nuba Mountains north of the Nilotes." [62b] (p4)

The Library of Congress' 1991 study also stated that: "The Kurdufanian languages these people [the Nuba] spoke were not generally mutually intelligible except for those of some adjacent communities." [37a] (p9) LoC's study considered that, given the Arabisation of the people around them, only a relatively small number of Nuba have adopted Arabic as their home language and even fewer have converted to Islam. [37a] (p9)

LoC's 1991 study noted that, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. [37a] (p9) The study recorded that some are patrilineally organised in that they base or trace their descent on the male line; others follow matrilineal patterns as they trace their descent on the female line; and a very few, in south-eastern Nuba, have both patri- and matrilineal groupings in the same community. [37a] (p9) LoC 1991 also recorded that Nile Nubians, although seeking to retain a link with their traditional homeland, have resettled in towns such as Khartoum, Kassala and Port Sudan to work as domestic servants and semi-skilled labourers but also as teachers or civil servants. [37a] (p4)

The Leni Riefenstahl website stated that the German director-photographer lived with at least two different Nuba tribes between 1962 and 1977. [65a] The website reproduced a selection of photographs, primarily of the Masakin Qisar Nuba and the Kau Nuba. [65a] [65b] These images provide some background information to the cultural practices of these two tribes, and show various scarification patterns. [65a] [65b] The website of another photographer, F Jack Jackson, displayed photographs of Nuba tribes' people taken in Sudan prior to the outbreak of the north-south civil war. [66a]

BLACK ETHNIC GROUPS (CENTRAL AND SOUTH SUDAN)

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

Encyclopaedia Britannica online stated that: "Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost one-fifth of The Sudan's total population." [62b] (p4) Ethnologue 2004 and Languages of the World, 1995 both recorded that, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). [63] (p6-7, 16, 17) [49] (p358) The LoC 1991 study recorded that the Dinka made up roughly 40 per cent of southern Sudan's population and approximately 10 per cent of Sudan's population as a whole; the Nuer were between a quarter to a third the size of the Dinka and the Shilluk about a quarter of the size of the Nuer. [37a] (p6) The LoC's 1991 study reported that: "The Dinka are considered to have as many as twenty-five tribal groups. The Nuer have nine or ten separately named groups." [37a] (p6)

The Encyclopaedia Britannica stated: "The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the West Bank of the river. The Nuer live farther south, east of the Mountain Nile." [62b] (p4) LoC's 1991 study stated that: "The Dinka were widely distributed over the northern part of the southern region, particularly Aali an Nil and Bahr al Ghazal." [37a] (p6) The LoC study also recorded that the Nuer populace was widely distributed, while the Shilluk,

who call themselves Collo, were permanently settled in a limited and unbroken area just north of the point where the Bahr al Jabal becomes the White Nile. [37a] (p6-7)

The Gurtong Peace Project website provides profiles of South Sudanese Communities [18]

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Annex E: Languages of Sudan

This list should not be viewed as exhaustive.

For languages estimated to be spoken in Sudan by fewer than 20,000 persons, refer to [Ethnologue, Languages of Sudan](#) (accessed on 9 May 2007). [63a]

The Encyclopaedia Britannica (EB) stated: “There are more than 100 languages spoken as mother tongues in the Sudan.” [62b] (p6) Ethnologue 2004 listed 142 languages for Sudan and stated: “Of those, 134 are living languages and 8 are extinct.” [63] (p1) The US Library of Congress’ (LoC 1991) country study dated June 1991 claimed that: “The number of languages spoken in Sudan is assumed to be about 400 languages, including languages spoken by an insignificant number of people.” [37a] (p2) LoC’s study also stated that: “English is widely spoken as a second language in the North and to a lesser extent in the South.” [37a] (p5)

See also Annex D: [Main ethnic groups](#)

ACHERON

[ACZ] Northern Sudan, Kordofan Province, southern Nuba Hills.

Alternate names: GARME.

Dialects: EASTERN ACHERON, WESTERN ACHERON.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Tocho. [63]

ACHOLI

[ACO] 27,000 in Sudan (1978 SIL). Southern Sudan, Opari District, Acholi Hills.

Alternate names: ACOLI, ATSCHOLI, SHULI, GANG, LWO, AKOLI, ACOOLI, LOG ACOLI, DOK ACOLI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Southern, Luo-Acholi, Alur-Acholi, Lango-Acholi. [63]

ANUAK

[ANU] 52,000 in Sudan (1991 UBS). Population total both countries 98,000.

Alternate names: ANYWAK, ANYWA, YAMBO, JAMBO, NURO, ANYUAK, DHO ANYWAA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Anuak. [63]

AMA

[NYI] 70,000 (1982 SIL). Northern Sudan, Kordofan Province, north-west of Dilling on range of hills of which Jebel Nyimang is a part, and on the Mandal range.

Alternate names: NYIMANG, INYIMANG, NYIMA, NYIMAN.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Nyimang. [63]

ARABIC, STANDARD

[ABV] Middle East, North Africa.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic.

ARABIC, SUDANESE CREOLE

[PGA] 20,000 first language and 44,000 second language speakers in Juba alone (1987 estimate). Southern Sudan, in the towns and many villages all over Equatoria

Region, and up into Bahr al Ghazal and Upper Nile regions. Refugees have gone to other countries.

Alternate names: JUBA ARABIC, SOUTHERN SUDAN ARABIC, PIDGIN ARABIC.

Classification: Creole, Arabic based. [63]

ARABIC, SUDANESE SPOKEN

[APD] 15,000,000 or more in Sudan, 51 per cent of population (1991). Population total all countries 16,000,000 to 19,000,000.

Alternate names: KHARTOUM ARABIC. Dialects: KHARTOUM, WESTERN SUDANESE, NORTH KORDOFAN ARABIC, JA'ALI, SHUKRI.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic. [63]

BAKA

[BDH] 25,000 in Sudan (1993 UBS). Population total both countries 26,300.

Alternate names: TARA BAAKA.

Classification: Nilo-Saharan, Central Sudanic, West, Bongo-Bagirmi, Bongo-Baka, Baka. [63]

BARI

[BFA] 226,000 in Sudan (1978 SIL), including 26,400 in Kuku, 18,000 in Nyangbara, 3,400 in Nyepu, 25,000 in Pojulu. Population total both countries 286,000 or more.

Alternate names: BERI.

Dialects: KUKU, NYANGBARA (NYANGWARA, NYAMBARA), NYEPU (NYEFU, NYEPO, NYPHO, NGYEPY), PÖJULU (PAJULU, FADJULU, FAJELU, MADI), LIGO (LIGGO).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

BEDAWI

[BEI] 951,000 in Sudan (1982 SIL) including 30,000 Hadendoa, 15,000 Bisharin (1992). Population total all countries 1,148,000.

Alternate names: BEJA, BEDAWIYE, BEDAUYE, TO-BEDAWIE, BEDJA.

Dialects: HADENDOA (HADENDOWA, HADENDIWA), HADAREB (HADAAREB), BISHARIN (BISARIAB), BENI-AMIR.

Classification: Afro-Asiatic, Cushitic, North. [63]

BERTA

[WTI] 22,000. Northern Sudan. Alternate names: BARTA, BURTA, 'BENI SHANGUL', WETAWIT.

Dialects: SHURU, BAKE, UNDU, MAYU, FADASHI.

Classification: Nilo-Saharan, Berta. [63]

DAGIK

[DEC] (38,000 with Ngile; 1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, on some outlying hills in Mesakin Hills, Reika village.

Alternate names: MASAKIN, MASAKIN DAGIG, DAGIG, REIKHA, DENGEBU.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

DAJU, DAR FUR

[DAJ] 70,000 to 90,000 all Daju in Dar Fur (1983 Bender). Northern Sudan, Dar Fur Province, in the Daju Hills 25 miles north-east of Nyala. Also in Geneina District in Dar Masalit. The West Kordofan dialect is in the Daju Hills near Lagowa, with main settlements at Dar el Kabira, Nyukri, and Tamanyik and other hills.

Alternate names: NYALA-LAGOWA, FININGA, DAGU, DAJU FERNE, BEKE. *Dialects:* NYALA, LAGOWA.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DAJU, DAR SILA

[DAU] Northern Sudan. Nearly all those Daju of Dar Sila who are in Sudan have migrated into Dar Fur and settled there in recent times.

Alternate names: SILA, SULA, MONGO-SILA, BOKOR, BOKORUGE, BOKORIKE.

Dialects: MONGO, SILA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DIDINGA

[DID] 58,000 (1978 SIL). Southern Sudan, Didinga Hills and north of Nagishot.

Alternate names: 'DI'DINGA, XAROX, TOI, LANGO.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, South-west, Didinga-Murle, Didinga-Longarim. [63]

DINKA, NORTH-EASTERN

[DIP] 320,000 (1986 UBS) including 7,200 Abialang, 9,000 Dongjol, 2,500 Luac, 16,000 Ngok-Sobat, 20,000 Jok, 13,500 Ageer, 2,000 Rut, 400 Thoi. Southern Sudan, north-east of the Sudd, along both sides of the White Nile, and along the Sobat River.

Alternate names: PADANG, WHITE NILE DINKA.

Dialects: ABILIANG (DINKA IBRAHIM, AKOON, BAWOM, BOWOM), DONGJOL, LUAC (LUAIC), NGOK-SOBAT (NGORK, JOK), AGEER (AGER, AGEIR, ABUYA, BEER, NIEL, NYEL, PALOC, PALOIC), RUT, THOI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, NORTH-WESTERN

[DIW] 80,000 Ruweng (1986). Southern Sudan, north of the Bahr el Ghazal River, and southern Kordofan around Abyei.

Dialects: ALOR, NGOK-KORDOFAN, PAN ARU, RUWENG.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-CENTRAL

[DIB] 250,000 including 2,000 Aker, 2,000 Thany, 22,000 Ciec, 25,000 Gok (Tucker and Bryan). (Total Dinka 2,000,000 or more.) Southern Sudan, west of the Nile, south of the Sudd. Aker is south-east of the Agar; Aliap is south of the Bor in a few fishing villages mainly on the east bank of the Nile. Ciec is in Lakes District on the west bank of the Nile. Gok is between the Agar and the Rek in Jur River and Lakes districts.

Alternate names: AGAR, CENTRAL DINKA. *Dialects:* ALIAP (ALIAB, THANY, AKER), CIEC (CIEM, CIC, CHIECH, KWAC, AJAK, ADOR), GOK (GAUK, COK), AGAR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-EASTERN

[DIN] 250,000 including 21,000 Atoc, 9,000 Ghol, 4,000 Nyarueng, 35,000 Twi, 21,000 Bor Gok (Tucker and Bryan). 500,000 including South Central (Agar) and South-eastern (Bor) (1982 UBS). Southern Sudan, east of the Nile, around Bor and northwards.

Alternate names: BOR, EASTERN DINKA.

Dialects: BOR (BOR GOK), ATHOC (ATHOIC, ATOC, BORATHOI, BOR ATHOIC), GHOL, NYARWENG (NYARUENG, NARREWENG), TUIC (TWI).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-WESTERN

[DIK] 450,000 (1982 UBS) including 55,000 Abiem, 15,000 Luac, 40,000 Malual, 17,000 Paliet, 35,000 Palioupiny, 50,000 Tuic. Southern Sudan, north and north-west of Wau.

Alternate names: REK, WESTERN DINKA.

Dialects: REK (RAIK), ABIEM (AJONG DIT, AJONG THI, AKANY KOK, AKERN JOK, APUOTH, APWOTH, ANEI), AGUOK (AGWOK), APUK, AWAN, LAU, LUAC, MALUAL (MALWAL, ATOKTOU, DULIIT, KOROK, MAKEM, PETH), PALIET (BALIET, AJAK, BUONCWAI, BON SHWAI, BWONCWAI, KONGDER, KONDAIR, THANY BUR, TAINBOUR), PALIOUPINY (PALIOPING, AKJUET, AKWANG, AYAT, CIMEL, GOMJUER), TUIC (TWIC, TWICH, TWIJ, ADHIANG, AMIOL, NYANG, THON).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

FULFULDE, ADAMAWA

[FUB] 90,000 in Sudan (1982 SIL). Northern Sudan, Blue Nile and Kordofan regions.

Alternate names: FELLATA.

Dialects: GOMBE.

Classification: Niger-Congo, Atlantic-Congo, Atlantic, Northern, Senegambian, Fula-Wolof, Fulani, Eastern. [63]

FUR

[FUR] 500,000 in Sudan (1983 Bender). Population total both countries 502,000.

Alternate names: FOR, FORA, FORDUNGA, FURAWI, FURAKANG, FORTA, FOROK, KONJARA, KUNGARA, YERGE, ONAGE, KORRA, KADIRGI, KURKA, DALA, LALI.

Classification: Nilo-Saharan, Fur. [63]

GAAM

[TBI] 40,000 to 80,000 (1997 M L Bender). Northern Sudan. The main centre is in and around Jebel Tabi, on Tabi Massif and outlying hills. A small community in Khartoum. Not in Ethiopia.

Alternate names: INGASSANA, INGESSANA, TABI, METABI, MUNTABI, MAMEDJA, MAMIDZA, KAMANIDI.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Eastern Jebel, Gaam. [63]

GUMUZ

[GUK] 40,000 in Sudan. Northern Sudan, around Famaka, Roseires from Ethiopia border possibly as far as Fazoglo.

Alternate names: MENDEYA, DEBATS, DEGUBA, DEHENDA, GUMIS, GOMBO, SHANKILLINYA, SHANQILLA.

Dialects: DISOHA (DESUA), DAKUNZA (DEGOJA, DUKUNZA, GUNZA, GANZA, DUKUNA, DUGUNZA), SAI, SESE (SAYSAY), DEKOKA, DEWIYA, KUKWAYA, GOMBO, JEMHWA, MODEA.

Clasificación: Nilo-Saharan, Komuz, Gumuz. [63]

HAUSA

[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan.

Classification: Afro-Asiatic, Chadic, West, A, A.1. [63]

JUMJUM

[JUM] 25,000 to 50,000 (1987 SIL). Northern Upper Nile Province, along Khor Jumjum on Jebels Tunga, Terta, and Wadega.

Alternate names: BERIN, OLGA, WADEGA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

KANURI, CENTRAL

[KPH] 195,000 in Sudan (1993 Johnstone). Northern.

Alternate names: YERWA KANURI, KANOURI, BORNU, BORNOUANS, KANOURY, KOLE, SIRATA, 'BERIBERI'.

Dialects: DAGARA, KAGA (KAGAMA), SUGURTI, LARE, KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MAIDUGURI.

Classification: Nilo-Saharan, Saharan, Western, Kanuri. [63]

KAKWA

[KEO] 40,000 in Sudan (1978 SIL). Southern Sudan, Yei District, extending into DRC in the west at Aba and in the south around Mahagi.

Alternate names: BARI KAKWA, KAKUA, KWAKWAK, KAKWAK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

KATCHA-KADUGLI-MIRI

[KAT] 74,935 including 48,864 Kadugli and Katcha, 26,071 Miri (1984 R C Stevenson). Northern Sudan, Kordofan Province, in the southern hills of the Nuba Hills area. Katcha is in villages a short distance south of Kadugli and south-east of the Miri Hills. Kadugli is also in villages surrounding Kadugli. Miri is in Miri villages south of Kadugli.

Dialects: KATCHA (TOLUBI, DHOLUBI, TUNA, KACA), KADUGLI (DAKALLA, TALLA, DHALLA, TOMA MA DALLA, KUDUGLI, MORTA), MIRI, DAMBA.

Classification: Niger-Congo, Kordofanian, Kadugli, Central. [63]

KENUZI-DONGOLA

[KNC] 180,000 in Sudan (1996). Population total both countries 280,000.

Alternate names: DONGOLA-KENUZ, NILE NUBIAN, DONGOLAWI.

Dialects: DONGOLA, KENUZI (KENUZ, KUNUZI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Central, Dongolawi. [63]

KOALIB

[KIB] 44,258 (1984 R C Stevenson). Northern Sudan, southern Kordofan Province, Nuba Mountains, around Delami, including Umm Berumbita and Turum (Nguqwurang), south and south-west of Abri around Koalib range (Ngunduna), at and around Nyukwur, also at Umm Heitan and Hadra (Nginyukwur), in villages scattered over the plain around Abri (Ngirere).

Alternate names: KAWALIB, KOWALIB, NGIRERE, NIRERE, RERE, LGALIGE, ABRI.

Dialects: NGUQWURANG, NGUNDUNA, NGINYUKWUR, NGIRERE, NGEMERE.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Rere. [63]

KRONGO

[KGO] 21,688 (1984 R C Stevenson). Northern Sudan, Krongo Hills, south of Masakin range and west of Talodi, Kordofan Province.

Alternate names: KORONGO, KURUNGU, KADUMODI, TABANYA, DIMODONGO.

Dialects: FAMA-TEIS-KUA.

Classification: Niger-Congo, Kordofanian, Kadugli, Eastern. [63]

LANGO

[LNO] 20,000 possibly (1987 SIL). Southern Sudan, eastern Equatoria Province, Torit District.

Alternate names: LANGGO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LARO

[LRO] 40,000 (1998 local estimate). Northern Sudan, Nuba Hills on the hills of Laro (Alleira) and a few small hills nearby.

Alternate names: LARU, AALEIRA, YILLARO, NGWULLARO.

Dialects: TUNDULI, LARO.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Ebang-Logol, Ebang-Laru. [63]

LOPPIT

[LPX] 50,000 (1995 Scott Randal). Southern Sudan, eastern Equatoria Province, Lopit Hills, northeast of Torit.

Alternate names: LOPIT, LOPID, LOFIT, LAFITE, LAFIT, LAFIIT.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LUWO

[LWO] 80,000 (1983 census). Southern Sudan, north of Wau toward Aweil, southeast of Wau as far as Tonj.

Alternate names: LWO, JUR LUO, JUR LWO, JO LWO, DHE LWO, DHE LUWO, GIUR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Jur. [63]

MABAAN

[MFZ] 25,000 to 50,000 (1987 SIL). On the border of Blue Nile and Upper Nile provinces, between Yabus and Tombak rivers in the north and Khor Daga in the south. Not in Ethiopia.

Alternate names: MAABAN, MEBAN, SOUTHERN BURUN, GURA, TUNGAN, BARGA, TONKO, ULU.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

MANDARI

[MQU] 35,812 (1952). Southern Sudan, near Bari; one division around Tali, the other on both sides of the Nile between Tombe and Mongalla.

Alternate names: MONDARI, MUNDARI, SHIR, CHIR, KIR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

MASSALEIT

[MSA] 145,000 in Sudan. Population total both countries 250,000 (1983 Doornbos and Bender).

Alternate names: MASALIT, MASSALIT, KAANA MASALA, JWISINCE.

Dialects: SURBAKHAL.

Classification: Nilo-Saharan, Maban, Mabang, Masalit. [63]

MIDOB

[MEI] 50,000 (1993 R Werner). Northern Sudan, Dar Fur Province, Jebel Midob, and settled communities in Omdurman and Gezira Aba. The centre is Malha.

Alternate names: MEIDOB, MIDOBI, TIDDA, TID, TID-N-AAL.

Dialects: SHELKOTA (SHALKOTA), KAAGEDDI, URTTI (UURTI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Western. [63]

MORO

[MOR] 30,000 (1982 SIL) including 4,100 Abu Leila and Lebu, 460 Umm Dore, 9,000 Umm Gabralla (1977 Voegelin and Voegelin). Northern Sudan, eastern Nuba Mountains, Kordofan Province.

Alternate names: DHIMORONG.

Dialects: UMM DOREIN (LOGORBAN), UMM GABRALLA (TOBERELDA), NDERRE, LAIYEN, NUBWA, ULBA, WERRIA.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

MORU

[MGD] 70,000 (1982 SIL), including 1,200 Agi, 2,500 Andri, 5,000 Kadiro, 9,000 Miza, 400 Wa'di. Southern Sudan, Mundri District, Equatoria Province.

Alternate names: KALA MORU.

Dialects: AGI, ANDRI, 'BALI'BA, KADIRO, LAKAMA'DI, MIZA, MORUWA'DI.

Classification: Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. [63]

MÜNDÜ

[MUH] 23,000 in Sudan. Population total both countries 25,800.

Alternate names: MUNDO, MOUNTOU, MONDU, MONDO.

Dialects: SHATT.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Ngbaka-Mba, Ngbaka, Eastern, Mundu. [63]

MURLE

[MUR] 60,000 in Sudan (1982 SIL). Population total both countries 60,200.

Alternate names: MURELEI, MERULE, MOURLE, MURULE, BEIR, AJIBBA, AGIBA, ADKIBBA.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, Southwest, Didinga-Murle, Murle. [63]

NDOGO

[NDZ] 20,000 (1993). Southern Sudan, Western District along Wau-Deim Zubeir Road between Mboro and Kpango rivers. A few are north of Tembura among the Zande. Not in CAR.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Sere, Sere-Bviri, Ndogo-Sere. [63]

NGILE

[MAS] 38,000 including Dagik (1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, in Mesakin Hills on some outlying hills.

Alternate names: MASAKIN, MESAKIN, DALOKA, TALOKA, DARRA.

Dialects: AHEIMA (EL AKHEIMAR), DALOKA (TALOKA), MASAKIN GUSAR (MESAKIN QUSAR, MASAKIN BURAM), MASAKIN TUWAL (TIWAL, TOWAL).

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

NOBIIN

[FIA] 295,000 in Sudan (1996). Population total both countries 545,000.

Alternate names: MAHAS-FIADIDJA, MAHAS-FIYADIKKYA, FIADIDJA-MAHAS.

Dialects: MAHAS (MAHASI, MAHASS), FIYADIKKA (FEDICCA, FADICHA, FADICCA, FADIJA, FIADIDJA).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Northern. [63]

NUER

[NUS] 740,000 in Sudan (1982 SIL) including 2,935 Western Jikany, 12,500 Lou, 1,100 Nyuong, 2,500 Thiang, 5,900 Bul, 2,400 Jagai, 6,700 Laak, 4,900 Leik, 1,600 Door, 17,600 Eastern Jikany (1977 Voegelin and Voegelin). Population total both countries 805,000.

Alternate names: NAATH, NAADH. *Dialects:* DOR (DOOR), EASTERN JIKANY (JIKAIN, JEKAIN), ABIGAR, WESTERN JIKANY, CIEN, THOGNAATH (THOK NATH), LOU (LAU), NYUONG, THIANG (BUL, GAWAAR, JAGAI, LAAK, LEIK).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Nuer. [63]

OTUHO

[LOT] 135,000 including Dongotono (1998), 2,500 Koriot, 1,000 Lomya (1977 Voegelin and Voegelin). Southern Sudan, Torit District, eastern Equatoria Province, east and southeast of the Luluba and the Lokoya.

Alternate names: LOTUKO, LOTUHO, LOTUXO, LOTUKA, LATTUKA, LATUKO, LATUKA, LATOOKA, OTUXO, OLOTORIT.

Dialects: KORIOK, LOGIRI (LOGIR), LOMYA (LOMIA), LORWAMA, LOWUDO (LOUDO, LAUDA), LOGOTOK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

PÄRI

[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province.

Alternate names: LOKORO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. [63]

SHILLUK

[SHK] 175,000 (1982 SIL). Southern Sudan, Upper Nile Province, between Nile and Kordofan Province boundary, from latitude 11 in the north to about 80 miles west of Tonga; also on the east bank of the Nile around the junction of the Nile and Sobat rivers, and for about 20 miles up the Sobat River.

Alternate names: COLO, DHOCOLO, CHULLA, SHULLA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Shilluk. [63]

TEGALI

[RAS] 35,738 (1984 R C Stevenson). Northern Sudan, Kordofan Province, Nuba Mountains, Tegali Range, Rashad hills and town of Rashad.

Alternate names: TAGALE, TEGELE, TOGOLE, TEKELE.

Dialects: RASHAD (KOM, NGAKOM, KOME), TEGALI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Rashad. [63]

TIRA

[TIR] 40,000 (1982 SIL). Northern Sudan, Nuba Hills in villages extending from near Otoro to the neighbourhood of Talodi.

Alternate names: TIRO, THIRO, LITHIRO.

Dialects: KINDERMA (KANDERMA), TIRA EL AKHDAR (TIRA DAGIG), TIRA LUMUM (LUMAN), TIRA MANDI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

TOPOSA

[TOQ] 100,000 (1984 M Schroeder). Southern Sudan, along both sides of Singaita and Lokalyen rivers. The southern boundary is 4.30' N, northern 5' N, western 33.22' E, eastern 34' E. Ritual centre at Loyooro River. They migrate as far as Moruangipi (34.30' E, 5.10' N), and occasionally farther east into the disputed Ilemi Triangle at the Ethiopian border for seasonal grazing. They have no permanent settlements there. The Jiye live at 5.20' N 33.45' E.

Alternate names: TAPOSA, TOPOTHA, AKARA, KARE, KUMI.

Dialects: EASTERN TOPOSA, WESTERN TOPOSA, JIYE.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Teso-Turkana, Turkana. [63]

ZAGHEWA

[ZAG] 102,000 in Sudan (1982 SIL). Population total all countries 186,800.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZAHAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUK.

Clasificación: Nilo-Saharan, Saharan, Eastern. [63]

ZANDE

[ZAN] 350,000 in Sudan (1982 SIL). Southern Sudan, DRC primarily, and CAR in an elongated semicircle with Uele River as its base. Some projections south.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUKI.

Dialects: DIO, MAKARAKA (ODIO).

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Zande, Zande-Nzakara. [63]

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Annex F: Religions of Sudan

This list should not be viewed as exhaustive. See also [Section 16: Freedom of Religion](#)

The United States State Department report on International Religious Freedom 2008, published on 19 September 2008, stated that: Sudan has an estimated population of 40.2 million and an area of 967,500 square miles. “Two-thirds to three-fourths of the population live in the 15 states of the north and are generally from Arabic-speaking Semitic groups. The remaining one-fourth to one-third of the population live in the south and are mostly Nilotic peoples. An estimated 70 percent of the population is Muslim. Islam predominates in the north. Almost all Muslims are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi brotherhoods. An estimated 25 percent of the population holds traditional indigenous beliefs (animism), which are prevalent in rural areas throughout the country. Some animists have been baptized but do not identify themselves as Christians, or they combine Christian and animist practices.” [3h] (Section I. Religious Demography)

“Christians are the third largest religious group, traditionally concentrated in the south and the Nuba Mountains. Widespread displacement and migration during the long civil war increased the population of Christians living in the north. While many Christians have returned to the south, Khartoum still has a significant Christian population. The Roman Catholic Church of Sudan and the Episcopal Churches of Sudan estimate they have six million and five million baptized followers, respectively, although active churchgoers are far fewer.” [3h] (Section I. Religious Demography)

ISLAM

The state religion. Sudanese Islam has a strong Sufi element, and is estimated to have more than 15 million adherents. [1a] (p1114) “Some Muslim leaders estimated the country’s Muslim population to be more than thirty-two million, or above 80 percent of the total population; almost all Muslims in the country were Sunni, with a small Shi’a community, although there were significant distinctions between followers of different Islamic traditions. The most significant divisions within the Sunni community occurred along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, were associated with the opposition Umma and Democratic Unionist Parties, respectively.” [3f] (Section I. Religious Demography)

CHRISTIANITY

Sudan Council of Churches – Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda. [1a] (p1114) EB 2004 estimated that “Christians account for between 4 and 10 percent of the population.” [1a] (p1088)

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, noted that: “Precise religious data were not available; self-reported membership totals in particular religious groups could not be confirmed, and outdated census figures may not be accurate. In general Islam predominated in the North, while traditional indigenous beliefs (animism) and Christianity were prevalent in the South.” [3f] (Section I. Religious Demography)

Roman Catholic church

Archbishop of Khartoum: Cardinal Gabriel Zubeir Wako. [1a] (p1114)

Archbishop of Juba: Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Latin Rite: Sudan comprised two archdioceses and seven dioceses and, as of 31 December 2002, an estimated 4,179,932 or 9.7 per cent of the population were adherents. [1a] (p1114)

Sudan Catholic Bishops' Conference

Founded in 1971 by Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Maronite Rite: Maronite Church in Sudan

Reverend Father Youseph Neama. [1a] (p1114)

Melkite Rite: Patriarchal Vicariate of Egypt and Sudan

General Patriarchal Vicar in Egypt and Sudan: Jules Zerey (Titular Archbishop of Damiette); Protosyncellus: Most Reverend Paul Antaki (Titular Archbishop of Nubia); Vicar in Sudan: Father George Banna. [1a] (p1114)

Syrian Rite: Syrian Church in Sudan

Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). [1a] (p1114)

ORTHODOX CHURCHES**Coptic Orthodox Church: Metropolitan of Khartoum, Southern Sudan and Uganda**

Right Reverend Anba Danial. [1a] (p1114)

Bishop of Atbara, Omdurman and Northern Sudan

Right Reverend Anba Sarabamon. [1a] (p1114)

Greek Orthodox Church

Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. [1a] (p1114)

Europa 2005 noted that, "The Ethiopian Orthodox Church is also active." [1a] (p1114)

The Anglican Communion

Archbishop in Sudan: Most Reverend Joseph Biringi. [1a] (p1114)

The (Episcopal) Church of the Province of the Sudan

Established in 1976, has 24 dioceses and approximately one million adherents. [1a] (p1114)

OTHER CHRISTIAN CHURCHES**Evangelical Church**

Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. [1a] (p1114)

Presbyterian Church

Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. [1a] (p1114)

SIM Sudan

Founded 1937; Director: L Dick. [1a] (p1114)

Europa 2005 recorded that, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." [1a] (p1114)

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Annex G: States of Sudan

The information below has been taken from the Official Government of Sudan website, source [4c]. Spellings and names of states and state capitals may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SUDAN (GoS)-ADMINISTERED AREAS

Northern	Capital: Dongola	
River Nile	Capital: Damar	
Khartoum	Capital: Khartoum	
North Kordofan	Capital: Elobeid	
Western Kordofan	Capital: Foola	
Southern Kordofan	Capital: Kadugli	
White Nile	Capital: Rabak	
Aljazira	Capital: Medani	
Gadarif	Capital: Gadarif	
Sinnar	Capital: Sinja	
Northern Darfur	Capital: Fashir	Part rebel-controlled (west)
Western Darfur	Capital: Jineina	Part rebel-controlled (west)
Southern Darfur	Capital: Nyala	Part rebel-controlled (west)
Red Sea	Capital: Port Sudan	Part rebel-controlled (east)
Kasala	Capital: Kasala	Part rebel-controlled (east)

GOVERNMENT OF SOUTH SUDAN (GoSS)-ADMINISTERED AREAS

Western Equatoria	Capital: Yambio
Eastern Equatoria	Capital: Torit
Bhar El Jebel	Capital: Juba
Upper Nile State	Capital: Malakal
Jonglei state	Capital: Bor
Unity	Capital: Bentiu
Western Bhar El Ghazal	Capital: Wau
Lakes state	Capital: Rumbek
Warrap state	Capital: Gogrial
Eastern Bhar El Ghazal	Capital: Tonj
Northern Bhar El Ghazal	Capital: Aweil

AREAS JOINTLY ADMINISTERED BY THE SPLM AND GoS

Blue Nile State	Capital: Damazeen
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Nuba Mountains
(located in Southern and Western Kordofan)

Abyei Province
(located in Western Kordofan)

See also Section 1.01: [Geography](#)

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Annex H: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSS	Government of South Sudan
HAC	Humanitarian Aid Commission
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
NISS	National Security and Intelligence Service
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
SOAT	Sudan Organisation Against Torture
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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